CITY OF SANTA MONICA
ZONING ORDINANCE

Including
Chapters 9.04-9.75

With Amendments to Current to February 2015
[Through Ordinance 2476 CCS]

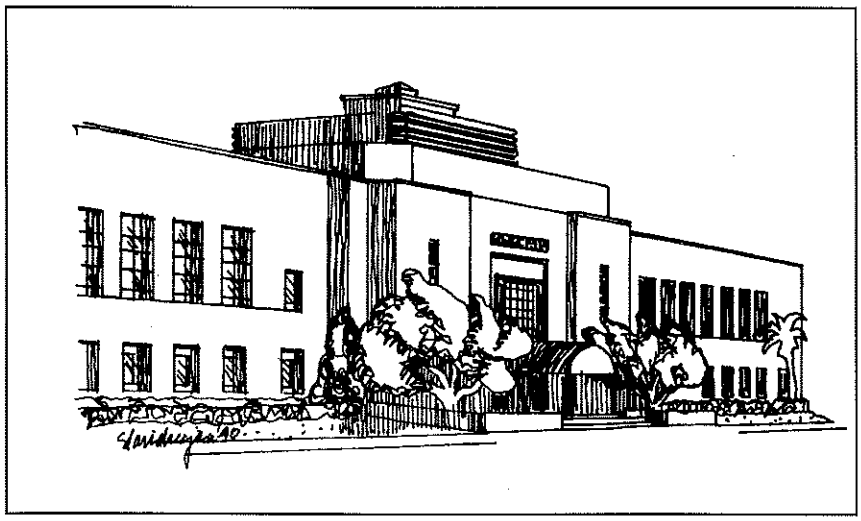

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TABLE OF CONTENTS

CITY OF SANTA MONICA ZONING ORDINANCE

ZONING ORDINANCE INTRODUCTORY INFORMATION 30

Application and Design Tips 30
A Brief History of Santa Monica 33
The General Plan 40
Planning Commission Procedures 41
Architectural Review Board Procedures 42
Planning Publications 43
Agency Telephone Numbers and Addresses 47

ALPHABETICAL INDEX - SELECTED SECTIONS 48

ARTICLE 9: PLANNING & ZONING INDEX 397

SUBCHAPTER 9.04.02 GENERAL PROVISIONS 406

Section 9.04.02.010 Title 406
Section 9.04.02.020 Purpose 406
Section 9.04.02.030 Definitions 406
Section 9.04.02.040 Number of Days 414-4
Section 9.04.02.050 Rounding of Quantities 414-4

SUBCHAPTER 9.04.04 ESTABLISHMENT OF ZONING DISTRICTS 414-5

Section 9.04.04.010 Establishment of Districts 414-5
Section 9.04.04.020 Adoption of District Map 414-5
Section 9.04.04.030 Rules to Determine Appropriate District 414-5
Section 9.04.04.040 Adoption of Overlay Districts 414-5

SUBCHAPTER 9.04.06 GENERAL REQUIREMENTS 414-5

Section 9.04.06.010 Application 414-5
Section 9.04.06.020 Vested Right 414-6
Section 9.04.06.030 Building Permits 414-6
Section 9.04.06.040 Zoning Conformance Review 414-6
Section 9.04.06.050 Use of Standard Industrial Classification (SIC) Manual 415
Section 9.04.06.060 Conflict with Other Regulations 415
Section 9.04.06.070 Compliance 415
Section 9.04.06.080 Compliance by City, School District, and Other Agencies 415
Section 9.04.06.090 Neighborhood Impact Statement 415
Section 9.04.06.100 Conformance with Ocean Park Zoning Standards Adopted on September 26, 1989 415

SUBCHAPTER 9.04.08 ZONING DISTRICTS AND USES 415

PART 9.04.09.02 R1 SINGLE FAMILY RESIDENTIAL USES 415

Sec. 9.04.08.02.010 Purpose 415
Sec. 9.04.08.02.020 Permitted Uses 415
Sec. 9.04.08.02.030 Uses Subject to Performance Standards Permit. 416
Sec. 9.04.08.02.040 Uses Subject to Use Permit 416
Sec. 9.04.08.02.050 Conditionally Permitted Uses 416
Sec. 9.04.08.02.060 Prohibited Uses 416
Sec. 9.04.08.02.070 Property Development Standards 416
Sec. 9.04.08.02.075 Special Project Design and Development Standards 418
Sec. 9.04.08.02.076 Special Project Design & Development Standards for the Sunset Park and North of Wilshire Boulevard Neighborhoods 418
Sec. 9.04.08.02.080 Architectural Review 419
Sec. 9.04.08.02.090 Fifty Percent Addition 420

PART 9.04.08.04 R2R LOW DENSITY DUPLEX DISTRICT 420

Sec. 9.04.08.04.010 Purpose 420
Sec. 9.04.08.04.020 Permitted Uses 420
Sec. 9.04.08.04.030 Uses Subject to Performance Standards Permit. 420
Sec. 9.04.08.04.040 Conditionally Permitted Uses 421
Sec. 9.04.08.04.050 Prohibited Uses 421
Sec. 9.04.08.04.060 Property Development Standards 421
Sec. 9.04.08.04.070 Architectural Review 421

PART 9.04.08.06 MULTIPLE FAMILY RESIDENTIAL DISTRICTS 421

Sec. 9.04.08.06.010 Purpose 421
Sec. 9.04.08.06.020 Allowed Land Uses 422
Table 9.04-1 *Land Uses Allowed in Multiple Family Residential Districts 422-1*
Sec. 9.04.08.06.060 Property Development Standards 422-2
Table 9.04-2 *Property Development Standards for the R2, R3 and R4 Multiple Family Residential Districts 422-3*
Sec. 9.04.08.06.070 Special Project Design and Development Standards 422-5
Sec. 9.04.08.06.080 Architectural Review 423

PART 9.04.08.08
PART 9.04.08.10

PART 9.04.08.12 RVC RESIDENTIAL-VISITOR COMMERCIAL DISTRICT 423

Sec. 9.04.08.12.010 Purpose 423
Sec. 9.04.08.12.020 Permitted Uses 423
Sec. 9.04.08.12.030 Uses Subject to Performance Standards Permit 424
Sec. 9.04.08.12.035 Uses Subject to a Use Permit 424
Sec. 9.04.08.12.040 Conditionally Permitted Uses 424
Sec. 9.04.08.12.050 Prohibited Uses 424
Sec. 9.04.08.12.060 Property Development Standards 424
Table 9.04.08.12.060 Maximum Building Height and FAR 424-1
Sec. 9.04.08.12.065 Deed Restrictions 424-2
Sec. 9.04.08.12.070 Architectural Review 424-2
Sec. 9.04.08.12.080 Exemptions 424-2

PART 9.04.08.14 BCD BROADWAY COMMERCIAL DISTRICT 424-2

Sec. 9.04.08.14.010 Purpose 424-2
Sec. 9.04.08.14.020 Permitted Uses 424-2
Sec. 9.04.08.14.030 Uses Subject to Performance Standards Permit 424-3
Sec. 9.04.08.14.035 Uses Subject to a Use Permit 424-3
Sec. 9.04.08.14.040 Conditionally Permitted Uses 424-3
Sec. 9.04.08.14.050 Prohibited Uses 424-3
Sec. 9.04.08.14.060 Property Development Standards 424-3
Sec. 9.04.08.14.065 Deed Restrictions 424-4
Sec. 9.04.08.14.070 Architectural Review 424-4

PART 9.04.08.15 BSCD BAYSIDE COMMERCIAL DISTRICT 425

Sec. 9.04.08.15.010 Purpose 425
Sec. 9.04.08.15.015 Definitions 425
Sec. 9.04.08.15.020 Permitted Uses 425
Sec. 9.04.08.15.030 Uses Subject to Performance Standards Permit 426
Sec. 9.04.08.15.040 Conditionally Permitted Uses 426
Sec. 9.04.08.15.050 Prohibited Uses 427
Sec. 9.04.08.15.060 Property Development Standards 427
Sec. 9.04.08.15.065 Deed Restrictions 429
Sec. 9.04.08.15.070 Special Project Design and Development Standards 429
Sec. 9.04.08.15.080 Limitations on Food Uses and Alcohol Outlets ... 429
Sec. 9.04.08.15.085 Conversion of Any Portion of a Food Service Use To Any Other New or Expanded Use Located Adjacent to the Third Street Promenade 430
Sec. 9.04.08.15.090 Architectural Review 430

Sec. 9.04.08.15.100 Exceptions to Limitations on Food Uses and Alcohol Outlets 430
Sec. 9.04.08.15.110 Applicability of Provisions of Part 9.04.08.15 430

PART 9.04.08.16 C2 NEIGHBORHOOD COMMERCIAL DISTRICT 430

Sec. 9.04.08.16.010 Purpose 430
Sec. 9.04.08.16.020 Permitted Uses 430-1
Sec. 9.04.08.16.030 Uses Subject to Performance Standards Permit. 431
Sec. 9.04.08.16.035 Uses Subject to a Use Permit 431
Sec. 9.04.08.16.040 Conditionally Permitted Uses 431
Sec. 9.04.08.16.050 Prohibited Uses 431
Sec. 9.04.08.16.060 Property Development Standards 432
Sec. 9.04.08.16.065 Deed Restrictions 432-1
Sec. 9.04.08.16.070 Special Project Design and Development Standards 432-1
Sec. 9.04.08.16.080 Architectural Review 433

PART 9.04.08.18 C3 DOWNTOWN COMMERCIAL DISTRICT 433

Sec. 9.04.08.18.010 Purpose 433
Sec. 9.04.08.18.020 Permitted Uses 433
Sec. 9.04.08.18.030 Uses Subject to Performance Standards Permit. 433
Sec. 9.04.08.18.040 Conditionally Permitted Uses 433
Sec. 9.04.08.18.050 Prohibited Uses 434
Sec. 9.04.08.18.060 Property Development Standards 434
Sec. 9.04.08.18.065 Special Project Design and Development Standards 435
Sec. 9.04.08.18.070 Deed Restrictions. 436
Sec. 9.04.08.18.075 Architectural Review. 436

PART 9.04.08.20 C3-C DOWNTOWN OVERLAY DISTRICT 436

Sec. 9.04.08.20.010 Purpose 436
Sec. 9.04.08.20.020 Permitted Uses 436
Sec. 9.04.08.20.030 Uses Subject to Performance Standards Permit. 436-1
Sec. 9.04.08.20.040 Conditionally Permitted Uses 436-1
Sec. 9.04.08.20.050 Prohibited Uses 436-1
Sec. 9.04.08.20.060 Property Development Standards 436-1
Sec. 9.04.07.20.065 Deed Restrictions 436-1
Sec. 9.04.08.20.070 Special Project Design and Development Standards 436-1
Sec. 9.04.08.20.080 Architectural Review 436-2

PART 9.04.08.22 C4 HIGHWAY COMMERCIAL DISTRICT 437

Sec. 9.04.08.22.010 Purpose 437
Sec. 9.04.08.22.020 Permitted Uses 437

Sec. 9.04.08.22.030 Uses Subject to Performance Standards Permit 437
Sec. 9.04.08.22.035 Uses Subject to a Use Permit 437
Sec. 9.04.08.22.040 Conditionally Permitted Uses 437
Sec. 9.04.08.22.050 Prohibited Uses 438
Sec. 9.04.08.22.060 Property Development Standards 438
Sec. 9.04.08.22.065 Deed Restrictions 439
Sec. 9.04.08.22.070 Architectural Review 439
Sec. 9.04.08.22.080 Special Project Design and Development Standards 439

PART 9.04.08.24 C5 SPECIAL OFFICE COMMERCIAL DISTRICT 440

Sec. 9.04.08.24.010 Purpose 440
Sec. 9.04.08.24.020 Permitted Uses 440
Sec. 9.04.08.24.030 Uses Subject to Performance Standards Permit. 440
Sec. 9.04.08.24.040 Conditionally Permitted Uses 440
Sec. 9.04.08.24.050 Prohibited Uses 440
Sec. 9.04.08.24.060 Property Development Standards 440-1
Sec. 9.04.08.24.070 Architectural Review 440-1

PART 9.04.08.26 C6 BOULEVARD COMMERCIAL DISTRICT 440-1

Sec. 9.04.08.26.010 Purpose 440-1
Sec. 9.04.08.26.020 Permitted Uses 440-1
Sec. 9.04.08.26.030 Uses Subject to Performance Standards Permit. 440-2
Sec. 9.04.08.26.035 Uses Subject to a Use Permit 440-2
Sec. 9.04.08.26.040 Conditionally Permitted Uses 440-2
Sec. 9.04.08.26.050 Prohibited Uses 440-2
Sec. 9.04.08.26.060 Property Development Standards 440-2
Sec. 9.04.08.26.065 Deed Restrictions 440-3
Sec. 9.04.08.26.070 Architectural Review 440-3
Sec. 9.04.08.26.080 Special Project Design and Development Standards 440-3

PART 9.04.08.28 CM MAIN STREET SPECIAL COMMERCIAL DISTRICT 440-3

Sec. 9.04.08.28.010 Purpose 440-3
Sec. 9.04.08.28.020 Permitted Uses 440-4
Sec. 9.04.08.28.030 Uses Subject to Performance Standards Permit. 440-4
Sec. 9.04.08.28.035 Uses Subject to a Use Permit 440-4
Sec. 9.04.08.28.040 Conditionally Permitted Uses 440-5
Sec. 9.04.08.28.050 Prohibited Uses 440-5
Sec. 9.04.08.28.060 Property Development Standards 440-5
Sec. 9.04.08.28.065 Deed Restrictions 440-7
Sec. 9.04.08.28.070 Special Project Design and Development Standards 440-7

PART 9.04.08.30 CP COMMERCIAL PROFESSIONAL DISTRICT 440-8

Sec. 9.04.08.30.010 Purpose 440-8
Sec. 9.04.08.30.020 Permitted Uses 440-8
Sec. 9.04.08.30.030 Uses Subject to Performance Standards Permit. 440-8
Sec. 9.04.08.30.040 Conditionally Permitted Uses 440-8
Sec. 9.04.08.30.050 Prohibited Uses 440-9
Sec. 9.04.08.30.060 Property Development Standards 440-9
Table 9.04.08.30.060 440-9
Sec. 9.04.08.30.065 Deed Restrictions 440-10
Sec. 9.04.08.30.070 Architectural Review 440-10
Sec. 9.04.08.30.080 Non-Conforming Hospital Building 440-10

PART 9.04.08.32 CC CIVIC CENTER DISTRICT 440-10

Sec. 9.04.08.32.010 Purpose 440-10
Sec. 9.04.08.32.020 Permitted Uses 440-10
Sec. 9.04.08.32.030 Uses Subject to Performance Standards Permit 440-10
Sec. 9.04.08.32.040 Conditionally Permitted Uses 440-10
Sec. 9.04.08.32.050 Prohibited Uses 440-10
Sec. 9.04.08.32.060 Property Development Standards 440-10

PART 9.04.08.34 M1 INDUSTRIAL CONSERVATION DISTRICT 440-10

Sec. 9.04.08.34.010 Purpose 440-10
Sec. 9.04.08.34.020 Permitted Uses 440-11
Sec. 9.04.08.34.030 Uses Subject to Performance Standards Permit 440-11
Sec. 9.04.08.34.040 Conditionally Permitted Uses 440-11
Sec. 9.04.08.34.050 Prohibited Uses 440-12
Sec. 9.04.08.34.060 Property Development Standards 440-12
Sec. 9.04.08.34.070 Architectural Review 440-13

Part 9.04.08.35 LMSD Light Manufacturing and Studio District 440-13

Sec. 9.04.08.35.010 Purpose 440-13
Sec. 9.04.08.35.020 Permitted Uses 440-13
Sec. 9.04.08.35.025 Uses Subject to Performance Standards Permit 440-14
Sec. 9.04.08.35.030 Conditionally Permitted Uses 440-14
Sec. 9.04.08.35.040 Prohibited Uses 440-14
Sec. 9.04.08.35.050 Property Development Standards 440-14
Sec. 9.04.08.35.060 Architectural Review 440-15

PART 9.04.08.36 PL PUBLIC LANDS DISTRICT 440-16

Sec. 9.04.08.36.010 Purpose 440-16
Sec. 9.04.08.36.020 Permitted Uses 440-16
Sec. 9.04.08.36.030 Uses Subject to Performance Standards Permit. 440-16
Sec. 9.04.08.36.040 Conditionally Permitted Uses 440-16
Sec. 9.04.08.36.050 Prohibited Uses 440-16
Sec. 9.04.08.36.060 Property Development Standards 440-16
Sec. 9.04.08.36.070 Architectural Review 440-16

PART 9.04.08.37 TP TRANSPORTATION PERSERVATION DISTRICT 440-16

Sec. 9.04.08.37.010 Purpose 440-16
Sec. 9.04.08.37.020 Permitted Uses 440-16
Sec. 9.04.08.37.030 Uses Subject to Performance Standards Permit 440-16
Sec. 9.04.08.37.040 Prohibited Uses 440-16
Sec. 9.04.08.37.050 Property Development Standards 440-17
Sec. 9.04.08.37.060 Legal Nonconforming Buildings and Uses 440-17
Sec. 9.04.08.37.070 Architectural Review 440-17

PART 9.04.08.38 A OFF-STREET PARKING OVERLAY DISTRICT 440-17

Sec. 9.04.08.38.010 Purpose 440-17
Sec. 9.04.08.38.020 Applicability 441
Sec. 9.04.08.38.030 Permitted Uses 441
Sec. 9.04.08.38.040 Uses Subject to Performance Standards Permit. 441
Sec. 9.04.08.38.050 Conditionally Permitted Uses 441
Sec. 9.04.08.38.060 Prohibited Uses 441
Sec. 9.04.08.38.070 Property Development Standards for Non-Parking Uses 441
Sec. 9.04.08.38.080 Development Standards for Below Grade Parking Structure Facilities 441
Sec. 9.04.08.38.090 Special Design Standards for All Parking Facilities 441
Sec. 9.04.08.38.100 Architectural Review 441

PART 9.04.08.40 N NEIGHBORHOOD COMMERCIAL-OVERLAY DISTRICT 442

Sec. 9.04.08.40.010 Purpose 442
Sec. 9.04.08.40.020 Permitted Uses 442
Sec. 9.04.08.40.030 Uses Subject to Performance Standards Permit. 442
Sec. 9.04.08.40.040 Conditionally Permitted Uses 442
Sec. 9.04.08.40.050 Prohibited Uses 442
Sec. 9.04.08.40.060 Property Development Standards 442
Sec. 9.04.08.40.070 Architectural Review 442

PART 9.04.08.42 R-MH RESIDENTIAL MOBILE HOME PARK DISTRICT 442

Sec. 9.04.08.42.010 Purpose 442
Sec. 9.04.08.42.020 Permitted Uses 442
Sec. 9.04.08.42.030 Uses Subject to Performance Standards Permit. 442
Sec. 9.04.08.42.040 Conditionally Permitted Uses 442
Sec. 9.04.08.42.050 Prohibited Uses 442
Sec. 9.04.08.42.060 Property Development Standards 443
Sec. 9.04.08.42.070 Architectural Review 443

PART 9.04.08.44 OP-1 OCEAN PARK SINGLE FAMILY RESIDENTIAL DISTRICT 443

Sec. 9.04.08.44.010 Purpose 443
Sec. 9.04.08.44.020 Permitted Uses 443
Sec. 9.04.08.44.030 Uses Subject to Performance Standards Permit. 443
Sec. 9.04.08.44.040 Conditionally Permitted Uses 443
Sec. 9.04.08.44.050 Prohibited Uses 443
Sec. 9.04.08.44.060 Property Development Standards 443
Sec. 9.04.08.44.070 Architectural Review 444

PART 9.04.08.46 BEACH OVERLAY DISTRICT 444

Sec. 9.04.08.46.010 Purpose 444
Sec. 9.04.08.46.020 Permitted Uses 444
Sec. 9.04.08.46.030 Uses Subject to Performance Standards Permit. 444
Sec. 9.04.08.46.040 Conditionally Permitted Uses 444
Sec. 9.04.08.46.050 Prohibited Uses 444
Sec. 9.04.08.46.060 Recreational Use 444

PART 9.04.08.48 OP-DUPLEX OCEAN PARK DUPLEX RESIDENTIAL DISTRICT 444

Sec. 9.04.08.48.010 Purpose 444
Sec. 9.04.08.48.020 Permitted Uses 445
Sec. 9.04.08.48.030 Uses Subject to Performance Standards Permit. 445
Sec. 9.04.08.48.040 Conditionally Permitted Uses 445
Sec. 9.04.08.48.050 Prohibited Uses 445
Sec. 9.04.08.48.060 Property Development Standards 445
Sec. 9.04.08.48.070 Architectural Review 446

PART 9.04.08.50 OP-2 OCEAN PARK LOW MULTIPLE RESIDENTIAL DISTRICT 446

Sec. 9.04.08.50.010 Purpose 446
Sec. 9.04.08.50.020 Permitted Uses 446
Sec. 9.04.08.50.030 Uses Subject to Performance Standards Permit. 446

Sec. 9.04.08.50.040 Conditionally Permitted Uses 446
Sec. 9.04.08.50.050 Prohibited Uses 447
Sec. 9.04.08.50.060 Property Development Standards 447
Sec. 9.04.08.50.070 Architectural Review 448

PART 9.04.08.52 OP-3 OCEAN PARK MEDIUM MULTIPLE RESIDENTIAL DISTRICT 448

Sec. 9.04.08.52.010 Purpose 448
Sec. 9.04.08.52.020 Permitted Uses 449
Sec. 9.04.08.52.030 Uses Subject to Performance Standards Permit. 449
Sec. 9.04.08.52.040 Conditionally Permitted Uses 449
Sec. 9.04.08.52.050 Prohibited Uses 449
Sec. 9.04.08.52.060 Property Development Standards 449
Sec. 9.04.08.52.070 Architectural Review 451

PART 9.04.08.54 OP-4 OCEAN PARK HIGH MULTIPLE RESIDENTIAL DISTRICT 451

Sec. 9.04.08.54.010 Purpose 451
Sec. 9.04.08.54.020 Permitted Uses 451
Sec. 9.04.08.54.030 Uses Subject to Performance Standards Permit. 451
Sec. 9.04.08.54.040 Conditionally Permitted Uses 451
Sec. 9.04.08.54.050 Prohibited Uses 451
Sec. 9.04.08.54.060 Property Development Standards 451
Sec. 9.04.08.54.070 Architectural Review 453

PART 9.04.08.58 DP DESIGNATED PARKS DISTRICT 453

Sec. 9.04.08.58.010 Purpose 453
Sec. 9.04.08.58.020 Permitted Uses 453
Sec. 9.04.08.58.030 Uses Subject to Performance Standards Permit. 453
Sec. 9.04.08.58.040 Conditionally Permitted Uses 453
Sec. 9.04.08.58.050 Prohibited Uses 453
Sec. 9.04.08.58.060 Property Development Standards 453
Sec. 9.04.08.58.070 Architectural Review 453

PART 9.04.08.60 BP BEACH PARKING DISTRICT 453

Sec. 9.04.08.60.010 Purpose 453
Sec. 9.04.08.60.020 Permitted Uses 453
Sec. 9.04.08.60.030 Uses Subject to Performance Standards Permit. 453
Sec. 9.04.08.60.040 Conditionally Permitted Uses 453
Sec. 9.04.08.60.050 Prohibited Uses 453
Sec. 9.04.08.60.060 Property Development Standards 453
Sec. 9.04.08.60.070 Architectural Review 454

PART 9.04.08.62 R2B LOW DENSITY MULTIPLE RESIDENTIAL BEACH DISTRICT 454

Sec. 9.04.08.62.010 Purpose 454
Sec. 9.04.08.62.020 Permitted Uses 454
Sec. 9.04.08.62.030 Uses Subject to Performance Standards Permit. 454
Sec. 9.04.08.62.040 Conditionally Permitted Uses 454
Sec. 9.04.08.62.050 Prohibited Uses 454
Sec. 9.04.08.62.060 Property Development Standards 454
Sec. 9.04.08.62.070 Architectural Review 455

PART 9.04.08.64 R3R MEDIUM DENSITY MULTIPLE FAMILY COASTAL RESIDENTIAL DISTRICT 455

Sec. 9.04.08.64.010 Purpose 455
Sec. 9.04.08.64.020 Permitted Uses 455
Sec. 9.04.08.64.030 Uses Subject to Performance Standards Permit. 455
Sec. 9.04.08.64.040 Conditionally Permitted Uses 456
Sec. 9.04.08.64.050 Prohibited Uses 456
Sec. 9.04.08.64.060 Property Development Standards 456
Sec. 9.04.08.64.070 Architectural Review 457

PART 9.04.08.65 BR Boulevard Residential R-3 Overlay District 457

Sec. 9.04.07.65.010 Purpose 457
Sec. 9.04.08.65.020 Permitted Uses 457
Sec. 9.04.08.65.030 Uses Subject to Performance Standards Permit. 457
Sec. 9.04.08.65.040 Conditionally Permitted Uses 457
Sec. 9.04.08.65.050 Prohibited Uses 457
Sec. 9.04.08.65.060 Property Development Standards 457

SUBCHAPTER 9.04.10 PROJECT DESIGN AND DEVELOPMENT STANDARDS 458

PART 9.04.10.02 GENERAL REQUIREMENTS 458

Sec. 9.04.10.02.010 Roof Decks in the OP-Districts 458
Sec. 9.04.10.02.020 Applicability 458
Sec. 9.04.10.02.030 Building Height & Exceptions to Height Limit 458
Sec. 9.04.10.02.040 Building Volume Envelope 458
Sec. 9.04.10.02.050 Build-to-Line 458-1
Sec. 9.04.10.02.060 Floor Setbacks in Commercial and Industrial Buildings 458-1
Sec. 9.04.10.02.061 Homeless Shelters 458-1
Sec. 9.04.10.02.070 Reflective Materials 458-1
Sec. 9.04.10.02.080 Fence, Wall, Hedge, Flagpole 458-2
Sec. 9.04.10.02.090 Hazardous Visual Obstructions 458-2a

Sec. 9.04.10.02.100	One Story Accessory Building (14 Feet Maximum Height)	458-2a
Sec. 9.04.10.02.110	Accessory Buildings Over One Story or 14 Feet	458-2-b
Sec. 9.04.10.02.111	Residential Uses in Commercial Districts	458-2-b
Sec. 9.04.10.02.120	Screening of Commercial Uses	458-2b
Sec. 9.04.10.02.130	Screening Storage Areas	458-2b
Sec. 9.04.10.02.140	Screening Mechanical Equipment	458-2c
Sec. 9.04.10.02.141	Senior Group Housing	458-2c
Sec. 9.04.10.02.142	Transitional and Congregate Housing	458-2c
Sec. 9.04.10.02.150	Refuse and Screening of Refuse Storage Areas	458-2c
Sec. 9.04.10.02.151	Design Standards for Refuse and Recycling Rooms and Outdoor Enclosures	458-2d
Sec. 9.04.10.02.160	Drainage	458-2e
Sec. 9.04.10.02.170	Unexcavated Area in Side Yards	458-2e
Sec. 9.04.10.02.180	Projections Permitted into Required Yards	458-2e
	Projections Table	*458-2f*
Sec. 9.04.10.02.190	Building Additions Extending Into Required Side Yard	458-2f
Sec. 9.04.10.02.200	Manufactured Dwellings	458-2f
Sec. 9.04.10.02.210	Relocated Buildings	458-2g
Sec. 9.04.10.02.220	Solar Energy Design Standards	458-2g
Sec. 9.04.10.02.230	Parcel Area for Residential Density Calculations and Rear Yard Depth Includes One-Half Alley Dimension	458-2h
Sec. 9.04.10.02.240	Dwelling Unit Density Calculation	458-2h
Sec. 9.04.10.02.250	Parcel Coverage Calculation	458-2h
Sec. 9.04.10.02.260	Through Parcel May be Two Parcels	458-3
Sec. 9.04.10.02.270	Lighting	458-3
Sec. 9.04.10.02.280	Glare	458-3
Sec. 9.04.10.02.290	Signs	458-3
Sec. 9.04.10.02.300	Humidity, Heat and Cold	458-3
Sec. 9.04.10.02.310	Sound	458-3
Sec. 9.04.10.02.320	Storage	458-3
Sec. 9.04.10.02.330	Vibration	458-3
Sec. 9.04.10.02.340	Permitted Outdoor Uses	458-3
Sec. 9.04.10.02.350	Calculating Floor Area	458-3
Sec. 9.04.10.02.360	Rear Yard Setbacks	458-3
Sec. 9.04.10.02.370	Front Yard Setback on Walkstreets	458-3
Sec. 9.04.10.02.380	Ventilation in Restaurants	458-3
Sec. 9.04.10.02.390	Pipelines	459
Sec. 9.04.10.02.420	Posting of Seating Requirements in Restaurants	459
Sec. 9.04.10.02.430	Development Spanning Zoning Districts	459
Sec. 9.04.10.02.440	Pedestrian-Oriented Design	459
Sec. 9.04.10.02.450	Construction Rate Program	460
Sec. 9.04.10.02.460	Small Sidewalk Cafes	460

PART 9.04.10.04 LANDSCAPING STANDARDS 460a

Sec. 9.04.10.04.010 Purpose 460a
Sec. 9.04.10.04.020 Applicability 460a
Sec. 9.04.10.04.030 [Reserved.]
Sec. 9.04.10.04.040 [Reserved.]
Sec. 9.04.10.04.050 [Reserved.]
Sec. 9.04.10.04.060 Required Landscape Area for Building Sites 460a
Sec. 9.04.10.04.070 Required Landscape Area and Lighting for Surface Parking Lots and Other Vehicular Use Areas 460-1
Sec. 9.04.10.04.080 Landscape Screening and Buffering of Commercial, Industrial, and Parking Uses from Residential Uses 460-1
Sec. 9.04.10.04.090 Screening of Automobile Dealerships 460-2
Sec. 9.04.10.04.100 Landscape Maintenance and Protection 461
Sec. 9.04.10.04.110 Water Conservation Landscaping 461

PART 9.04.10.06 ANTENNAS 461

Sec. 9.04.10.06.010 Nonparabolic Antenna Definitions 461
Sec. 9.04.10.06.020 Nonparabolic Antennas - Applicability 461
Sec. 9.04.10.06.030 Nonparabolic Noncommercial Antennas - Purpose 462
Sec. 9.04.10.06.040 Nonparabolic Noncommercial Antennas - Regulations and Design Standards 462
Sec. 9.04.10.06.100 Nonparabolic Commercial Antennas - Purpose 462-1
Sec. 9.04.10.06.110 Nonparabolic Commercial Antennas - Regulations and Design Standards 462-1
Sec. 9.04.10.06.120 Parabolic Antennas - Purpose 462-2
Sec. 9.04.10.06.130 Parabolic Antennas - Applicability 462-2
Sec. 9.04.10.06.140 Parabolic Antennas Definitions 462-2
Sec. 9.04.10.06.150 TVRO Parabolic Antennas Located in Residential Districts 462-3
Sec. 9.04.10.06.151 Modification of Regulations and Design Standards in Residential Districts 462-3
Sec. 9.04.10.06.160 Parabolic Antennas Located in Non-Residential Districts 462-4
Sec. 9.04.10.06.161 Modification of Regulations and Design Standards in Non-Residential Districts 462-4
Sec. 9.04.10.06.170 Satellite Uplink Antennas 462-4

PART 9.04.10.08 OFF-STREET PARKING REQUIREMENTS 462-4

Sec. 9.04.10.08.010 Purpose 462-4
Sec. 9.04.10.08.020 Applicability 463

Sec. 9.04.10.08.030 General Provisions 463
Sec. 9.04.10.08.040 Number of Parking Spaces Required 464
Table 9.04.04.10.08.040 Residential 464
Commercial 466
Educational/Cultural 467
Health Services 468
Industrial Uses, Commercial Entertainment and Recreation 469
Miscellaneous 470

Sec. 9.04.10.08.050 Number of Bicycle, Vanpool and Carpool Parking Spaces Required 471
Sec. 9.04.10.08.060 Design Standards 471
Sec. 9.04.10.08.070 Parking Access in All Districts 471
Sec. 9.04.10.08.080 Parking Access in Multi-Family Residential Districts 471
Sec. 9.04.10.08.090 Parking Access in Non-Residential Districts 472
Sec. 9.04.10.08.100 Driveways 472
Sec. 9.04.10.08.110 Surfacing 472-1
Sec. 9.04.10.08.120 Marking of Parking Spaces 472-1
Sec. 9.04.10.08.130 Wheel Stops 472-1
Sec. 9.04.10.08.140 Lighting 472-1
Sec. 9.04.10.08.150 Landscaping 472-1
Sec. 9.04.10.08.160 Screening 472-1
Sec. 9.04.10.08.170 Slope 472-1
Sec. 9.04.10.08.180 Drainage 472-1
Sec. 9.04.10.08.190 Location of Required Parking Spaces 472-1
Sec. 9.04.10.08.200 Subterranean Parking Structures 472-2
Sec. 9.04.10.08.210 Semi-Subterranean Parking Structures 472-2
Sec. 9.04.10.08.220 Use of Required Off-Street Parking Spaces 472-2

PART 9.04.10.10 OFF-STREET LOADING REQUIREMENTS 472-2

Sec. 9.04.10.10.010 Purpose 472-2
Sec. 9.04.10.10.020 Applicability 472-2
Sec. 9.04.10.10.030 General Provisions 472-2

PART 9.04.10.12 PROJECT MITIGATION MEASURES 473

Sec. 9.04.10.12.010 Project Mitigation Measures 473
Sec. 9.04.10.12.020 In-Lieu Fees 473
Sec. 9.04.10.12.030 On-Site or Off-Site Development 474
Sec. 9.04.10.12.040 Use of In-Lieu Fees 474

PART 9.04.10.14 HOUSING DEVELOPMENT INCENTIVES 475

Sec. 9.04.10.14.010 Purpose 475
Sec. 9.04.10.14.020 Ocean Park Density Bonuses 475

Sec. 9.04.10.14.030 Special Housing Development Standards 475
Sec. 9.04.10.14.040 State Incentives for Affordable Housing in Residential Zones – Density Bonuses 476
Sec. 9.04.10.14.050 Additional Density Bonus Increase in Residential Zones 476
Table 9.04.10.14.050 Density Bonus Summary Table 476-1
Sec. 9.04.10.14.060 State Incentives for Affordable Housing in Residential Zones 476-1
Table 9.04.10.14.060 Incentives/Concessions Summary Table 476-2
Sec. 9.04.10.14.070 Waiver/Modification of Development Standards for Housing Developments in Residential Zones 476-2a
Sec. 9.04.10.14.080 Procedures 476-2a
Sec. 9.04.10.14.090 Exemptions from Development Review Thresholds 476-2b

PART 9.04.10.16 DEMOLITIONS 476-2b

Sec. 9.04.10.16.010 Demolition of Buildings and Structures 476-2b

PART 9.04.10.18 ALCOHOL OUTLETS 476-2c

Sec. 9.04.10.18.010 Purpose and Findings 476-2c
Sec. 9.04.10.18.020 Applicability 476-2c
Sec. 9.04.10.18.030 Approval 476-2d
Sec. 9.04.10.18.040 Exemptions 476-2d
Sec. 9.04.10.18.050 BSC-1 Exemptions 476-2d

PART 9.04.10.20 PRIVATE DEVELOPER CULTURAL ARTS REQUIREMENT 476-3

Sec. 9.04.10.20.010 Findings and Purpose 476-3
Sec. 9.04.10.20.020 Applicability 476-3
Sec. 9.04.10.20.030 Definitions 476-3
Sec. 9.04.10.20.040 Private Developer Cultural Arts Requirement 476-4
Sec. 9.04.10.20.050 On-Site Public Art Projects 476-4
Sec. 9.04.10.20.060 Eligible On-Site Public Arts Projects 476-4
Sec. 9.04.10.20.070 Eligible On-Site Public Arts Project Expenditures 476-4
Sec. 9.04.10.20.080 Ineligible On-Site Public Arts Project Expenditures 476-5
Sec. 9.04.10.20.090 Process for Approval of Public Art for On-Site Installation 476-5
Sec. 9.04.10.20.100 Additional Requirements for Public Art for On-Site Installation 476-5
Sec. 9.04.10.20.110 On-Site Cultural Facilities Alternative 476-6
Sec. 9.04.10.20.120 Cultural Arts Development Contributions 476-6

Sec. 9.04.10.20.130 Declaration of Covenants, Conditions and Restrictions 476-6
Sec. 9.04.10.20.140 Final City Approval 476-6
Sec. 9.04.10.20.150 Cultural Arts Trust Fund – Use of Funds 476-7
Sec. 9.04.10.20.160 Adoption by Resolution of the Per Square Foot Amount for On-Site Participation or In-Lieu Contribution 476-7
Sec. 9.04.10.20.170 Regulations 476-7

SUBCHAPTER 9.04.12 PERFORMANCE STANDARDS 476-7

Sec. 9.04.12.010 Purpose 476-7
Sec. 9.04.12.020 Applicability 476-7
Sec. 9.04.12.030 Large Family Day Care Homes 476-7
Sec. 9.04.12.040 Automobile Dealerships 477
Sec. 9.04.12.050 Automobile Rental Agencies 478
Sec. 9.04.12.060 Private Tennis Courts 479
Sec. 9.04.12.070 Senior Group Housing 479
Sec. 9.04.12.080 One-Story Accessory Living Quarters 480
Sec. 9.04.12.090 Game Arcades 480
Sec. 9.04.12.100 Surface Parking Lots Used for Automobile Storage in the BCD District 481
Sec. 9.04.12.110 Surface Parking Lots Used for Non-Required Automobile Parking in the TP District 482
Sec. 9.04.12.120 Sidewalk Cafes 482
Sec. 9.04.12.130 Service Stations 482
Sec. 9.04.12.140 Shelter for the Homeless 483
Sec. 9.04.12.150 Outdoor Antique Markets 484
Sec. 9.04.12.160 Film and Video Production in the TP District 484-1
Sec. 9.04.12.170 Commercial Nurseries in the TP District 484-1
Sec. 9.04.12.180 All-Electric Vehicle Automobile Dealership Showrooms 484-1

SUBCHAPTER 9.04.13 USE PERMIT SPECIAL STANDARDS 484-2

Sec. 9.04.13.010 Purpose 484-2
Sec. 9.04.13.020 Applicability 484-2
Sec. 9.04.13.030 Outdoor Newsstands 484-2
Sec. 9.04.13.040 Second Dwelling Units in the R-1 & OP-1 Districts 485
Sec. 9.04.13.050 One-Story Accessory Buildings Over Fourteen Feet in Height or Two-Story Accessory Buildings 486
Sec. 9.04.13.060 First-Floor Uses with a Third Street Promenade Frontage Exceeding Fifty Feet 486-a

SUBCHAPTER 9.04.14 SPECIAL CONDITIONS FOR CONDITIONAL USES 486-a

Sec. 9.04.14.010 Purpose 486-a
Sec. 9.04.14.020 Applicability 486-a
Sec. 9.04.14.030 Child Day Care Centers in Residential Districts .. 486-a
Sec. 9.04.14.040 Service Stations 486-1
Sec. 9.04.14.050 Automobile Repair Facilities 488
Sec. 9.04.14.060 Automobile Dealerships 488-2
Sec. 9.04.14.070 Automobile Rental Agencies in the C5, C6 and CC Districts 490
Sec. 9.04.14.080 Neighborhood Grocery Stores in Multi-Family Residential Districts 491
Sec. 9.04.14.090 Drive-In, Drive-Through, Fast-Food, and Take-Out Restaurants 491
Sec. 9.04.14.100 Self-Service Storage Warehouse 492
Sec. 9.04.14.110 One-Story Accessory Buildings Over 14 Feet in Height or Two Story Accessory Buildings With a Maximum Height of 24 Feet 492
Sec. 9.04.14.120 Off-Site Hazardous Waste Facility 492a
Sec. 9.04.14.130 Automobile Washing Facilities 492-1

SUBCHAPTER 9.04.16 CONDOMINIUMS 492-2

Part 9.04.16.01 Condominiums Generally 492-2

Sec. 9.04.16.010 Purpose 492-2
Sec. 9.04.16.020 Applicability 492-2
Sec. 9.04.16.030 Minimum Requirements 492-2

SUBCHAPTER 9.04.16.02 CONDOMINIUM CONVERSIONS 492-4

Sec. 9.04.16.02.010 Condominium Conversions 492-4
Sec. 9.04.16.02.020 Office, Commercial, and Industrial Condominiums [Reserved] 493

SUBCHAPTER 9.04.18 NONCONFORMING BUILDINGS AND USES 493

Sec. 9.04.18.010 Purpose 493
Sec. 9.04.18.020 Legal, Nonconforming Buildings 493
Sec. 9.04.18.030 Legal, Nonconforming Uses 495
Sec. 9.04.18.040 Termination of Nonconforming Buildings and Uses 495
Sec. 9.04.18.050 Public Utility Exceptions 496
Sec. 9.04.18.060 Building Permits or Certificates of Occupancy Prohibited 496
Sec. 9.04.18.070 Removal of Illegal Nonconforming Buildings and Uses 496-1

Sec. 9.04.18.075 Rent Control Bootleg Units 496-1
Sec. 9.04.18.080 Continuation of Nonconforming Uses 496-1
Sec. 9.04.18.085 Substantial Remodel 496-1

SUBCHAPTER 9.04.20 ZONING ADMINISTRATION 496-1

PART 9.04.20.02 GENERAL PROVISIONS 496-1

Sec. 9.04.20.02.010 Purpose 496-1
Sec. 9.04.20.02.020 Authority 496-2
Sec. 9.04.20.02.030 Interpretations 496-2

PART 9.04.20.04 HOME OCCUPATION PERMITS 496-2

Sec. 9.04.20.04.010 Purpose 496-2
Sec. 9.04.20.04.020 Permit Required 496-2
Sec. 9.04.20.04.030 Findings 496-2
Sec. 9.04.20.04.040 Prohibited Home Occupation Uses 497
Sec. 9.04.20.04.050 Revocation 497
Sec. 9.04.20.04.060 Appeal 498

PART 9.04.20.06 TEMPORARY USE PERMITS 498

Sec. 9.04.20.06.010 Purpose 498
Sec. 9.04.20.06.020 Permitted Uses 498
Sec. 9.04.20.06.030 Permit Required 498
Sec. 9.04.20.06.040 Findings 498
Sec. 9.04.20.06.050 Conditions of Approval 499
Sec. 9.04.20.06.060 Revocation 499
Sec. 9.04.20.06.070 Appeal 499
Sec. 9.04.20.06.080 Notice 499

PART 9.04.20.08 PERFORMANCE STANDARDS PERMIT 499

Sec. 9.04.20.08.010 Purpose 499
Sec. 9.04.20.08.020 Permit Required 499
Sec. 9.04.20.08.030 Findings 499
Sec. 9.04.20.08.040 Term of Permit 500
Sec. 9.04.20.08.050 Revocation 500
Sec. 9.04.20.08.060 Appeals 500

PART 9.04.20.10 VARIANCES 500

Sec. 9.04.20.10.010 Purpose 500
Sec. 9.04.20.10.020 Application 501
Sec. 9.04.20.10.030 Applicability. 501
Sec. 9.04.20.10.040 Hearings and Notice 502
Sec. 9.04.20.10.050 Findings 502

Sec. 9.04.20.10.060 Term of Permit 502-1
Sec. 9.04.20.10.070 Revocation 503
Sec. 9.04.20.10.080 Appeals 503

PART 9.04.20.11 USE PERMITS 503

Sec. 9.04.20.11.010 Purpose 503
Sec. 9.04.20.10.020 Application 503
Sec. 9.04.20.10.030 Hearing and Notice 503
Sec. 9.04.20.10.040 Findings 503
Sec. 9.04.20.10.050 Conditions 503
Sec. 9.04.20.10.060 Term of Permit 504
Sec. 9.04.20.10.070 Revocation 504
Sec. 9.04.20.10.080 Appeals 504

PART 9.04.20.12 CONDITIONAL USE PERMITS 504

Sec. 9.04.20.12.010 Purpose 504
Sec. 9.04.20.12.020 Application 504-1
Sec. 9.04.20.12.030 Hearing and Notice. 504-1
Sec. 9.04.20.12.040 Findings 504-1
Sec. 9.04.20.12.050 Conditions 504-1
Sec. 9.04.20.12.060 Term of Permit 504-1
Sec. 9.04.20.12.060 Revocation 504-2
Sec. 9.04.20.12.070 Appeals 504-2

PART 9.04.20.14 DEVELOPMENT REVIEW PERMIT 504-2

Sec. 9.04.20.14.010 Purpose 504-2
Sec. 9.04.20.14.020 Application 504-2
Sec. 9.04.20.14.030 Hearing and Notice 504-2
Sec. 9.04.20.14.040 Findings 504-3
Sec. 9.04.20.14.050 Term of Permit 504-3
Sec. 9.04.20.14.060 Revocation 504-3
Sec. 9.04.20.14.070 Appeals 504-4

PART 9.04.20.15 DESIGN COMPATIBILITY PERMIT 504-4

Sec. 9.04.20.15.010 Purpose 504-4
Sec. 9.04.20.15.020 Application 504-4
Sec. 9.04.20.15.030 Hearing and Notice 504-4
Sec. 9.04.20.15.040 Findings 504-4
Sec. 9.04.20.15.050 Term of Permit 504-4
Sec. 9.04.20.15.060 Revocation 504-5
Sec. 9.04.20.15.070 Appeals 504-5
Sec. 9.04.20.15.080 Hearings 504-5

PART 9.04.20.16 AMENDMENTS OF COMPREHENSIVE LAND USE AND ZONING ORDINANCE 504-5

Sec. 9.04.20.16.010 Purpose 504-5
Sec. 9.04.20.16.020 Initiation 504-5
Sec. 9.04.20.16.030 Findings 504-5
Sec. 9.04.20.16.040 Hearing and Notice 504-5
Sec. 9.04.20.16.050 Appeals 505
Sec. 9.04.20.16.060 Interim Zoning 505

PART 9.04.20.18 GENERAL AND SPECIFIC PLANS 505

Sec. 9.04.20.18.010 Purpose 505
Sec. 9.04.20.18.020 Contents of the General Plan 505
Sec. 9.04.20.18.030 Preparation and Adoption of the General Plan ... 505
Sec. 9.04.20.18.040 Planning Commission Action 506
Sec. 9.04.20.18.050 City Council Action 506
Sec. 9.04.20.18.060 Amendments to the General Plan 506
Sec. 9.04.20.18.070 Restriction of Number of Amendments 506
Sec. 9.04.20.18.080 Initiation of Amendments to the General Plan..... 506
Sec. 9.04.20.18.090 Planning Commission Action on Amendments ... 506
Sec. 9.04.20.18.100 City Council Action on Amendments 507
Sec. 9.04.20.18.110 Administration of the General Plan 507
Sec. 9.04.20.18.120 Fees 507
Sec. 9.04.20.18.130 Specific Plans. 507
Sec. 9.04.20.18.140 Contents of Specific Plans 507
Sec. 9.04.20.18.150 Specific Plan Criteria 507
Sec. 9.04.20.18.160 Specific Plan Adoption and Amendment 507
Sec. 9.04.20.18.170 Fees and Charges 507

PART 9.04.20.20 APPLICATION AND FEES 507

Sec. 9.04.20.20.010 Purpose 507
Sec. 9.04.20.20.020 Application Forms 507
Sec. 9.04.20.20.030 Determination of Completeness 508
Sec. 9.04.20.20.040 Additional Information 508
Sec. 9.04.20.20.050 Fees 508
Sec. 9.04.20.20.060 Who May File Application 508
Sec. 9.04.20.20.070 Applicant Notification 508
Sec. 9.04.20.20.080 Posting of Property 508

PART 9.04.20.22 HEARING PROCEDURES 509

Sec. 9.04.20.22.010 Purpose 509
Sec. 9.04.20.22.020 Planning Commission Consideration of Zoning Administrator Permits 509
Sec. 9.04.20.22.030 Environmental Review Determination 509
Sec. 9.04.20.22.040 Public Hearing Date 509

Sec. 9.04.20.22.050 Notice of Hearings 509
Sec. 9.04.20.22.060 [Reserved]
Sec. 9.04.20.22.070 Statement of Official Action 509
Sec. 9.04.20.22.080 Notice of Statement of Official Action 509
Sec. 9.04.20.22.090 Effective Date of Decision 509
Sec. 9.04.20.22.100 Time Limit for Approving Applications 509
Sec. 9.04.20.22.110 Extension of Deadline for Action 509
Sec. 9.04.20.22.120 Request for Delay or Continue Consideration of an Application 509
Sec. 9.04.20.22.130 Reapplication 510
Sec. 9.04.20.22.140 Amendments to Approved Projects and Conditions of Approval 510

PART 9.04.20.24 APPEALS 510

Sec. 9.04.20.24.010 Appeal of Action 510
Sec. 9.04.20.24.020 Filing of Appeals 510
Sec. 9.04.20.24.030 Appeal Hearings 510
Sec. 9.04.20.24.040 Effective Date of Appealed Actions 510
Sec. 9.04.20.24.050 Appeal Fees 510

PART 9.04.20.26 REDUCED PARKING PERMITS 510

Sec. 9.04.20.26.010 Purpose 510
Sec. 9.04.20.26.020 Application 510
Sec. 9.04.20.26.030 Applicability 510
Sec. 9.04.20.26.040 Hearings and Notice 511
Sec. 9.04.20.26.050 Term of Permit 511
Sec. 9.04.20.26.060 Revocation 512
Sec. 9.04.20.26.070 Appeals 512

PART 9.04.20.28 ADMINISTRATIVE APPROVALS 512

Sec. 9.04.20.28.010 Purpose 512
Sec. 9.04.20.28.020 Permit Required 512
Sec. 9.04.20.28.030 Term of Permit 512-1
Sec. 9.04.20.28.040 Revocation 512-1
Sec. 9.04.20.28.050 Appeals 513

PART 9.04.20.30 ENFORCEMENT 513

Sec. 9.04.20.30.010 Purpose 513
Sec. 9.04.20.30.020 Responsibility 513
Sec. 9.04.20.30.030 Violation of Conditions of Approval 513
Sec. 9.04.20.30.040 Each Day Separate Violation 513
Sec. 9.04.20.30.050 Enforcement 513
Sec. 9.04.20.30.060 Business License Revocation or Suspension 513
Sec. 9.04.20.30.070 Right to Appeal 513

Sec. 9.04.20.30.080 Enforcement Fees 514
Sec. 9.04.20.30.090 Citations 514
Sec. 9.04.20.30.100 Criminal Sanctions 514

PART 9.04.20.32 YARD MODIFICATION PERMITS 514

Sec. 9.04.20.32.010 Purpose 514
Sec. 9.04.20.32.020 Application 514
Sec. 9.04.20.32.030 Applicability 514
Sec. 9.04.20.32.040 Hearings and Notice 515
Sec. 9.04.20.32.050 Findings 515
Sec. 9.04.20.32.060 Term of Permit 515
Sec. 9.04.20.32.070 Revocation 515
Sec. 9.04.20.32.080 Appeals 516

PART 9.04.20.34 ADJUSTMENTS 516

Sec. 9.04.20.34.010 Purpose 516
Sec. 9.04.20.34.020 Application 516
Sec. 9.04.20.34.030 Applicability 516
Sec. 9.04.20.34.040 Notice of Application 516
Sec. 9.04.20.34.050 Request for Public Hearing 516-1
Sec. 9.04.20.34.060 Review and Findings 516-1
Sec. 9.04.20.34.070 Appeals 517
Sec. 9.04.20.34.080 Term of Permit 517
Sec. 9.04.20.34.090 Revocation 517

CHAPTER 9.08 REPORT OF RESIDENTIAL BUILDING RECORDS 517

Sec. 9.08.010 Intent 518
Sec. 9.08.020 Scope 518
Sec. 9.08.030 Definitions 518
Sec. 9.08.040 Report Required 518
Sec. 9.08.050 Application 518
Sec. 9.08.060 Delivery of Report 518
Sec. 9.08.070 Criminal Sanctions 518
Sec. 9.08.080 Validity of Sale 518

CHAPTER 9.12 PLANNING, ZONING AND LAND USE FEES 518

Sec. 9.12.010 Planning, Zoning and Land Use Fees 518

CHAPTER 9.16 TRANSPORTATION MANAGEMENT. 519

Sec. 9.16.010 Findings 519
Sec. 9.16.020 Purpose and Objectives 519
Sec. 9.16.030 Definitions 520
Sec. 9.16.040 Applicability 522

Sec. 9.16.050 Transportation Fee 522
Sec. 9.16.060 Deposit and Use of Fees 523
Sec. 9.16.070 Contents of Emission Reduction Plans 523
Sec. 9.16.080 Requirements for Employers of Ten to Forty-None Employees 527
Sec. 9.16.090 Procedures for Submission of Emission Reduction Plans & Worksite Transportation Plans 528
Sec. 9.16.100 Transportation Management Associations (TMAs) 528-1
Sec. 9.16.110 Developer Emission Reduction Plans 528-1
Sec. 9.16.120 Procedure for Submission of Developer Plans ... 528-2
Sec. 9.16.130 Enforcement 528-2
Sec. 9.16.140 Administrative Appeals 528-3

Sec. 9.20.18.040 Amendments to Approved Tentative Map 529

CHAPTER 9.20 SUBDIVISIONS 529

SUBCHAPTER 9.20.20 STANDARDS FOR DECISIONS 529

Sec. 9.20.20.010 Compliance with Condominium Law 529
Sec. 9.20.20.020 Nondiscrimination 529
Sec. 9.20.20.030 Air Space Subdivision 529

SUBCHAPTER 9.20.02 GENERAL PROVISION & RESPONSIBILITIES 529

Sec. 9.20.02.010 Citation and Authority 529
Sec. 9.20.02.020 Purpose 529
Sec. 9.20.02.030 Conformity to General Plan, Specific Plan & Zoning Ordinances 529
Sec. 9.20.02.040 Application 529
Sec. 9.20.02.050 Definitions 529
Sec. 9.20.20.060 City Attorney 530
Sec. 9.20.20.070 City Council 530
Sec. 9.20.20.080 City Engineer 530
Sec. 9.20.20.090 Planning Commission 530-1
Sec. 9.20.20.100 Director of Planning 530-1

SUBCHAPTER 9.20.04 MAPS REQUIRED. 530-1

Sec. 9.20.04.010 General 530-1
Sec. 9.20.04.020 Five or More Parcels 530-1
Sec. 9.20.04.030 Four of Less Parcels 530-1
Sec. 9.20.04.040 Maps Not Required 530-1

SUBCHAPTER 9.20.06 TENTATIVE SUBDIVISION MAPS 530-1

Sec. 9.20.06.010 General 530-1
Sec. 9.20.06.020 Form and Contents 530-1
Sec. 9.20.06.030 Accompanying Data and Reports 531
Sec. 9.20.06.040 Submittal and Processing of Tentative Subdivision Maps 532
Sec. 9.20.06.050 Approval 532
Sec. 9.20.06.060 Vesting Tentative Map 532

SUBCHAPTER 9.20.08 FINAL SUBDIVISION MAPS 532

Sec. 9.20.08.010 General. 532
Sec. 9.20.08.020 Survey Required 533
Sec. 9.20.08.030 Form 533
Sec. 9.20.08.040 Contents 533
Sec. 9.20.08.050 Preliminary Submittal for City Approval 534
Sec. 9.20.08.060 Return to Subdivider's Engineer for Corrections . 535
Sec. 9.20.08.070 Resubmittal 535
Sec. 9.20.08.080 Approval by the City Engineer and Planning Director 535
Sec. 9.20.08.090 Approval 535

SUBCHAPTER 9.20.10 TENTATIVE PARCEL MAPS 535

Sec. 9.20.10.010 General 535
Sec. 9.20.10.020 Forms 535
Sec. 9.20.10.030 Content 535
Sec. 9.20.10.040 Accompanying Data and Reports 536
Sec. 9.20.10.050 Submittal and Processing of Tentative Parcel Maps 536
Sec. 9.20.10.060 Approval 536
Sec. 9.20.10.070 Waiver of Parcel Map 536
Sec. 9.20.10.080 Procedure for Waiver of Parcel Maps 536

SUBCHAPTER 9.20.12 FINAL PARCEL MAPS 536

Sec. 9.20.12.010 Final Parcel Maps 536
Sec. 9.20.12.020 Survey Required 537
Sec. 9.20.12.030 Form and Content 537
Sec. 9.20.12.040 Preliminary Submittal for City Approval 537
Sec. 9.20.12.050 Return to Subdivider's Engineer for Corrections . 537
Sec. 9.20.12.060 Resubmittal 537
Sec. 9.20.12.070 Approval by the City Engineer and Planning Director 537
Sec. 9.20.12.080 Approval of Final Parcel Map 537

SUBCHAPTER 9.20.14 PROCEDURES FOR APPROVAL FOR TENTATIVE TRACT MAPS 537

Sec. 9.20.14.010 Notice of Public Hearings 537
Sec. 9.20.14.020 Planning Commission Action. 538
Sec. 9.20.14.030 Approval 538
Sec. 9.20.14.040 Denial 538
Sec. 9.20.14.050 Report to City Council 538
Sec. 9.20.14.060 Extension of Time for Planning Commission or City Council Action 539
Sec. 9.20.14.070 Appeal 539
Sec. 9.20.14.080 Tenant Participating Conversion Processing Fees 539

SUBCHAPTER 9.20.16 PROCEDURES FOR APPROVAL OF FINAL MAPS 539

Sec. 9.20.16.010 Approval by City Council 539
Sec. 9.20.16.020 Denial by the City Council 539
Sec. 9.20.16.030 Filing with the County Recorder 539
Sec. 9.20.16.040 Submittal by Units 539

SUBCHAPTER 9.20.18 EXPIRATION, EXTENSIONS AND AMENDMENTS 540

Sec. 9.20.18.010 Expiration 540
Sec. 9.20.18.020 Extensions 540
Sec. 9.20.18.030 Stay of Expiration 540
Sec. 9.20.18.040 Amendments to Approved Tentative Map 540

SUBCHAPTER 9.20.20 STANDARDS FOR DECISIONS 540

Sec. 9.20.20.010 Compliance With Condominium Law 540
Sec. 9.20.20.020 Nondiscrimination 540
Sec. 9.20.20.030 Air Space Subdivision 540-1

CHAPTER 9.24 MASTER PLAN 541

Sec. 9.24.010 Purpose 541
Sec. 9.24.020 Conservation Plan 541
Sec. 9.24.030 Land Use Plan 541
Sec. 9.24.040 Recreation Plan 541
Sec. 9.24.050 Streets and Highway Plan 541
Sec. 9.24.060 Transportation Plan 541
Sec. 9.24.070 Transit Plan 541
Sec. 9.24.080 Public Services and Facilities 541
Sec. 9.24.090 Public Building 541
Sec. 9.24.100 Community Design 541

Sec. 9.24.110 Housing 541
Sec. 9.24.120 Additional Plans and Data 541
Sec. 9.24.130 Amendments, Extensions and Additions 542
Sec. 9.24.140 New or Revised Elements 542
Sec. 9.24.150 General Purposes of the Plan 542
Sec. 9.24.160 Adoption of a Master Plan 542

CHAPTER 9.28 Inclusionary Housing [Chapter Removed May 2005]

CHAPTER 9.32 ARCHITECTURAL REVIEW 542

Sec. 9.32.010 Purpose 542
Sec. 9.32.020 Definitions 543/47
Sec. 9.32.030 Architectural Review Board--Membership 543/47
Sec. 9.32.040 Guidelines and Standards 543/47
Sec. 9.32.050 Guidelines and Standards --Submission for Approval -- Maintenance and Availability of Copies 549
Sec. 9.32.060 Appointment and Term of Office 549
Sec. 9.32.070 Rules 549
Sec. 9.32.080 Officers, Election of Officers 549
Sec. 9.32.090 Secretary 549
Sec. 9.32.100 Meetings 549
Sec. 9.32.110 Architectural Review Districts 549
Sec. 9.32.120 Jurisdiction 549
Sec. 9.32.130 Procedure for Review 550
Sec. 9.32.140 Criteria 550
Sec. 9.32.150 Site Plans 550
Sec. 9.32.160 Appeals 550
Sec. 9.32.170 Architectural Review District Boundaries 551
Sec. 9.32.180 Posting of Property 551

CHAPTER 9.36 LANDMARKS AND HISTORIC DISTRICTS 551

Sec. 9.36.010 Title 551
Sec. 9.36.020 Purpose 551
Sec. 9.36.030 Definitions 552
Sec. 9.36.040 Landmarks Commission 552
Sec. 9.36.050 Vacancies 552
Sec. 9.36.060 Powers 552
Sec. 9.36.070 Jurisdiction 553
Sec. 9.36.080 Structure of Merit Criteria 553
Sec. 9.36.090 Structure of Merit Designation Procedure 553
Sec. 9.36.100 Landmark or Historic District Designation Criteria 554
Sec. 9.36.110 Public Spaces 554
Sec. 9.36.120 Landmark Designation Procedure 554
Sec. 9.36.130 Historic District Designation Procedure 555

Sec. 9.36.140 Alterations and Demolitions: Criteria for Issuance of a Certificate of Appropriateness ... 557
Sec. 9.36.150 Certificate of Appropriateness for Structures of Merit ... 557
Sec. 9.36.160 Certificate of Economic Hardship ... 558
Sec. 9.36.170 Certificate of Appropriateness/ Certificate of Economic Hardship Procedure ... 559
Sec. 9.36.180 Appeals ... 560
Sec. 9.36.190 Maintenance and Repair ... 561
Sec. 9.36.200 Unsafe or Dangerous Conditions ... 561
Sec. 9.36.210 Ordinary Maintenance ... 562
Sec. 9.36.220 Map ... 562
Sec. 9.36.230 Voluntary Restrictive Covenants ... 562
Sec. 9.36.240 Waiver ... 562
Sec. 9.36.250 Extension of Certificate of Appropriateness ... 562
Sec. 9.36.260 Recordation of Landmarks and Historic Districts ... 562
Sec. 9.36.270 Preservation Incentives ... 562
Sec. 9.36.280 CEQA Time Extensions ... 562-1
Sec. 9.36.290 The Third Street Neighborhood Historic District .. 562-1
Sec. 9.36.300 The Bay Craftsman Cluster Historic District ... 563

CHAPTER 9.40 THE THIRD STREET NEIGHBORHOOD HISTORIC DISTRICT STANDARDS ... 564

Sec. 9.40.010 Definitions ... 564
Sec. 9.40.020 Applicability ... 564-1
Sec. 9.40.030 Criteria For Issuance of Applications ... 564-2
Sec. 9.40.040 Procedures ... 565
Sec. 9.40.050 Demolition ... 567
Sec. 9.40.060 Architectural Review Board Exemption ... 567
Sec. 9.40.070 Design Guidelines ... 567
Sec. 9.40.080 Maintenance and Repair ... 567
Sec. 9.40.090 Citizen Participation ... 567
Sec. 9.40.100 Conceptual Review by Landmarks Commission . 567
Sec. 9.40.110 Landscape Survey ... 568

CHAPTER 9.44 SEXUALLY-ORIENTED BUSINESS ... 569

Sec. 9.44.010 Statement of Purpose ... 568
Sec. 9.44.020 Location of Sexually-Oriented Businesses ... 568
Sec. 9.44.030 Definitions ... 568
Sec. 9.44.040 Amortization of Non-Conforming Uses ... 570
Sec. 9.44.050 Processing and Approval of Business License Applications ... 570-1
Sec. 9.44.060 Business License Validity and Conditions ... 570-1
Sec. 9.44.070 Sale or Transfer of Business ... 570-1
Sec. 9.44.080 Displays ... 570-1

Sec. 9.44.090 Judicial Review 570-1

CHAPTER 9.48 DEVELOPMENT AGREEMENTS 570-2

Sec. 9.48.010 Authority and Scope 570-2
Sec. 9.48.020 Application Forms 570-2
Sec. 9.48.030 Fees 570-2
Sec. 9.48.040 Qualified Applicant 570-2
Sec. 9.48.050 Proposed Agreement 570-2
Sec. 9.48.060 Filing of Application 570-2
Sec. 9.48.070 Review of Application 570-2
Sec. 9.48.080 Duty to Give Notice 570-2
Sec. 9.48.090 Processing 570-2
Sec. 9.48.100 Notice of Intention 570-2
Sec. 9.48.110 Manner of Giving Notice 571
Sec. 9.48.120 Failure to Receive Notice 571
Sec. 9.48.130 Hearing and Recommendation of Planning Commission 571
Sec. 9.48.140 Hearing by City Council 571
Sec. 9.48.150 Decision by City Council 571
Sec. 9.48.160 Approval of Development Agreement 571
Sec. 9.48.170 Amendment and Cancellation 571
Sec. 9.48.180 Recordation 571
Sec. 9.48.190 Periodic Review 571
Sec. 9.48.200 Modification or Termination 572
Sec. 9.48.210 Irregularity in Proceedings 572

CHAPTER 9.52 SANTA MONICA SIGN CODE 571

Sec. 9.52.010 Sign Code. 572
Sec. 9.52.020 Findings and Purpose 572
Sec. 9.52.030 Definitions 573
Sec. 9.52.040 Sign Permit 575
Sec. 9.52.041 Landmarks Commission Review 575
Sec. 9.52.050 Fees 575
Sec. 9.52.060 Sign Permit Application Procedures 575
Sec. 9.52.070 Review of Sign Permit Applications 575
Sec. 9.52.080 Action on Sign Permit Applications 575
Sec. 9.52.090 Appeal 576
Sec. 9.52.100 Time for Exercising Sign Permit and Proof of Compliance 576
Sec. 9.52.110 Administrative Approval of Sign Permits 576
Sec. 9.52.120 Sign Adjustment 576
Sec. 9.52.125 Exempt Signs 577
Sec. 9.52.130 Permanent Signs Exempt from ARB Approval 577
Sec. 9.52.135 Temporary Sign Regulations 577
Sec. 9.52.140 Permitted Signs 578-1
Sec. 9.52.150 Prohibited Signs 578-1

Sec. 9.52.160 Total Sign Area Permitted by District 578-1
Sec. 9.52.170 Bayside District Specific Plan Area 578-2
Sec. 9.52.180 Maintenance 578-2
Sec. 9.52.190 Consent of Property Owner..... 578-2
Sec. 9.52.200 Signs on Street..... 578-2
Sec. 9.52.210 Removal or Modification of Prohibited Nonconforming Signs..... 578-2
Sec. 9.52.220 Building Officer's Powers 579
Sec. 9.52.230 Enforcement..... 579
Sec. 9.52.240 Sign Handbook [removed 8/01]
Sec. 9.52.250 Meritorious Signs [removed 8/01]

CHAPTER 9.56 AFFORDABLE HOUSING PRODUCTION PROGRAM..... 579

Sec. 9.56.010 Findings and Purpose 580
Sec. 9.56.020 Definitions 580
Sec. 9.56.030 Applicability of Chapter 580
Sec. 9.56.040 Affordable Housing Obligation 580-1
Sec. 9.56.050 On-Site Option 580-1
Sec. 9.56.060 Off-Site Option 580-2
Sec. 9.56.070 Affordable Housing Fee 580-2
Sec. 9.56.080 Land Acquisition 580-3
Sec. 9.56.090 Fee Waivers..... 580-3
Sec. 9.56.100 Pricing Requirements for Affordable Housing Units 580-3
Sec. 9.56.110 Eligibility Requirements..... 580-4
Sec. 9.56.120 Relation to Units Required by Rent Control Board 580-4
Sec. 9.56.130 Deed Restrictions..... 580-4
Sec. 9.56.140 Enforcement..... 580-4
Sec. 9.56.150 Annual Report 580-4
Sec. 9.56.160 Principles and Guidelines..... 580-4a
Sec. 9.56.170 Adjustments or Waivers 580-4a

CHAPTER 9.60 HISTORIC RESOURCE DISCLOSURE..... 580-5

Sec. 9.60.010 Definitions 580-5
Sec. 9.60.020 Disclosure of Historic Resources 580-5
Sec. 9.60.030 Remedies..... 580-5

CHAPTER 9.64 CITY COUNCIL CEQA APPEALS 580-5

Sec. 9.64.010 City Council CEQA Appeals.....580-5

CHAPTER 9.68 CHARITABLY FUNDED PUBLIC PROJECTS 580-6

Sec. 9.68.010 Processing of Charitably Funded Public Public Project.....580-6

CHAPTER 9.72 CHILD CARE LINKAGE PROGRAM **580-6**

Sec. 9.72.010	Findings and Purpose	580-6
Sec. 9.72.020	Applicability of Chapter	580-6
Sec. 9.72.030	Definitions	580-6
Sec. 9.72.040	Child Care Requirement	580-7
Sec. 9.72.050	Fee Adjustments or Waivers	580-8
Sec. 9.72.060	Fee Revenue Account	580-8
Sec. 9.72.070	Use of Funds	580-8
Sec. 9.72.080	Automatic Annual Adjustment	580-9
Sec. 9.72.090	Annual Report	580-9
Sec. 9.72.100	Refunds	580-9
Sec. 9.72.110	Fee Revision By Resolution	580-9
Sec. 9.72.120	Regulations	580-9

CHAPTER 9.73 TRANSPORTATION IMPACT FEE PROGRAM **580-9**

Sec. 9.73.010	Findings and Purpose	580-9
Sec. 9.73.020	Applicability of Chapter	580-9
Sec. 9.73.030	Definitions	580-10
	Map of Transportation Impact Fee Areas	*580-10*
Sec. 9.73.040	Transportation Mitigation Requirement	580-11
Sec. 9.73.050	Fee Adjustments of Waivers	580-12
Sec. 9.73.060	Fee Revenue Account	580-12
Sec. 9.73.070	Distribution of Transportation Impact Fee Funds	580-12
Sec. 9.73.080	Periodic Review & Adjustment of Transportation Impact Fees	580-13
Sec. 9.73.090	Fee Refunds	580-13
Sec. 9.73.100	Fee Revision by Resolution	580-13
Sec. 9.73.110	Regulations	580-13

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City of Santa Monica City Planning Division

Zoning Ordinance Introductory Information

This introductory information to the Zoning Ordinance is intended to assist members of the public in understanding key elements of the development process in the City of Santa Monica. Included herein are: 1) notes on application and design tips for applicants; 2) a brief discussion of recent history of land use regulation in Santa Monica; 3) a description of the relationship between the General Plan and zoning; 4) a discussion of Planning Commission procedures; 5) a discussion of Architectural Review Board procedures; 6) a list of Planning publications; and 7) a list of agency addresses and telephone numbers.

APPLICATION AND DESIGN TIPS FOR PROSPECTIVE APPLICANTS AND PLANNING PERMITS

These notes on the development process are not part of the Zoning Ordinance and do not represent a complete list of all planning or processing requirements. They are simply intended to alert interested persons to some key aspects of the development process in the City of Santa Monica. Review of this information is in no way a substitute for careful review of the relevant laws, policies, plans, and application forms. Santa Monica's development process is complex and requires that applicants carefully review development requirements and procedures before initiating a development project. Applicants have responsibility for proceeding in full compliance with these requirements.

-Understand the rules and processing timelines before you commit to a project.

-Review the **Zoning Ordinance** in detail in relation to permitted types of developments, allowable height and intensity, setbacks, etc.

-Identify the zoning of the property in question. Zoning maps are available at the City Planning Division public counter.

-Besides looking at the development standards for the zone in which the property is located, be sure to review other sections of the Zoning Ordinance which may apply to your project including the parking standards section, the project design standards section, the landscape requirements section, the subdivision section, etc.

-Determine if there are any new ordinances, policies, or moratoriums which might affect your plans. These items may not be reflected in the published version of the Zoning Ordinance but should be available separately at the City Planning Division public counter.

-If you are planning a project in an "OP" zone, obtain a copy of the **"Ocean Park Neighborhood Development Guide"**.

-If you are planning a project in the Hospital Area, obtain a copy of the "Hospital Area Specific Plan".

-If you are planning a project in the downtown core area, obtain a copy of the **"Bayside District Specific Plan"**.

-If you are developing a new building, obtain a copy of the "Architectural Review Design Guidelines".

-**Determine if the property is subject to Rent Control** and the relationship of the Rent Control law to your proposed project.

-Determine if the project site is in the Coastal Zone, and if a Coastal Permit is necessary. A map of the Coastal Zone is included in this memorandum. Contact the State of California Coastal Commission for information on processing requirements if your project is in the Coastal Zone.

-Identify the **permit process** for the proposed. This may include Rent Control permits, zoning permits, Architectural Review Board permits, Building permits, Environmental and Public Works Management approvals, Parking and Traffic approvals, and Coastal Commission approvals. Handouts for several Planning permit processes are available at the Planning counter.

-Find out permit costs and mitigation fee requirements. There are processing fees for most permits, and for some types of projects, there are special mitigation fee requirements. A partial list of development-related fees is available at the Planning counter.

-Obtain copies of relevant application forms, which describe application requirements in detail.

-Talk to project area neighbors and any organized neighborhood groups. Addressing neighborhood concerns is a critical part of the planning process.

-ARB. Except for projects in the R1 zone, **Architectural Review Board** review is required of all projects involving construction of new buildings or all remodels or additions affecting the exterior of existing buildings. ARB review occurs **after** the project has received any other discretionary approvals or Administrative Approval permit. ARB approval is also required for signage, landscaping, and irrigation plans.

-Provide clear, fully-dimensioned plans. For development projects, the services of a professional designer are highly recommended.

-Provide notes on plans **showing height and grade calculations**, parking and loading space calculations, setback calculations, lot coverage and FAR calculations (as applicable).

-For projects in the OP zones, provide cross section of theoretical grade calculation.

-Provide plot plan showing existing layout of **adjacent properties and uses.**

-Show front profiles of structures on adjacent properties.

-Where mailed notices are required, please note that notices to both property owners and tenants within the required radius is **mandated.**

-Consider the existing context of the neighborhood in your design, including the scale, architectural style, and streetscape relationships.

-Consider placing highest elements of building to the center of the site and **stepping down** the height of the building on the side, front and rear of building to mitigate effects of adjacent properties.

-Pull any roof decks back from sides of building to preserve privacy of neighbors. (Decks should be located at least three feet from sides of building.)

-Limit subterranean areas. Minimize the size of any subterranean parking or basement area to provide maximum unexcavated areas for trees and large shrubs to grow.

-Articulate all sides of the building.

-Show **trash and recycling area** on plans. Such areas must be screened from view.

-Show the location of any mechanical equipment (including rooftop equipment) as well as gas and water meters on plans.

-**Maximize** landscaping and include a conceptual landscaping plan. Preserve existing trees on the site where possible.

-Show location of existing street trees, fire hydrants, bus stops, street lights, etc. in relation to the project.

-**Consult** with owners and residents of adjacent properties regarding your design as well as the staff of the Neighborhood Support Center.

-Obtain required preliminary Environmental and Public Works Management Department stamp on plans and required Parking and Traffic stamp on parking and circulation layout.

-Provide documentation of **Rent Control clearances** for properties with controlled rental units.

A BRIEF HISTORY OF SANTA MONICA

Prior to the arrival of the first Europeans in the 16th Century, the Los Angeles Basin was occupied by two major Native California cultures: the Gabrielino and the Chumash. The territory of the Gabrielino included most of the present-day Los Angeles and Orange counties plus several offshore islands (San Clemente, Santa Catalina, and San Nicolas). The Chumash occupied the four northern Channel Islands, the interior to the edge of the San Joaquin Valley, and the costal area between Morro Bay and Malibu. Santa Monica may have been an area where these cultures overlapped.

Before the development of the Gabrielino and Chumash cultures, human inhabitants of the Southern California area can be traced back at least 10,000 years before present, to the end of the Ice Age. Little information about these early cultures is available due to intensive development of the area and the loss of archeological sites that may have existed.

On October 9, 1542, Juan Rodriguez Cabrillo, Spanish conquistador, dropped anchor in what is thought to be Santa Monica Bay. In 1769, due to Gasparde Portola's occupation and exploration of Alta California, the land north of Baja California came under the rule of the King of Spain. On May 4, 1769, legend has it, Spanish soldiers exploring the area stopped at a spring (site of University High School in West Los Angeles) to refresh themselves. The spring reminded the soldiers of the tears that Saint Monica shed for her erring son, who was later to become Saint Augustine. The day that they happened to be at the spring was Saint Monica's day on the religious calendar, thus giving rise to the derivation of the name for the area.

In 1822, the land passed from Spanish rule to the Mexican Republic, and starting in 1828, the land that was later to become the City of Santa Monica came under private ownership. In that year, Don Francisco Sepulveda was given possession of the title to San Vicente y Santa Monica. The rancho included the area between the canyon to what is now Pico Boulevard and northeasterly into the Westwood region. In 1839, Ysidro Reyes and Francisco Marquez were provisionally granted the rancho known as Boca de Santa Monica, part of which is now the northwestern area of the City of Santa Monica. In 1848, California became a United States possession and attained statehood in 1850.

In 1872, a cattleman from the San Joaquin Valley, Colonel R. S. Baker, visited the area and decided that it would make a good sheep ranch. He bought the San Vicente Rancho from Sepulveda's heirs for $55,000 and later purchased a portion of the Reyes-Marques property.

North of the arroyo (the freeway) that separated the two properties, Baker was making plans with General E. F. Beal and several wealthy backers in 1874 to build the City of Truxton. The City was to have wharves for the Pacific mail steamships and a railroad that was to be the western terminus of the southern transcontinental line. It never got past the planning stage. During that time, however, at the foot of what is now Colorado Avenue, a small landing was built from which large quantities of asphaltum was shipped to San Francisco. The tar was brought to the landing from the Brea Rancho by ox carts, thus providing the first commerce to the area.

In 1874, a man who was to have a great impact on the area arrived on the scene, Senator John P. Jones. He was the U.S. Senator from Nevada from 1873 to 1903 and had formerly been a bank clerk, sailor, mine worker and the Sheriff of Trinity County. He had amassed a fortune in the silver fields of Nevada and was known to have railroad building ambitions.

1875: Year of Founding

In January, 1875, it was announced that Jones had purchased a major interest in Baker's San Vicente Rancho for $162,000. It was also proclaimed that Jones and Baker would build a railroad toward the east that would break the Southern Pacific Railroad's monopoly in Southern California. On July 10th, a townsite plat was filed with the County Recorder for the development of a city. The 2.4 square mile site was bounded by Montana Avenue, 26th Street, Colorado Avenue (then known as Railroad Avenue) and the Pacific Ocean.

On Wednesday, July 15, 1875, the lots were put on the auction block. On that hot and dry day, in a carnival atmosphere, the lots sold for between $500 for a lot on Ocean Avenue to $75 for a 50' by 150' lot that was a few blocks inland.

Later in the year, the Santa Monica School District was organized as a political unit of the State; the Outlook began publication as a weekly newspaper; the first sport organization was formed, a baseball team called the Bonitas; and the first fire company, the Crawford Hook and Ladder Company, came into existence.

In 1879, the Southern Pacific removed the wharf at the foot of Railroad Avenue (Colorado) because it was claimed that most of the piles would have to be replaced due to the damage done by worms. It was later claimed by the Outlook that based on physical evidence, the wharf could have been saved for a comparatively small cost because the worm damage was minor. With the removal of the wharf, business dropped off, partnerships dissolved, mortgages were foreclosed, and the population of the town declined. By the 1880 census, the town and the entire Township had a total of only 417 persons.

The City's electorate went to the polls in November, 1886, and voted 97 to 71 to incorporate Santa Monica. The following year, an economic boom swept over Southern California and Santa Monica shared in the excitement. During the year 1887, hotels were constructed, including the luxurious Arcadia, which was named after Colonel Baker's wife. A four and one-half mile horse car line was chartered that provided transportation within the City.

For a brief period starting in the late 1880s, many railroad companies became interested in Santa Monica as a terminus for their respective lines. In 1889, the Los Angeles and Pacific Railroad was built from Burbank to Ocean and Utah (Broadway) Avenues; and, in 1892, a subsidiary of the Santa Fe Railway completed a branch line to South Santa Monica from Inglewood via Ballona Junction. The Santa Fe named its new depot Ocean Park. It was during this time that the Southern Pacific renewed its interest in the development of the area and consequently revised its assessment of Santa Monica as a port. Southern Pacific

proceeded to extend the tracks up the coast to the mouth of Potrero Canyon where it built the "long wharf". The 4,750 foot long wharf opened in 1892 and was officially christened the Port of Los Angeles. The shipping and commerce which had been lost in 1879 was temporarily regained. By 1895, the Santa Fe had completed its own wharf (500 feet long) about 200 feet south of Hill Street, and the line was running seven trains daily during the summer to the resort side of town.

In 1896, the first electric railway cars reached the town over the Pasadena and Pacific's tracks which later became part of the sprawling Pacific Electric system. In the mid-90s, trolley parties were a popular form of entertainment and cyclemania was sweeping Southern California. Plans were made to construct a bicycle path from Santa Monica to Los Angeles. The first electric light plant was built in 1894. In 1896, the new Police Department consisted of two officers.

As the 19th century drew to a close, so did Santa Monica's place in history as a major port in Southern California. In 1897, after many years of struggle in the Congress and between the cities of Los Angeles and Santa Monica, the federal government selected the San Pedro area over Santa Monica Bay for the site of a new deep water harbor. Thus ended Santa Monica's bid as a port.

1900 To The End of World War II

In 1900, the population of the town was 5,526 persons. That year, the Santa Fe abandoned its right-of-way in South Santa Monica. In the November election, the proposed division of Santa Monica along Front Street (Pico Boulevard) into two cities was defeated by a vote of 341 to 59. At the same election, a prohibition ordinance was passed (305 to 218) that changed the town from what was referred to as a wide open and tough place to a no-saloon town. In 1903, however, the prohibition ordinance was for all practical purposes rescinded by a vote of 544 to 287. The same election saw the defeat of another attempt to partition the town (400 to 59). In 1903, Santa Monica's first official City Hall was built at the corner of Oregon Avenue (Santa Monica Boulevard) and 4th Street.

A special census in 1905 disclosed that the town had grown to 7,208 persons. The southern part of town, now commonly referred to as Ocean Park, was an important business center as well as summer resort. In 1906, the area north of Montana Avenue, including San Vicente Boulevard, became part of the City. Also during that year, a charter that was drawn up by the previously elected board of freeholders was accepted by the electorate and later in the year, the first council consisted of seven members who were elected from seven separate wards. That form of municipal government lasted until 1914, when the City's second charter established a commission form of government by popular vote.

In 1915, the era of street paving to accommodate increasing automobile traffic began. On April 10, 1917, the State of California made grant to the City for the tidelands. This act made the City's waterfront activities possible, including the breakwater and yacht harbor for which Santa Monicans voted a $690,000 bond issue in 1931.

A bond issue in 1917 enabled the City to acquire the plants and water sources of four water companies for the establishment of a municipal water system. That year, a move to become annexed to the City of Los Angeles was defeated by a 2,662 to 1,445 vote. The question of annexation was put before the electorate again in 1924 and was also unsuccessful. By the late 1920s, Santa Monica completely assured its water supply by becoming an original member of the Metropolitan Water District, thus thwarting future attempts to annex Santa Monica to Los Angeles.

During the early 1920s, there was a building boom in Southern California. It was during that period that Donald Douglas began constructing military airplanes in a former movie studio at 25th Street and Wilshire Boulevard. In 1924, four specially built Douglas World Cruisers took off from Clover Field for the first successful around-the-world flight. In 1925, Douglas moved the company to Clover Field and in 1926, voters approved an $860,000 bond issue to buy the airfield.

In 1925, Santa Monicans voted bonds in the sum of $120,000 toward the purchase of the site for the State University at Westwood (UCLA). The Santa Monica Municipal Bus Line was formed in April 1928. Santa Monica Junior College opened in 1929 with an enrollment of 152 and five years later it had 890 persons in the student body. The Miles Playhouse opened in 1929. In the early 1930s, a charter amendment to provide for a municipal manager form rather than a commission form of government was defeated at the polls. Gambling games were also voted out of town in the same election. The Long Beach earthquake on March 10, 1933, caused structural damage to many public facilities in Santa Monica. As a result of the temblor, school students attended classes in tents until school buildings could be repaired or replaced. Toward the end of the depression decade, the present City Hall was erected.

The war years were busy years for Santa Monicans. The camouflaged Douglas plant was working around the clock to produce aircraft for the war effort. Black outs and barrage balloons were commonplace in the City.

1945 to 1974

Fifteen freeholders were elected to draft a new City charter in December, 1945, and eleven months later, the electorate voted for a council-manager form of government.
In 1949, the five million gallon reservoirs under San Vicente Boulevard and on Mount Olivette were completed and the Crystal Pier was demolished. Construction was started that year on the municipal swimming pool and on the County Court House in the Civic Center. The Redevelopment Agency was formed in 1949, and it subsequently designated the area to the south of Ocean Park Boulevard and to the west of Neilson Way as the initial project site. By 1958, the new Civic Auditorium was completed, as well as the new Police facilities wing at City Hall.

At a special election in August, 1960, Santa Monicans rejected an oil drilling proposal for the bay, as they had done in 1954, and were later to do in 1968. Construction was started on the 25 million gallon reservoir at the Riviera Country Club.

Voters approved a bond issue in 1962 to replace the 58 year old Library at 5th Street and Santa Monica Boulevard with a new 70,000 square foot structure at 6th Street and Santa Monica Boulevard. In 1964, construction work started on the twin 17 story structures in the Ocean Park Redevelopment Project. The Santa Monica Mall was completed in the fall of 1965. January 1966 brought the official opening of the freeway after five years of construction. In 1966, work was started on the first two downtown parking structures, and the demolition of the landmark Sorrento Club at the foot of the Palisades was completed. The Memorial Park Gymnasium was built in 1971.

On April 10, 1973, Santa Monica voters passed a charter amendment that prohibited future off-shore development without first obtaining the approval of the electorate. !974-5 brought the demolition of the Lick and Ocean Park Piers and work was started on razing the Douglas plant, thus ending an era.

RECENT HISTORY OF SANTA MONICA'S LAND USE REGULATIONS

Development projects are often of concern to the community. New developments can change the character of a neighborhood by removing existing buildings and replacing them with new uses, different architectural styles, larger buildings, and a greater intensity of activity. Impact on traffic congestion, air quality, water consumption, shadows, housing affordability and neighborhood businesses can also be of concern. Construction period impacts, including noise, dust generation, and construction period parking can be problems.

Development also can result in positive changes for the community by replacing deteriorated, outmoded, or unsafe buildings, or by providing new services and job opportunities.

Regardless of one's perspective on development, for those concerned with it, understanding the development review process is critical in order to participate effectively in it.

The history of land use regulation in Santa Monica has been marked by a continued progression and refinement of regulations. The City's decision makers have responded to changing concerns by enacting a variety of laws which have affected both the process by which development is considered, and the substance of that development.

In the early 1970s, Santa Monica's development regulations were significantly different from today's rules. For example, there were no height limits on commercial development in the downtown or along the City's major boulevards such as Wilshire, Lincoln, Main Street or Santa Monica Boulevard. In the mid-1970s, limits of twelve stories were imposed on these areas. Then, in the early 1980s, a commercial development moratorium was enacted to provide an opportunity for enacting sweeping changes to the City's development standards and procedures.

The 1981 moratorium ultimately led to adoption of the new development regulations in 1984 which limited the height of commercial development in the downtown and on Wilshire to no more than six stories, with lower heights in the other major commercial areas. Then,

in 1988, the City adopted the new Zoning Ordinance which further reduced development potential throughout most of the commercial districts. Finally, in 1989, a second commercial development moratorium was enacted pending the development of a new growth management strategy for the City.

Similar changes occurred in the regulation of residential development. For example, in the early 1970s, buildings in the high-density multi-family areas of the City (the R4 zone) could be developed to a height of 120 feet, and a density of 87 units per acre. This was subsequently reduce to a height of 65 feet and 58 units per acre, with a further reduction to 50 feet and 48 units per acre. The current standard is 45 feet and 48 units per acre. In 1989, the City Council adopted entirely new zoning regulations for the Ocean Park residential area of Santa Monica. The new "OP" zones significantly reduced the density of new development, as well as creating innovate setback and open space standards. In 1990, the City Council adopted the "NW" or North of Wilshire Overlay district, creating additional setback landscaping standards, and at the same time, downzoning affected R4 properties to R3, and R3 properties to R2.

In addition to changes affecting the substantive characteristics of development, there have been major changes to the development process. For example, in the 1970s, many projects which today require public hearings and preparation of environmental impact analyses were processed without public review and without detailed environmental analysis. At that time, only property owners were notified of public hearings concerning nearby development projects. Today, both property owners and tenants must be notified of hearings, and many projects which were formerly exempt from environmental review are now subject to it.

Other changes to the regulating of development have included higher parking requirements, the creation of sign regulations and the Architectural Review Board, the creation of a Landmarks Commission, the imposition of a variety of housing and parks mitigation programs for office development, a creation of an inclusionary housing requirement for new multi-family housing projects, and the adoption of rent control for multi-family dwelling units.

Throughout the last twenty years, the City has encouraged and facilitated community participation in the formulation of development policies and the consideration of development applications. In the mid-1970s, a thirty-member Citizens Advisory Committee was appointed to assist in the formulation of six new Elements to the General Plan. Citizen committees helped draft the new zoning regulations for the R2R (duplex zone), for the CM (Main Street(zone in the 1970s and early 80s, and again in the early 1990's, another citizen committee helped draft the North of Wilshire standards.

In 1981, the City Council appointed four citizen task forces to develop new policies regarding development in Santa Monica. The policy recommendations of these committees were translated within a period of months into new, more restrictive multi-family development standards, as well as more demanding commercial development regulations.

Between 1981 and 1983, a 21-member citizens advisory committee assisted in the preparation of a major revision to the Housing Element of the General Plan. The 1984

Land Use and Circulation Elements were adopted after an extensive series of public workshops and hearings, as was the 1988 Zoning Ordinance.

In the late 1980s, the City created the Neighborhood Support Center (NSC) to act as a liaison agency between established neighborhood organizations and the City. The staff of the NSC assist neighborhoods in organizing meetings, preparing newsletters, and keeping in touch with City Hall.

In 1989, the City created special citizen task forces to develop policies on several land use issues, including updating Main Street zoning regulations, developing a special zoning plan for the "North of Wilshire" area, and a group charged with guiding the preparation of a Specific Plan for the Civic Center area.

In 1990, the City Council created an ordinance establishing mitigation fees for the removal of low cost lodging in the Coastal Zone; adopted the first Historic District in a portion of Third Street in Ocean Park; created the "NW" overlay district in the North of Wilshire neighborhood, changing then-R4 zoned parcels in the affected area to NWR3, and R3 parcels to NWR2, and creating special development standards; and amended the streetfront landscape setback requirements in most of the commercial zones of the City.

In 1991, the Council adopted numerous interim ordinances relating to development issues. In 1992, the City Council adopted a set of amendments to the Variance provisions of the Zoning Ordinance and created an Adjustment permit and procedure; a new permanent inclusionary ordinance was adopted; adopted a new version of the Zoning Map of the City which added several new districts and deleted several rescinded districts; amended RVC zone standards relative to Pier development; approved a comprehensive revision of the Noise Ordinance; adopted standards to control urban runoff; adopted revisions to the CM (Main Street) zoning standards; approved changes to the regulations pertaining to Large Family Day Care homes; adopted mandatory seismic retrofitting requirements; streamlined architectural review and signage review for landmark structures, and lengthened the landmarks review period for demolition permits for older structures.

In 1993 and 1994, the Council adopted a number of significant planning-related ordinances, including: creating the DP Designated Parks district, BP Beach Parking District, R2B District, and R3R district; created an Adjustment permit allowance for certain accessory structure situations; lifted the Commercial Development Moratorium and adopted numerous revisions to the commercial development standards, including incentives for affordable housing in both residential and non-residential zones; created development standards for outdoor newsstands; adopted numerous revisions to the R1 single family regulations; adopted amendments for upsloping lots in the OP2 district; created the BR Boulevard Residential district along Ocean Park Boulevard R3-zoned parcels; amended R2R regulations; adopted a comprehensive revision to the parking standards of the Zoning Ordinance; adopted amendments to the unexcavated yard and landscaping requirements; and streamlined standards for child care centers in residential districts; streamlined permit processing for development of single family homes in non-R1 zones, modified fence and wall standards, and raised the threshold for Administrative Approvals to simplify permit processing for minor development projects. A Specific Plan for the Civic Center area was also adopted.

Other code changes included a comprehensive revision to the zoning standards for antennas, including creating standards for ham radio antennas, cellular antennas, and standard television antennas, and the creation of private open space requirements (patios, balconies and the like) for multi-family developments throughout the City. In addition, numerous interim ordinances affecting planning issues were adopted by the Council during this period.

Of major impact to the City was the January 17, 1994 Northridge Earthquake. Significant damage to buildings throughout the City occurred. More than 2000 dwelling units and 135 non-residential structures were significantly damaged. The City Council rapidly responded to the emergency situation created by the earthquake, passing a succession of emergency ordinances designed to facilitate recovery and restoration.

In 1995, major planning regulatory changes included revision of the definition of "average natural grade" to better address sloping lot situations; creation of upper-level stepback requirements in multi-family zones to provide for greater building articulation; amendment of a variety of regulations to make permit term standards consistent and to address the special situations of Coastal zone projects and affordable housing projects; and creation of a new zoning district in the eastern area of the City: the Light Manufacturing and Studio

District (LMSD) in areas formerly zoned C5 and M1. The creation of this new district resulted in a new total of 28 districts, along with 6 overlay districts in the City--more than double the total of 15 zoning districts and 1 overlay district that existed prior to the adoption of a new Zoning Ordinance in 1988.

THE GENERAL PLAN

State planning law requires that each city and county in California have a General Plan consisting of seven "elements" which include the Land Use, Circulation, Housing, Conservation, Noise, Open Space, and Safety elements. Santa Monica has two additional elements: Seismic Safety, and Scenic Corridors.

The general plan is intended to serve as a "constitution" for all future development within the City. The general plan sets broad policies; city ordinances and administrative procedures are the vehicles for the implementation of the general plan. In terms of city planning requirements, the primary implementation mechanism of general plan policies is the Zoning Ordinance, which translates the generalized nature of the Land Use, Housing, Circulation, and other elements' policies into highly specific development standards.

Zoning

In Santa Monica, the key instrument of development regulation are the zoning regulations. Zoning is used by cities and counties to regulate where residential, commercial, industrial, and other uses may be located, and controls the size and types of such uses. In Santa Monica, two linked elements establish zoning regulations for property in the City: the zoning map and the zoning ordinance.

Santa Monica's **zoning map** establishes the zoning of every lot in the City. The City's zones include a single family residential zone, a variety of multi-family zones, and special zones for each of the major commercial and industrial areas of the City.

The City **zoning ordinance** describes allowable uses, the height and density of development, and establishes the process by which development applications are considered.

To find out what can be built on a lot, both the zoning map and the zoning ordinance need to be reviewed. Copies of both can be reviewed or purchased at the Planning Division offices in City Hall. The zoning map will show the zoning of the property--but it won't indicate what can be built there. The zoning ordinance provides this information.

Process

The zoning ordinance was developed over several years and involved numerous public hearings and workshops before the Planning Commission and City Council. Under the ordinance, certain types of projects are approved administratively while others require hearings before the Zoning Administrator, Planning Commission, or City Council.

The ordinance is intended to proved predictability for property owners and developers while protecting the character, environment, and vitality of the City. Certain classes of projects are prohibited by the ordinance, and others require discretionary review, with the opportunity for public comment and special conditions of approval.

The rules established by the zoning ordinance can only be changed by the City Council after hearings by the Planning Commission and Council.

How to Find Out More About Zoning

If you are concerned about a particular project, or about the development rules affecting your neighborhood, reviewing and understanding the framework of requirements and procedures established by the zoning regulations is essential. Concerns about a project can only be addressed within the context of the substantive and procedural rules which have been adopted by the City. City Council, Planning Commission and City staff actions on development projects occur within this context, and within the framework of other relevant laws, such as the California Environmental Quality Act (CEQA).

Copies of the zoning map, zoning ordinance, and other planning documents can be obtained at the City Planning counter in City Hall.

PLANNING COMMISSION PROCEDURES

The Planning Commission considers a range of requests for development permits, appeals, and planning policy matters, and conducts public hearings on many of its agenda items. The Commission conducts at least two regular meetings per month, and often has special meetings to consider major policy matters or to deal with agenda items continued from a regular meeting.

The seven-member Planning Commission is appointed by the City Council. Each member is appointed for a four-year term.

Due to the number, complexity and public interest associated with many agenda items, meetings of the Commission are generally lengthy. The Commission makes every effort to proceed as expeditiously as possible.

Consent Calendar

The Commission agenda includes a regular report from the Planning Director and other routine business items. Generally, the first set of substantive items considered by the Commission will be found on the Consent Calendar. These are usually small projects which conform to all zoning requirements.

Consent Calendar items are acted upon by the Commission at one time without discussion unless a Commissioner request discussion on an item or a member of the public has submitted a request to speak on an item. If such a request is made, the item will be heard after the balance of the Consent Calendar ha been voted upon.

Public Hearings

Public hearing items are usually the next set of actions considered by the Planning Commission. Each public hearing item includes presentation of a staff report; Commission questions of staff; a five-minute presentation by the project applicant, if any; Commission questions of the applicant; three minutes for each member of the public wishing to speak to the item; three minutes for project applicant rebuttal; Commission deliberations and decision.

To speak at a Planning Commission public hearing, a request to speak form must be submitted to the Commission secretary at the meeting. All requests to address the Commission on public hearing items must be submitted **prior** to the Commission's consideration of the item.

The rules of the Commission allow the assigning of time for members of the public wishing to speak to an item. A "representative speaker" may be allowed one additional minute of speaking time, to a maximum of five additional minutes (hence, eight minutes total) for each person actually in attendance who assigns his or her right to speak via a request to speak form to the "representative speaker".

Under the rules of the Planning Commission, presentations by members of the public should begin with the speaker stating his or her name and address, followed by a statement regarding the item under consideration. Speakers are asked to address the Commission as a whole, rather than individual members.

Written Communication

Letters or written materials regarding agenda items may be submitted to the Planning Division staff prior to or at the Commission meeting; written materials submitted at least eight days in advance of the meeting will be included in the Commission's meeting packet.

Planning Commission Action

Action by the Planning Commission on most matters occurs with the affirmative votes of at lest four Commissioners.

Appeals of certain actions of the Commission can be made to the City Council. For specific information on appeals, please contact the Planning and Zoning Division.

ARCHITECTURAL REVIEW BOARD PROCEDURES

The Architectural Review Board (ARB) was established by the City Council in 1974 to review the architecture of new development in the City. The board was established with the mission "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."

The Architectural Review Board is comprised of seven members appointed by the City Council for a term of four years. At least two of the members must be professional architects. Other members of the board are persons who, as a result of their training or experience, are qualified to analyze and interpret architectural and environmental issues. Expertise in areas of design, landscaping, urban planning, cultural-historical preservation and environmental sciences is considered in determining representation on the board.

The Architectural Review Board is assigned the responsibility to review and approve plans and elevations of all the proposed structures, additions and signs to be erected in the City with the exception of single-family residential development in the R1 zone. In discharging this duty, the Architectural Review Board reviews building plans, exterior colors and materials, and location and type of signage.

The Board generally meets twice monthly at regularly scheduled meetings held on the first and third Mondays of each month at 7:30 p.m. in the City Council Chambers of City Hall. After first obtaining all other required City approvals, the development applicant submits the required plans and application materials to the Planning Division in order to be considered at the next available Architectural Review Board meeting. At the meeting, the Board reviews the plans to ensure they offer a quality design with adequate articulation and consistent architectural treatment of all facades. Landscape and irrigation plans are reviewed to ensure that proposed landscaping is attractive, adequate in size and quantity and that the plan complements the building architecture.

The City of Santa Monica has a sign code with specific requirements for proposed signage. The Board reviews new sign proposals for individual buildings and comprehensive sign programs for large, multi-tenant structures. The review focuses on the type, location and size of signage, as well as the consistency of proposed signage with the building architecture.

The Architectural Review Board offers a valuable service to the City by providing special attention to the quality of architecture, landscaping and signage of proposed new development, additions and remodels in the City. The City enjoys an improvement in the aesthetics of the built environment and related landscaping as a result of the ARB.

PLANNING PUBLICATIONS

The City Planning public counter has a variety of publications and handouts available to the public. Many are available free of charge or priced at cost. All are available for review at the public counter.

General Plan Documents

City of Santa Monica General Plan -- The General Plan and its Elements have been prepared with the 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. The General Plan includes the following documents:

Land Use and Circulation Element [1987]
Housing Element - 1998-2003 [2/98]
Noise Element [1992]
Seismic Safety Element Policy Report [1995]
Seismic Safety Element Technical Report [1995]
Public Safety Element
Open Space Element [3/97]
Conservation Element [1975]

Specific Plans

In addition, Specific Plans are available for sub-areas requiring detailed regulations, conditions, and guidelines not provided for in the General Plan. These include:

Bayside District Specific Plan [1996]
Civic Center Specific Plan [1994]
Hospital Area Specific Plan [1988]
Local Coastal Plan [1992]
Main Street Master Plan [[1991]

Other Plans

Transportation Management Plan -- This special plan contains a wide range of measures to reduce traffic congestion by promoting ridesharing, vanpooling, and other techniques to reduce vehicle trips in the City.

Zoning

City of Santa Monica Zoning Ordinance -- As the implementing ordinance for must of the general plan, the **Zoning Ordinance** is intended to guide growth and development of the City in an orderly manner, while promoting the goals, objectives and policies of the Santa Monica General Plan. Included in this document are permitted uses, project design and development standards, parking requirements, application requirements, hearing procedures and other important information regarding land use and development in the City.

Zoning Ordinance Handouts -- In addition to the complete Zoning Ordinance, the City Planning staff has prepared handouts detailing specific sections of the ordinance. Because a typical development is affected by a number of sections, it is advisable that the entire Zoning Ordinance be reviewed. Individual sections are also available.

Residential (R1, R2R, R3, R4, , NW, R2B, R3R)
Ocean Park (OP1, OP2, OP3, OP Duplex)
Commercial (C2, C3, C3-C, C4, C5, C6, CM, CP, CC)
Industrial Conservation (M1, LMSD)
Parks (DP)
Beach Parking (BP)
Parking and Loading

Project Design and Development Standards
Landscaping Standards
Project Mitigation Measures
Conditional Use Permit Standards
Temporary Use Permit Standards
Performance Standards Permits
Use Permits
Variance Standards
Development Review Standards
Subdivisions
Inclusionary Housing
Demolitions
Landmarks

Design Guidelines

Architectural Review Board Design Guidelines -- All new commercial, and residential buildings (except single family dwellings in the R1 zoning district) require a hearing before the Architectural Review Board (ARB). The Architectural Review Board Design Guidelines is a descriptive and illustrative handbook intended to provide architects, builders and property owners with essential information pertaining to the design review process. Is not intended to define "good architecture", nor establish rigid design specifications, but to enlighten the public with the criteria for evaluating building and landscape design.

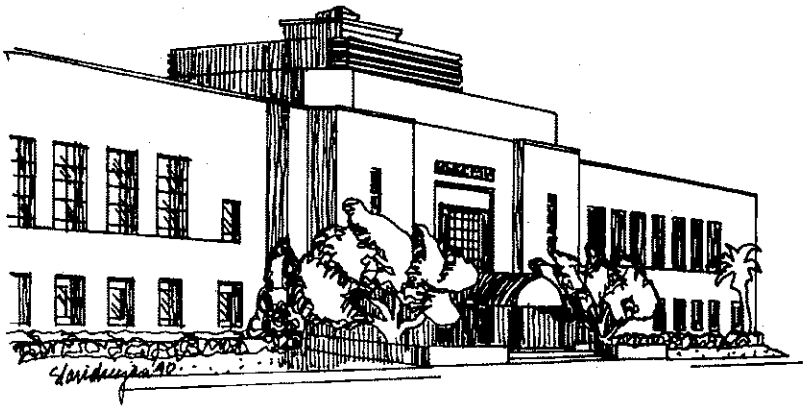
Water Conservation Guide -- Any new commercial and multiple residential development approved by the City of Santa Monica includes the requirement that low water using landscape design, plant materials and irrigation system be utilized. These plans are reviewed by the Architectural Review Board. The Water Conservation Guide defines the manner in which landscape plans shall be prepared to satisfy this requirement.

Sign Handbook -- The City of Santa Monica requires all signage proposals be reviewed by the Architectural Review Board. The Sign Handbook is designed as a supplement to the Sign Code to provide guidelines by which the ARB reviews and approves sign designs.

CEQA

City CEQA Guidelines -- All projects must be processed in accordance with the California Environmental Quality Act and the City's implementation guidelines. The City CEQA Guidelines provide objectives, criteria and specific procedures for the evaluation of projects.

Initial Studies and Environmental Impact Reports -- All large projects are required to have an environmental analysis prepared to determine its impact on various aspects of the environment. An Initial Study (IS) determines what potential adverse impacts may occur as a result of a development and how these impacts could be mitigated. Projects which are determined to have potential significant adverse impacts are required to have a full Environmental Impact Report (EIR) prepared, analyzing the scope of these impacts and proposing appropriate mitigation measures.



AGENCY TELEPHONE NUMBERS AND ADDRESSES

BUILDING AND SAFETY DIVISION
1685 Main Street, Room 111
Santa Monica, CA 90401
(310) 458-8355

CITY PLANNING DIVISION
1685 Main Street, Public Counter, Room 111
Santa Monica, CA 90401
(310) 458-8341

CIVIL ENGINEERING DIVISION
1437 Fourth Street, Suite 300 [Public Counter @ City Hall, Room 111]
Santa Monica, CA 90401
(310) 458-8721

PUBLIC WORKS MANAGEMENT DEPARTMENT
1685 Main Street, Room 116
Santa Monica, CA 90401
(310) 458-8221

RENT CONTROL
1685 Main Street, Room 202
Santa Monica, CA 90401
(310) 458-8751

TRANSPORTATION PLANNING
1685 Main Street, Room 115
Santa Monica, CA 90401
(310) 458-8291

For Projects in the Coastal Zone:
CALIFORNIA COASTAL COMMISSION
South Coast Area
200 Ocean Gate, 10th Floor
Long Beach, CA 90802
(310) 590-5071

Updated June 6, 2011

ALPHABETICAL INDEX – ZONING ORDINANCE

[Selected Sections]

Revised *6/2015*

ALPHABETICAL INDEX – ZONING ORDINANCE

[Selected Sections] Revised 6/2015

SECTION **PAGE NUMBER**

Accessory Buildings 492
- Accessory Buildings [North of Montana Avenue] 486
- One Story Accessory Building (14-ft. Max. Ht.) 458-2a

Administrative Approvals 512
Adjustments 516
Adult Entertainment [See Sexually-Oriented Business] 569
Affordable Housing Commercial Linkage Fee Program 580-13
Affordable Housing Obligation 580-1
Alcohol Outlets 476-2-c
Amendments to Zoning Ordinance 504-5
Antenna Regulations 461
Appeals 510
Applications & Fees 507
Architectural Review 542
Automobile Repair Facilities 488
Automobile [Car] Washing Facilities 492-1
Automobile [All-Electric Vehicle Showrooms] 484-1
Bootleg Units [Rent Controlled] 496-1
Child Care Linkage Program 580-6
Charitably Funded Public Projects 580-6

COMMERCIAL & OVERLAY DISTRICTS & USES

A	Off-Street Parking Overlay	440-17
BSCD	Bayside Commercial	425
	Beach Overlay District	444
BCD	Broadway Commercial	424-2
BP	Beach Parking	453
C2	Neighborhood Commercial	430
C3	Downtown Commercial	433
C3C	Downtown Overlay	436
C4	Highway Commercial	437
C5	Special Office Commercial	440
C6	Boulevard Commercial	440-1
CC	Civic Center	440-10
CM	Main Street	440-3
CP	Commercial Professional	440-8
DP	Designated Parks	453
LMSD	Light Manufacturing & Studio	440-13
M1	Industrial Conservation	440-10
N	Neighborhood Commercial Overlay	442
PL	Public Lands	440-16
TP	Transportation Preservation	440-16

Conditional Uses – General 504
Conditional Uses – Special Conditions 486-a
Condominium Conversions 492-4

Condominiums 492-2
Construction Rate Plan 460
Cultural Arts Requirements (Private Developer) 476-3
Definitions 406
Demolitions 476-2b
Density Bonus Summary Table 476-1
Design Compatibility Permit 504-4
Development Agreements 571
Development Review Permit 504-2
Drive-Thru/Fast Food 491
Enforcement 513
Establishment of Zoning Districts 414-4
Fence, Wall, Hedge, Flagpole Heights 458-2
Final Maps – Procedures for Approval 539
Final Parcel Maps 536
Final Subdivision Maps 418-1
General and Specific Plans 505
General Provisions 406
General Requirements 414-5
Hazardous Visual Obstructions [HVO] 458-2a
Hearing Procedures 509
Historic Resource Disclosure 580-5
Home Occupation Permits 496-2
Homeless Shelters 458a
Housing Development Incentives 475
Inclusionary Housing [Section Removed 5/2005]
Landmarks & Historic Districts 551
Landscaping Standards 460a
Loading Requirements 472-2
Map Expiration, Extensions & Amendments 540
Maps Required 530
Master Plan 541
Meritorious Signs [Section Removed 8/2001]
Mitigation Fees / Commercial & Residential 473
Multiple Family Residential Districts 421
Newsstands 484-1
Non-Conforming Buildings & Uses 493
OCEAN PARK DISTRICTS & USES
OP-1 Single Family 443
OP-D Duplex 444
OP-2 Low Density Multi-Family 446
OP-3 Medium Density Multi-Family 448
OP-4 High Density Multi-Family 451
Outdoor Antique Markets 484
Parking Requirements – Tables 464-470
Parking Requirements [Off-Street] 462-4
Parks and Recreation Development Impact Fee Program 580-16
Pedestrian-Oriented Design 459
Performance Standards – General 499

Performance Standards – Specific 476-7
Planning, Zoning & Land Use Fees 518
Project Design & Development Standards 458
Project Mitigation Measures 473
Reduced Parking Permits 510
Residential Building Records 518
RESIDENTIAL DISTRICTS & USES
BR Boulevard Residential [R3 Overlay] 457
R1 Single Family 415
R2B Low Density Multiple Residential Beach 454
R2R Low Density Duplex 420
R3R Medium Density Multiple Coastal Residential Beach 455
R-MH Residential Mobile Home Park 442
RVC Residential-Visitor-Commercial 423
Multiple Family Residential 418-2
Property Development Standards: Multi-Family 422-3
Residential Use in Commercial Districts 458c
Restaurant Conversions – Third Street Promenade 428-1
Screening: Storage Area 458-2b
Second Units in R-1 & OP-1 Districts 485
Sexually-Oriented Businesses 569
Sign Code 571
Small Sidewalk Cafes 460
Subdivisions 528-4
Substantial Remodel 496-1
Temporary Uses & Permits 498
Temporary Sign Regulations 577
Tentative Maps – Procedures for Approval 537
Tentative Parcel Maps 535
Tentative Subdivision Maps 530
Third Street Historic District 56562-1
Transportation Impact Fees 522
Transportation Management 519
Transportation Preservation District 440-16
Use Permits 503
Use Permit Special Standards 484-1
Variances 500
Yard Modification Permits 514
Zoning Administrator Authority 496

Article 9

PLANNING AND ZONING

Chapters:

9.04	**Zoning Regulations**
9.08	**Report of Residential Building Records**
9.12	**Planning, Zoning and Land Use Fees**
9.16	**Transportation Management**
9.20	**Subdivisions**
9.24	**Master Plan**
9.32	**Architectural Review**
9.36	**Landmarks and Historic Districts**
9.40	**The Third Street Neighborhood Historic District Standards**
9.44	**Sexually-Oriented Businesses**
9.48	**Development Agreements**
9.52	**Santa Monica Sign Code**
9.56	**Affordable Housing Production Program**
9.60	**Historic Resource Disclosure**
9.64	**City Council CEQA Appeals**
9.68	**Charitably Funded Public Projects**
9.72	**Child Care Linkage Program**
9.73	**Transportation Impact Fee Program**
9.74	**Affordable Housing Commercial Linkage Fee Program**
9.75	**Parks and Recreation Development Impact Fee Program**

Chapter 9.04

ZONING REGULATIONS*

***Editor's Note:** The Santa Monica Zoning Ordinance consisting of Sections 9000.1 through 9150.8 were adopted by Ord. No. 1452(CCS) on August 9, 1988. Additional amendments are noted where applicable.

Sections:

Subchapter 9.04.02 General Provisions

9.04.02.010 Title.
9.04.02.020 Purpose.
9.04.02.030 Definitions.
9.04.02.030.005 Accessory building.
9.04.02.030.010 Accessory living quarters.
9.04.02.030.015 Accessory use.
9.04.02.030.020 Act of nature.
9.04.02.030.025 Affordable housing project.
9.04.02.030.030 Altered grade.
9.04.02.030.035 Arcade.
9.04.02.030.040 Art gallery.
9.04.02.030.045 Artist studio.
9.04.02.030.050 Attic.
9.04.02.030.055 Auditorium.
9.04.02.030.060 Automobile center.
9.04.02.030.065 Automobile dealership.
9.04.02.030.070 Automobile rental agency.
9.04.02.030.075 Automobile repair facility.
9.04.02.030.080 Automobile service station.
9.04.02.030.085 Automobile storage lot.
9.04.02.030.090 Automobile washing facility.
9.04.02.030.095 Awning.
9.04.02.030.100 Bakery.
9.04.02.030.105 Balcony.
9.04.02.030.110 Bar.
9.04.02.030.115 Basement.
9.04.02.030.120 Bathroom, full.
9.04.02.030.125 Bathroom, half.
9.04.02.030.130 Bay window.
9.04.02.030.135 Bed and breakfast facility.
9.04.02.030.140 Bedroom.
9.04.02.030.142 Billiard parlor.
9.04.02.030.145 Boardinghouse.
9.04.02.030.150 Building.
9.04.02.030.155 Building height.
9.04.02.030.160 Building, principal.
9.04.02.030.165 Building size.
9.04.02.030.170 Canopy.
9.04.02.030.175 Carport.
9.04.02.030.180 Change of use.
9.04.02.030.185 Child day care facility.
9.04.02.030.190 Church.
9.04.02.030.195 Cinema.
9.04.02.030.200 Club or lodge.
9.04.02.030.205 Community care facility.
9.04.02.030.210 Congregate housing.
9.04.02.030.215 Convalescent home.
9.04.02.030.220 Cultural facilities.
9.04.02.030.225 Day care center.
9.04.02.030.230 Delicatessen.
9.04.02.030.235 Demolition.
9.04.02.030.240 Domestic violence shelter.
9.04.02.030.245 Driveway.
9.04.02.030.250 Duplex.
9.04.02.030.255 Dwelling.
9.04.02.030.260 Dwelling, multi-family.
9.04.02.030.265 Dwelling, single family.
9.04.02.030.270 Dwelling unit.
9.04.02.030.275 Dwelling unit, efficiency.
9.04.02.030.276 Dwelling unit, second.
9.04.02.030.280 Electric distribution substation.
9.04.02.030.285 Facade.
9.04.02.030.290 Family day care home, large.
9.04.02.030.295 Family day care home, small.
9.04.02.030.300 Fence.
9.04.02.030.305 Fence height.
9.04.02.030.310 Finished first floor.
9.04.02.030.311 Firearms dealership.
9.04.02.030.315 Floor area.
9.04.02.030.320 Floor area ratio (FAR).
9.04.02.030.325 Game arcade.
9.04.02.030.330 Garage.
9.04.02.030.335 Garage, semi-subterranean.
9.04.02.030.340 Garage, subterranean.
9.04.02.030.345 General retail.
9.04.02.030.350 Grade, average natural.
9.04.02.030.355 Grade, theoretical.
9.04.02.030.360 Grading.
9.04.02.030.365 Grocery store.
9.04.02.030.370 Grocery store, neighborhood.
9.04.02.030.375 Groundcover.
9.04.02.030.380 Ground floor.
9.04.02.030.385 Ground floor street frontage.
9.04.02.030.390 Hardscape.
9.04.02.030.395 Hedge.
9.04.02.030.400 Homeless shelter.
9.04.02.030.405 Hospice.
9.04.02.030.410 Hotel.
9.04.02.030.415 Household.
9.04.02.030.420 Incidental food service.
9.04.02.030.425 Kitchen.
9.04.02.030.430 Landscaped area.
9.04.02.030.435 Light manufacturing.
9.04.02.030.440 Liquor store.
9.04.02.030.445 Living area.
9.04.02.030.450 Living quarters.
9.04.02.030.455 Loading space.
9.04.02.030.460 Loft.
9.04.02.030.465 Lot.
9.04.02.030.470 Low income household.
9.04.02.030.475 Manufactured house.
9.04.02.030.480 Medical use.
9.04.02.030.485 Mezzanine.
9.04.02.030.490 Middle income household.
9.04.02.030.495 Mini-mart.
9.04.02.030.500 Mixed-use development.

9.04.02.030.505 Mobile home park.
9.04.02.030.510 Moderate income household.
9.04.02.030.515 Motel.
9.04.02.030.520 Nightclub.
9.04.02.030.525 Nonconforming building or structure, legal.
9.04.02.030.530 Nursing home.
9.04.02.030.535 Off-site hazardous waste facility.
9.04.02.030.540 Office, specialty.
9.04.02.030.543 Open air farmers market.
9.04.02.030.545 Open space, common.
9.04.02.030.550 Open space, private.
9.04.02.030.553 Outdoor antique market.
9.04.02.030.555 Outdoor storage.
9.04.02.030.560 Overlay district.
9.04.02.030.565 Parapet.
9.04.02.030.570 Parcel.
9.04.02.030.575 Parcel area.
9.04.02.030.580 Parcel, corner.
9.04.02.030.585 Parcel coverage.
9.04.02.030.590 Parcel depth.
9.04.02.030.595 Parcel, flag.
9.04.02.030.600 Parcel frontage.
9.04.02.030.605 Parcel, key.
9.04.02.030.610 Parcel line.
9.04.02.030.615 Parcel line, front.
9.04.02.030.620 Parcel line, rear.
9.04.02.030.625 Parcel line, side.
9.04.02.030.630 Parcel, reversed corner.
9.04.02.030.635 Parcel, through.
9.04.02.030.640 Parcel width.
9.04.02.030.645 Pedestrian orientation.
9.04.02.030.650 Pedestrian-oriented use.
9.04.02.030.655 Permitted use.
9.04.02.030.660 Photocopy shop.
9.04.02.030.665 Place of worship.
9.04.02.030.670 Porte cochere.
9.04.02.030.675 Primary space.
9.04.02.030.680 Primary window.
9.04.02.030.685 Principal use.
9.04.02.030.690 Private tennis court.
9.04.02.030.695 Public land.
9.04.02.030.700 Public utility service center and service yard.
9.04.02.030.705 Recreational building.
9.04.02.030.710 Residential care facility for the elderly.
9.04.02.030.715 Residential facility.
9.04.02.030.718 Residential housing and educational facility for young adults emancipated from foster care.
9.04.02.030.720 Residential use.
9.04.02.030.725 Rest home.
9.04.02.030.730 Restaurant.
9.04.02.030.735 Restaurant, fast-food, take-out or drive-through.
9.04.02.030.740 Roof.
9.04.02.030.745 Sanitarium.
9.04.02.030.750 Secondary window.
9.04.02.030.755 Self-service storage warehouse (mini-warehouse).
9.04.02.030.760 Senior citizen.
9.04.02.030.765 Senior group housing.
9.04.02.030.770 Senior housing.
9.04.02.030.775 Setback.
9.04.02.030.778 Short-term rental housing.
9.04.02.030.780 Shrub.
9.04.02.030.785 Sidewalk cafe.
9.04.02.030.790 Single room occupancy housing.
9.04.02.030.795 Site.
9.04.02.030.800 Skylight.
9.04.02.030.805 Solar energy system.
9.04.02.030.810 Story.
9.04.02.030.815 Structure.
9.04.02.030.820 Subdivision.
9.04.02.030.825 Substantial remodel.
9.04.02.030.830 Tandem parking.
9.04.02.030.835 Temporary structure.
9.04.02.030.840 Theater.
9.04.02.030.845 Trailer.
9.04.02.030.850 Trailer court.
9.04.02.030.855 Transitional housing.
9.04.02.030.860 Tree.
9.04.02.030.865 Tree, fifteen-gallon.
9.04.02.030.870 Tree, twenty-four-inch box.
9.04.02.030.875 Use.
9.04.02.030.880 Very low income household.
9.04.02.030.885 Warehouse.
9.04.02.030.890 Wholesale trade.
9.04.02.030.895 Yard.
9.04.02.030.900 Yard, front.
9.04.02.030.905 Yard, rear.
9.04.02.030.910 Yard, side.
9.04.02.030.915 Yard, street side.
9.04.02.030.920 Yard sale.
9.04.02.040 Number of days.
9.04.02.050 Rounding of quantities.

Subchapter 9.04.04 Establishment of Zoning Districts

9.04.04.010 Establishment of districts.
9.04.04.020 Adoption of district map.
9.04.04.030 Rules to determine appropriate district.
9.04.04.040 Adoption of overlay districts.

Subchapter 9.04.06 General Requirements

9.04.06.010 Application.
9.04.06.020 Vested right.
9.04.06.030 Building permits.
9.04.06.040 Zoning conformance review.
9.04.06.050 Use of Standard Industrial Classification (SIC) manual.
9.04.06.060 Conflict with other regulations.
9.04.06.070 Compliance.

9.04.06.080 **Compliance by City, school district, and other agencies.**
9.04.06.090 **Neighborhood impact statement.**
9.04.06.100 **Conformance with Ocean Park zoning standards adopted on September 26, 1989.**

Subchapter 9.04.08 Zoning Districts and Uses

Part 9.04.08.02 R1 Single Family Residential District
9.04.08.02.010 **Purpose.**
9.04.08.02.020 **Permitted uses.**

9.04.08.02.030 Uses subject to performance standards permit.
9.04.08.02.040 Uses subject to use permit.
9.04.08.02.050 Conditionally permitted uses.
9.04.08.02.060 Prohibited uses.
9.04.08.02.070 Property development standards.
9.04.08.02.075 Special project design and development standards for the north of Montana Avenue neighborhood.
9.04.08.02.076 Special project design and development standards for the Sunset Park and north of Wilshire Boulevard neighborhoods.
9.04.08.02.080 Architectural review.
9.04.08.02.090 Fifty percent addition.

Part 9.04.08.04 R2R Low Density Duplex District
9.04.08.04.010 Purpose.
9.04.08.04.020 Permitted uses.
9.04.08.04.030 Uses subject to performance standards permit.
9.04.08.04.040 Conditionally permitted uses.
9.04.08.04.050 Prohibited uses.
9.04.08.04.060 Property development standards.
9.04.08.04.070 Architectural review.

Part 9.04.08.06 Multiple Family Residential Districts
9.04.08.06.010 Purpose.
9.04.08.06.020 Allowed land uses.
9.04.08.06.060 Property development standards.
9.04.08.06.070 Special project design and development standards.
9.04.08.06.080 Architectural review.

Part 9.04.08.12 RVC Residential-Visitor Commercial District
9.04.08.12.010 Purpose.
9.04.08.12.020 Permitted uses.
9.04.08.12.030 Uses subject to performance standards permit.
9.04.08.12.035 Uses subject to a use permit.
9.04.08.12.040 Conditionally permitted uses.
9.04.08.12.050 Prohibited uses.
9.04.08.12.060 Property development standards.
9.04.08.12.065 Deed restrictions.
9.04.08.12.070 Architectural review.
9.04.08.12.080 Exemptions.

Part 9.04.08.14 Broadway Commercial District
9.04.08.14.010 Purpose.
9.04.08.14.020 Permitted uses.
9.04.08.14.030 Uses subject to performance standards permit.
9.04.08.14.035 Uses subject to a use permit.
9.04.08.14.040 Conditionally permitted uses.
9.04.08.14.050 Prohibited uses.
9.04.08.14.060 Property development standards.
9.04.08.14.065 Deed restrictions.
9.04.08.14.070 Architectural review.

Part 9.04.08.15 BSCD Bayside Commercial District
9.04.08.15.010 Purpose.
9.04.08.15.015 Definitions.
9.04.08.15.020 Permitted uses.
9.04.08.15.030 Uses subject to performance standards permit.
9.04.08.15.040 Conditionally permitted uses.
9.04.08.15.050 Prohibited uses.
9.04.08.15.060 Property development standards.
9.04.08.15.065 Deed restrictions.
9.04.08.15.070 Special project design and development standards.
9.04.08.15.080 Limitations on food uses and alcohol outlets.
9.04.08.15.085 Conversion of any portion of a food use to any other new or expanded use located on the ground floor level adjacent to the Third Street Promenade.
9.04.08.15.090 Architectural review.
9.04.08.15.100 Exceptions to limitations on food uses and alcohol outlets.
9.04.08.15.110 Applicability of provisions of Part 9.04.08.15.

Part 9.04.08.16 C2 Neighborhood Commercial District
9.04.08.16.010 Purpose.
9.04.08.16.020 Permitted uses.
9.04.08.16.030 Uses subject to performance standards permit.
9.04.08.16.035 Uses subject to a use permit.
9.04.08.16.040 Conditionally permitted uses.
9.04.08.16.050 Prohibited uses.
9.04.08.16.060 Property development standards.
9.04.08.16.065 Deed restrictions.
9.04.08.16.070 Special project design and development standards.
9.04.08.16.080 Architectural review.

Part 9.04.08.18 C3 Downtown Commercial District
9.04.08.18.010 Purpose.
9.04.08.18.020 Permitted uses.
9.04.08.18.030 Uses subject to performance standards permit.
9.04.08.18.040 Conditionally permitted uses.
9.04.08.18.050 Prohibited uses.
9.04.08.18.060 Property development standards.
9.04.08.18.065 Special project design and development standards.
9.04.08.18.070 Deed restrictions.
9.04.08.18.075 Architectural review.

Part 9.04.08.20 C3-C Downtown Overlay District
9.04.08.20.010 Purpose.
9.04.08.20.020 Permitted uses.

9.04.08.20.030 Uses subject to performance standards permit.
9.04.08.20.040 Conditionally permitted uses.
9.04.08.20.050 Prohibited uses.
9.04.08.20.060 Property development standards.
9.04.08.20.065 Deed restrictions.
9.04.08.20.070 Special project design and development standards.
9.04.08.20.080 Architectural review.

Part 9.04.08.22 C4 Highway Commercial District
9.04.08.22.010 Purpose.
9.04.08.22.020 Permitted uses.
9.04.08.22.030 Uses subject to performance standards permit.
9.04.08.22.035 Uses subject to a use permit.
9.04.08.22.040 Conditionally permitted uses.
9.04.08.22.050 Prohibited uses.
9.04.08.22.060 Property development standards.
9.04.08.22.065 Deed restrictions.
9.04.08.22.070 Architectural review.
9.04.08.22.080 Special project design and development standards.

Part 9.04.08.24 C5 Special Office Commercial District
9.04.08.24.010 Purpose.
9.04.08.24.020 Permitted uses.
9.04.08.24.030 Uses subject to performance standards permit.
9.04.08.24.040 Conditionally permitted uses.
9.04.08.24.050 Prohibited uses.
9.04.08.24.060 Property development standards.
9.04.08.24.070 Architectural review.

Part 9.04.08.26 C6 Boulevard Commercial District
9.04.08.26.010 Purpose.
9.04.08.26.020 Permitted uses.
9.04.08.26.030 Uses subject to performance standards permit.
9.04.08.26.035 Uses subject to a use permit.
9.04.08.26.040 Conditionally permitted uses.
9.04.08.26.050 Prohibited uses.
9.04.08.26.060 Property development standards.
9.04.08.26.065 Deed restrictions.
9.04.08.26.070 Architectural review.
9.04.08.26.080 Special project design and development standards.

Part 9.04.08.28 CM Main Street Commercial District
9.04.08.28.010 Purpose.
9.04.08.28.020 Permitted uses.
9.04.08.28.030 Uses subject to performance standards permit.
9.04.08.28.035 Uses subject to a use permit.
9.04.08.28.040 Conditionally permitted uses.
9.04.08.28.050 Prohibited uses.
9.04.08.28.060 Property development standards.
9.04.08.28.065 Deed restrictions.
9.04.08.28.070 Special project design and development standards.

Part 9.04.08.30 CP Commercial Professional District
9.04.08.30.010 Purpose.
9.04.08.30.020 Permitted uses.
9.04.08.30.030 Uses subject to performance standards permit.
9.04.08.30.040 Conditionally permitted uses.
9.04.08.30.050 Prohibited uses.
9.04.08.30.060 Property development standards.
9.04.08.30.065 Deed restrictions.
9.04.08.30.070 Architectural review.
9.04.08.30.080 Non-conforming hospital building.

Part 9.04.08.32 CC Civic Center District
9.04.08.32.010 Purpose.
9.04.08.32.020 Permitted uses.
9.04.08.32.030 Uses subject to performance standards permit.
9.04.08.32.040 Conditionally permitted uses.
9.04.08.32.050 Prohibited uses.
9.04.08.32.060 Property development standards.

Part 9.04.08.34 M1 Industrial Conservation District
9.04.08.34.010 Purpose.
9.04.08.34.020 Permitted uses.
9.04.08.34.030 Uses subject to performance standards permit.
9.04.08.34.040 Conditionally permitted uses.
9.04.08.34.050 Prohibited uses.
9.04.08.34.060 Property development standards.
9.04.08.34.070 Architectural review.

Part 9.04.08.35 LMSD Light Manufacturing and Studio District
9.04.08.35.010 Purpose.
9.04.08.35.020 Permitted uses.
9.04.08.35.025 Uses subject to performance standards permit.
9.04.08.35.030 Conditionally permitted uses.
9.04.08.35.040 Prohibited uses.
9.04.08.35.050 Property development standards.
9.04.08.35.060 Architectural review.

Part 9.04.08.36 PL Public Lands Overlay District
9.04.08.36.010 Purpose.
9.04.08.36.020 Permitted uses.
9.04.08.36.030 Uses subject to performance standards permit.
9.04.08.36.040 Conditionally permitted uses.
9.04.08.36.050 Prohibited uses.
9.04.08.36.060 Property development standards.
9.04.08.36.070 Architectural review.

Part 9.04.08.37 TP Transportation Preservation District
9.04.08.37.010 Purpose.
9.04.08.37.020 Permitted uses.

9.04.08.37.030 Uses subject to performance standards permit.
9.04.08.37.040 Prohibited uses.
9.04.08.37.050 Property development standards.
9.04.08.37.060 Legal nonconforming buildings and uses.

9.04.08.37.070 Architectural review.

Part 9.04.08.38 A Off-Street Parking Overlay District
9.04.08.38.010 Purpose.
9.04.08.38.020 Applicability.
9.04.08.38.030 Permitted uses.
9.04.08.38.040 Uses subject to performance standards permit.
9.04.08.38.050 Conditionally permitted uses.
9.04.08.38.060 Prohibited uses.
9.04.08.38.070 Property development standards for non-parking uses.
9.04.08.38.080 Development standards for below grade parking structure facilities.
9.04.08.38.090 Special design standards for all parking facilities.
9.04.08.38.100 Architectural review.

Part 9.04.08.40 N Neighborhood Commercial Overlay District
9.04.08.40.010 Purpose.
9.04.08.40.020 Permitted uses.
9.04.08.40.030 Uses subject to performance standards permit.
9.04.08.40.040 Conditionally permitted uses.
9.04.08.40.050 Prohibited uses.
9.04.08.40.060 Property development standards.
9.04.08.40.070 Architectural review.

Part 9.04.08.42 R-MH Residential Mobile Home Park District
9.04.08.42.010 Purpose.
9.04.08.42.020 Permitted uses.
9.04.08.42.030 Uses subject to performance standards permit.
9.04.08.42.040 Conditionally permitted uses.
9.04.08.42.050 Prohibited uses.
9.04.08.42.060 Property development standards.
9.04.08.42.070 Architectural review.

Part 9.04.08.44 OP-1 Ocean Park Single Family Residential District
9.04.08.44.010 Purpose.
9.04.08.44.020 Permitted uses.
9.04.08.44.030 Uses subject to performance standards permit.
9.04.08.44.035 Uses subject to use permit.
9.04.08.44.040 Conditionally permitted uses.
9.04.08.44.050 Prohibited uses.
9.04.08.44.060 Property development standards.
9.04.08.44.070 Architectural review.

Part 9.04.08.46 Beach Overlay District
9.04.08.46.010 Purpose.
9.04.08.46.020 Permitted uses.
9.04.08.46.030 Uses subject to performance standards permit.
9.04.08.46.040 Conditionally permitted uses.
9.04.08.46.050 Prohibited uses.
9.04.08.46.060 Recreational use.

Part 9.04.08.48 OP-Duplex Ocean Park Duplex Residential District
9.04.08.48.010 Purpose.
9.04.08.48.020 Permitted uses.
9.04.08.48.030 Uses subject to performance standards permit.
9.04.08.48.040 Conditionally permitted uses.
9.04.08.48.050 Prohibited uses.
9.04.08.48.060 Property development standards.
9.04.08.48.070 Architectural review.

Part 9.04.08.50 OP-2 Ocean Park Low Multiple Residential District
9.04.08.50.010 Purpose.
9.04.08.50.020 Permitted uses.
9.04.08.50.030 Uses subject to performance standards permit.
9.04.08.50.040 Conditionally permitted uses.
9.04.08.50.050 Prohibited uses.
9.04.08.50.060 Property development standards.
9.04.08.50.070 Architectural review.

Part 9.04.08.52 OP-3 Ocean Park Medium Multiple Residential District
9.04.08.52.010 Purpose.
9.04.08.52.020 Permitted uses.
9.04.08.52.030 Uses subject to performance standards permit.
9.04.08.52.040 Conditionally permitted uses.
9.04.08.52.050 Prohibited uses.
9.04.08.52.060 Property development standards.
9.04.08.52.070 Architectural review.

Part 9.04.08.54 OP-4 Ocean Park High Multiple Residential District
9.04.08.54.010 Purpose.
9.04.08.54.020 Permitted uses.
9.04.08.54.030 Uses subject to performance standards permit.
9.04.08.54.040 Conditionally permitted uses.
9.04.08.54.050 Prohibited uses.
9.04.08.54.060 Property development standards.
9.04.08.54.070 Architectural review.

Part 9.04.08.58 DP Designated Parks District
9.04.08.58.010 Purpose.
9.04.08.58.020 Permitted uses.
9.04.08.58.030 Uses subject to performance standards permit.
9.04.08.58.040 Conditionally permitted uses.
9.04.08.58.050 Prohibited uses.
9.04.08.58.060 Property development standards.
9.04.08.58.070 Architectural review.

Part 9.04.08.60 BP Beach Parking District.
9.04.08.60.010 Purpose.
9.04.08.60.020 Permitted uses.
9.04.08.60.030 Uses subject to performance standards permit.
9.04.08.60.040 Conditionally permitted uses.
9.04.08.60.050 Prohibited uses.
9.04.08.60.060 Property development standards.
9.04.08.60.070 Architectural review.

Part 9.04.08.62 R2B Low Density Multiple Residential Beach District
9.04.08.62.010 Purpose.
9.04.08.62.020 Permitted uses.
9.04.08.62.030 Uses subject to performance standards permit.
9.04.08.62.040 Conditionally permitted uses.
9.04.08.62.050 Prohibited uses.
9.04.08.62.060 Property development standards.
9.04.08.62.070 Architectural review.

Part 9.04.08.64 R3R Medium Density Multiple Family Coastal Residential District
9.04.08.64.010 Purpose.
9.04.08.64.020 Permitted uses.
9.04.08.64.030 Uses subject to performance standards permit.
9.04.08.64.040 Conditionally permitted uses.
9.04.08.64.050 Prohibited uses.
9.04.08.64.060 Property development standards.
9.04.08.64.070 Architectural review.

Part 9.04.08.65 BR Boulevard Residential R-3 Overlay District
9.04.08.65.010 Purpose.
9.04.08.65.020 Permitted uses.
9.04.08.65.030 Uses subject to performance standards.
9.04.08.65.040 Conditionally permitted uses.
9.04.08.65.050 Prohibited uses.
9.04.08.65.060 Property development standards.

Subchapter 9.04.10 Project Design and Development Standards

Part 9.04.10.02 General Requirements
9.04.10.02.010 Roof decks in the OP-Districts.
9.04.10.02.020 Applicability.
9.04.10.02.030 Building height and exceptions to height limit.
9.04.10.02.040 Building volume envelope.
9.04.10.02.050 Build-to-line.
9.04.10.02.060 Floor setbacks in commercial and industrial buildings.
9.04.10.02.061 Homeless shelters.
9.04.10.02.070 Reflective materials.
9.04.10.02.080 Fence, wall, hedge, flagpole.
9.04.10.02.090 Hazardous visual obstructions.
9.04.10.02.100 One-story accessory building (fourteen feet maximum height).
9.04.10.02.110 Accessory buildings over one story or fourteen feet.
9.04.10.02.111 Residential uses in commercial districts.
9.04.10.02.120 Screening of commercial uses.
9.04.10.02.130 Screening storage areas.
9.04.10.02.140 Screening mechanical equipment.
9.04.10.02.141 Senior group housing.
9.04.10.02.142 Transitional and congregate housing.
9.04.10.02.150 Refuse and recycling storage areas.
9.04.10.02.151 Design standards for refuse and recycling rooms and outdoor enclosures.
9.04.10.02.160 Drainage.
9.04.10.02.170 Unexcavated area in yard areas.
9.04.10.02.180 Projections permitted into required yards.
9.04.10.02.190 Building additions extending into required side yard.
9.04.10.02.200 Manufactured dwellings.
9.04.10.02.210 Relocated buildings.
9.04.10.02.220 Solar energy design standards.
9.04.10.02.230 Parcel area for residential density calculations and rear yard depth includes one-half alley dimension.
9.04.10.02.240 Dwelling unit density calculation.
9.04.10.02.250 Parcel coverage calculation.
9.04.10.02.260 Through parcel may be two parcels.
9.04.10.02.270 Lighting.
9.04.10.02.280 Glare.
9.04.10.02.290 Signs.
9.04.10.02.300 Humidity, heat, and cold.
9.04.10.02.310 Sound.
9.04.10.02.320 Storage.
9.04.10.02.330 Vibration.
9.04.10.02.340 Permitted outdoor uses.
9.04.10.02.350 Calculating floor area.
9.04.10.02.360 Rear yard setbacks.
9.04.10.02.370 Front yard setback on walkstreets.
9.04.10.02.380 Ventilation in restaurants.
9.04.10.02.390 Pipelines.
9.04.10.02.420 Posting of seating requirements in restaurants.
9.04.10.02.430 Development spanning zoning districts.
9.04.10.02.440 Pedestrian-oriented design.
9.04.10.02.450 Construction rate program.
9.04.10.02.460 Small sidewalk cafés.

Part 9.04.10.04 Landscaping Standards
9.04.10.04.010 Purpose.
9.04.10.04.020 Applicability.
9.04.10.04.030 Reserved.
9.04.10.04.040 Reserved.
9.04.10.04.050 Reserved.

9.04.10.04.060 Required landscape area for building sites.
9.04.10.04.070 Required landscape area and lighting for surface parking lots and other vehicular use areas.
9.04.10.04.080 Landscape screening and buffering of commercial, industrial, and parking uses from residential uses.
9.04.10.04.090 Screening of automobile dealerships.
9.04.10.04.100 Landscape maintenance and protection.
9.04.10.04.110 Water conservation landscaping.

Part 9.04.10.06 Antennas
9.04.10.06.010 Nonparabolic antenna definitions.
9.04.10.06.020 Nonparabolic antennas—Applicability.
9.04.10.06.030 Nonparabolic noncommercial antennas—Purpose.
9.04.10.06.040 Nonparabolic noncommercial antennas—Regulations and design standards.
9.04.10.06.100 Nonparabolic commercial antennas—Purpose.
9.04.10.06.110 Nonparabolic commercial antennas—Regulations and design standards.
9.04.10.06.120 Parabolic antennas—Purpose.
9.04.10.06.130 Parabolic antennas—Applicability.
9.04.10.06.140 Parabolic antenna definitions.
9.04.10.06.150 TVRO parabolic antennas located in residential districts.
9.04.10.06.151 Modification of regulations and design standards in residential districts.
9.04.10.06.160 Parabolic antennas located in non-residential districts.
9.04.10.06.161 Modification of regulations and design standards in non-residential districts.
9.04.10.06.170 Satellite uplink antennas.

Part 9.04.10.08 Off-Street Parking Requirements
9.04.10.08.010 Purpose.
9.04.10.08.020 Applicability.
9.04.10.08.030 General provisions.
9.04.10.08.040 Number of parking spaces required.
9.04.10.08.050 Number of bicycle, vanpool and carpool parking spaces required.
9.04.10.08.060 Design standards.
9.04.10.08.070 Parking access in all districts.
9.04.10.08.080 Parking access in multi-family residential districts.
9.04.10.08.090 Parking access in non-residential districts.
9.04.10.08.100 Driveways.
9.04.10.08.110 Surfacing.
9.04.10.08.120 Marking of parking spaces.
9.04.10.08.130 Wheel stops.
9.04.10.08.140 Lighting.
9.04.10.08.150 Landscaping.
9.04.10.08.160 Screening.
9.04.10.08.170 Slope.
9.04.10.08.180 Drainage.
9.04.10.08.190 Location of required parking spaces.
9.04.10.08.200 Subterranean parking structures.
9.04.10.08.210 Semisubterranean parking structures.
9.04.10.08.220 Use of required off-street parking spaces.
9.04.10.08.230 Parking in-lieu fees within the City's Downtown Parking Assessment District.

Part 9.04.10.10 Off-Street Loading Requirements
9.04.10.10.010 Purpose.
9.04.10.10.020 Applicability.
9.04.10.10.030 General provisions.

Part 9.04.10.12 Project Mitigation Measures
9.04.10.12.010 Project mitigation measures.
9.04.10.12.020 In-lieu fees.
9.04.10.12.030 On-site or off-site development.
9.04.10.12.040 Use of in-lieu fees.

Part 9.04.10.14 Housing Development Incentives
9.04.10.14.010 Purpose.
9.04.10.14.020 Ocean Park density bonuses.
9.04.10.14.030 Special housing development standards.
9.04.10.14.040 State incentives for affordable housing in residential zones—Density bonuses.
9.04.10.14.050 Additional density bonus increase in residential zones.
9.04.10.14.060 State incentives for affordable housing in residential zones.
9.04.10.14.070 Waiver/modification of development standards for housing developments in residential zones.
9.04.10.14.080 Procedures.
9.04.10.14.090 Exemptions from development review thresholds.

Part 9.04.10.16 Demolitions
9.04.10.16.010 Demolition of buildings and structures.

Part 9.04.10.18 Alcohol Outlets
9.04.10.18.010 Purpose and findings.
9.04.10.18.020 Applicability.
9.04.10.18.030 Approval.
9.04.10.18.040 Exemptions.
9.04.10.18.050 BSC-1 exemptions.

Part 9.04.10.20 Private Developer Cultural Arts Requirement

9.04.10.20.010 Findings and purpose.
9.04.10.20.020 Applicability.
9.04.10.20.030 Definitions.
9.04.10.20.040 Private developer cultural arts requirement,
9.04.10.20.050 On-site public art projects.
9.04.10.20.060 Eligible on-site public arts projects.
9.04.10.20.070 Eligible on-site public arts project expenditures.
9.04.10.20.080 Ineligible on-site public arts project expenditures.
9.04.10.20.090 Process for approval of public art for on-site installation.
9.04.10.20.100 Additional requirements for public art for on-site installation.
9.04.10.20.110 On-site cultural facilities alternative.
9.04.10.20.120 Cultural arts development contribution.
9.04.10.20.130 Declaration of covenants, conditions and restrictions.
9.04.10.20.140 Final city approval.
9.04.10.20.150 Cultural Arts Trust Fund.
9.04.10.20.160 Adoption by resolution of the per square foot amount for on-site participation or in-lieu contribution.
9.04.10.20.170 Regulations.

Subchapter 9.04.12 Performance Standards

9.04.12.010 Purpose.
9.04.12.020 Applicability.
9.04.12.030 Large family day care homes.
9.04.12.040 Automobile dealerships.
9.04.12.050 Automobile rental agencies.
9.04.12.060 Private tennis courts.
9.04.12.070 Senior group housing.
9.04.12.080 One-story accessory living quarters.
9.04.12.090 Game arcades.
9.04.12.100 Surface parking lots used for automobile storage in the BCD district.
9.04.12.110 Surface parking lots used for non-required automobile parking in the TP District.
9.04.12.120 Sidewalk cafes.
9.04.12.130 Service stations.
9.04.12.140 Shelter for the homeless.
9.04.12.150 Outdoor antique markets.
9.04.12.160 Film and video production in the TP District.
9.04.12.170 Commercial nurseries in the TP District.
9.04.12.180 All-electric vehicle automobile dealership showrooms.

Subchapter 9.04.13 Use Permit Special Standards

9.04.13.010 Purpose.
9.04.13.020 Applicability.
9.04.13.030 Outdoor newsstands.
9.04.13.040 Second dwelling units in the R-1 and OP-1 Districts.
9.04.13.050 One-story accessory buildings over fourteen feet in height or two-story accessory buildings.
9.04.13.060 First-floor uses with a Third Street Promenade frontage exceeding fifty feet.

Subchapter 9.04.14 Special Conditions for Conditional Uses

9.04.14.010 Purpose.
9.04.14.020 Applicability.
9.04.14.030 Child day care centers in residential districts.
9.04.14.040 Service stations.
9.04.14.050 Automobile repair facilities.
9.04.14.060 Automobile dealerships.
9.04.14.070 Automobile rental agencies in the C5, C6, and CC districts.
9.04.14.080 Neighborhood grocery stores in multi-family residential districts.
9.04.14.090 Drive-in, drive-through, fast-food and take-out restaurants.
9.04.14.100 Self-service storage warehouse.
9.04.14.110 One story accessory buildings over fourteen feet in height or two story accessory buildings with a maximum height of twenty-four feet.
9.04.14.120 Off-site hazardous waste facility.
9.04.14.130 Automobile washing facilities.

Subchapter 9.04.16 Condominiums

Part 9.04.16.01 Condominiums Generally

9.04.16.01.010 Purpose.
9.04.16.01.020 Applicability.
9.04.16.01.030 Minimum requirements.

Part 9.04.16.02 Condominium Conversions

9.04.16.02.010 Condominium conversions.
9.04.16.02.020 Office, commercial, and industrial condominiums.

Subchapter 9.04.18 Nonconforming Buildings and Uses

9.04.18.010 Purpose.
9.04.18.020 Legal, nonconforming buildings.
9.04.18.030 Legal, nonconforming uses.
9.04.18.040 Termination of nonconforming buildings and uses.
9.04.18.050 Public utility exceptions.
9.04.18.060 Building permits or certificates of occupancy prohibited.
9.04.18.070 Removal of illegal nonconforming buildings and uses.
9.04.18.075 Rent control bootleg units.

9.04.18.080 Continuation of nonconforming uses.
9.04.18.085 Substantial remodel.

Subchapter 9.04.20 Zoning Administration

Part 9.04.20.02 General Provisions
9.04.20.02.010 Purpose.
9.04.20.02.020 Authority.
9.04.20.02.030 Interpretations.

Part 9.04.20.04 Home Occupation Permits
9.04.20.04.010 Purpose.
9.04.20.04.020 Permit required.
9.04.20.04.030 Findings.
9.04.20.04.040 Prohibited home occupation uses.
9.04.20.04.050 Revocation.
9.04.20.04.060 Appeal.

Part 9.04.20.06 Temporary Use Permits
9.04.20.06.010 Purpose.
9.04.20.06.020 Permitted uses.
9.04.20.06.030 Permit required.
9.04.20.06.040 Findings.
9.04.20.06.050 Conditions of approval.
9.04.20.06.060 Revocation.
9.04.20.06.070 Appeal.
9.04.20.06.080 Notice.

Part 9.04.20.08 Performance Standards Permit
9.04.20.08.010 Purpose.
9.04.20.08.020 Permit required.
9.04.20.08.030 Findings.
9.04.20.08.040 Term of permit.
9.04.20.08.050 Revocation.
9.04.20.08.060 Appeals.

Part 9.04.20.10 Variances
9.04.20.10.010 Purpose.
9.04.20.10.020 Application.
9.04.20.10.030 Applicability.
9.04.20.10.040 Hearings and notice.
9.04.20.10.050 Findings.
9.04.20.10.060 Term of permit.
9.04.20.10.070 Revocation.
9.04.20.10.080 Appeals.

Part 9.04.20.11 Use Permits
9.04.20.11.010 Purpose.
9.04.20.11.020 Application.
9.04.20.11.030 Hearing and notice.
9.04.20.11.040 Findings.
9.04.20.11.050 Conditions.
9.04.20.11.060 Term of permit.
9.04.20.11.070 Revocation.
9.04.20.11.080 Appeals.

Part 9.04.20.12 Conditional Use Permits
9.04.20.12.010 Purpose.
9.04.20.12.020 Application.
9.04.20.12.030 Hearing and notice.
9.04.20.12.040 Findings.
9.04.20.12.050 Conditions.
9.04.20.12.060 Term of permit.
9.04.20.12.070 Revocation.
9.04.20.12.080 Appeals.

Part 9.04.20.14 Development Review Permit
9.04.20.14.010 Purpose.
9.04.20.14.020 Application.
9.04.20.14.030 Hearing and notice.
9.04.20.14.040 Findings.
9.04.20.14.050 Term of permit.
9.04.20.14.060 Revocation.
9.04.20.14.070 Appeals.

Part 9.04.20.15 Design Compatibility Permit
9.04.20.15.010 Purpose.
9.04.20.15.020 Application.
9.04.20.15.030 Hearing and notice.
9.04.20.15.040 Findings.
9.04.20.15.050 Term of permit.
9.04.20.15.060 Revocation.
9.04.20.15.070 Appeals.
9.04.20.15.080 Hearings.

Part 9.04.20.16 Amendments of Comprehensive Land Use and Zoning Ordinance
9.04.20.16.010 Purpose.
9.04.20.16.020 Initiation.
9.04.20.16.030 Findings.
9.04.20.16.040 Hearing and notice.
9.04.20.16.050 Appeal.
9.04.20.16.060 Interim zoning.

Part 9.04.20.18 General and Specific Plans
9.04.20.18.010 Purpose.
9.04.20.18.020 Contents of the General Plan.
9.04.20.18.030 Preparation and adoption of the General Plan.
9.04.20.18.040 Planning Commission action.
9.04.20.18.050 City Council action.
9.04.20.18.060 Amendments to the General Plan.
9.04.20.18.070 Restriction on number of amendments.
9.04.20.18.080 Initiation of amendments to the General Plan.
9.04.20.18.090 Planning Commission action on amendments.
9.04.20.18.100 City Council action on amendments.
9.04.20.18.110 Administration of the General Plan.
9.04.20.18.120 Fees.
9.04.20.18.130 Specific Plans.
9.04.20.18.140 Contents of Specific Plans.
9.04.20.18.150 Specific Plan criteria.
9.04.20.18.160 Specific Plan adoption and amendment.
9.04.20.18.170 Fees and charges.

Part 9.04.20.20 Application and Fees
9.04.20.20.010 Purpose.
9.04.20.20.020 Application forms.
9.04.20.20.030 Determination of completeness.
9.04.20.20.040 Additional information.
9.04.20.20.050 Fees.
9.04.20.20.060 Who may file application.
9.04.20.20.070 Applicant notification.
9.04.20.20.080 Posting of property.

Part 9.04.20.22 Hearing Procedures
9.04.20.22.010 Purpose.
9.04.20.22.020 Planning Commission consideration of Zoning Administrator permits.
9.04.20.22.030 Environmental review determination.
9.04.20.22.040 Public hearing date.
9.04.20.22.050 Notice of hearings.
9.04.20.22.060 Reserved.
9.04.20.22.070 Statement of official action.
9.04.20.22.080 Notice of statement of official action.
9.04.20.22.090 Effective date of decision.
9.04.20.22.100 Time limit for approving applications.
9.04.20.22.110 Extension of deadline for action.
9.04.20.22.120 Request for delay or continuance consideration of an application.
9.04.20.22.130 Reapplication.
9.04.20.22.140 Amendments to approved projects and conditions of approval.

Part 9.04.20.24 Appeals
9.04.20.24.010 Appeal of action.
9.04.20.24.020 Filing of appeals.
9.04.20.24.030 Appeal hearings.
9.04.20.24.040 Effective date of appealed actions.

9.04.20.24.050 Appeal fees.

Part 9.04.20.26 Reduced Parking Permits
9.04.20.26.010 Purpose.
9.04.20.26.020 Application.
9.04.20.26.030 Applicability.
9.04.20.26.040 Hearings and notice.
9.04.20.26.050 Term of permit.
9.04.20.26.060 Revocation.
9.04.20.26.070 Appeals.

Part 9.04.20.28 Administrative Approvals
9.04.20.28.010 Purpose.
9.04.20.28.020 Permit required.
9.04.20.28.030 Term of permit.
9.04.20.28.040 Revocation.
9.04.20.28.050 Appeals.

Part 9.04.20.30 Enforcement
9.04.20.30.010 Purpose.
9.04.20.30.020 Responsibility.
9.04.20.30.030 Violation of conditions of approval.
9.04.20.30.040 Each day separate violation.
9.04.20.30.050 Enforcement.
9.04.20.30.060 Business license revocation or suspension.
9.04.20.30.070 Right to appeal.
9.04.20.30.080 Enforcement fees.
9.04.20.30.090 Citations.
9.04.20.30.100 Criminal sanctions.

Part 9.04.20.32 Yard Modification Permits
9.04.20.32.010 Purpose.
9.04.20.32.020 Application.
9.04.20.32.030 Applicability.
9.04.20.32.040 Hearings and notice.
9.04.20.32.050 Findings.
9.04.20.32.060 Term of permit.
9.04.20.32.070 Revocation.
9.04.20.32.080 Appeals.

Part 9.04.20.34 Adjustments
9.04.20.34.010 Purpose.
9.04.20.34.020 Application.
9.04.20.34.030 Applicability.
9.04.20.34.040 Notice of application.
9.04.20.34.050 Request for public hearing.
9.04.20.34.060 Review and findings.
9.04.20.34.070 Appeals.
9.04.20.34.080 Term of permit.
9.04.20.34.090 Revocation.

Subchapter 9.04.02 General Provisions

9.04.02.010 Title.

This Chapter shall be known as the "City of Santa Monica Comprehensive Land Use and Zoning Ordinance." (Prior code § 9000.1)

9.04.02.020 Purpose.

The purpose of this Chapter is:

(a) To guide growth and development of the City in an orderly manner consistent with the goals, objectives, and policies of the Santa Monica General Plan.

(b) To protect and enhance the quality of the natural and built environment.

(c) To protect the quality of life for all residents.

(d) To ensure adequate park and public open space.

(e) To provide stable and desirable residential neighborhoods.

(f) To assure 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 generate community identity with a vibrant downtown and civic center.

(k) To provide for citizen participation in the development decision-making process.

(l) To promote the public health, safety, and general welfare by regulating the location and use of buildings, structures, and land for residential, commercial, industrial, recreational, and other specified uses. (Prior code § 9000.2)

9.04.02.030 Definitions.

The following words or phrases as used in this Chapter shall have the following meanings. (Prior code § 9000.3; amended by Ord. No. 1476CCS, adopted 4/25/89; Ord. No. 1476CCS, adopted 4/25/89; Ord. No. 1496CCS, adopted 9/26/89; Ord. No. 1521CCS, adopted 5/8/90; Ord. No. 1645CCS § 3, adopted 9/22/92; Ord. No. 1646CCS § 1, adopted 9/29/92; Ord. No. 1687CCS § 1, adopted 6/22/93; Ord. No. 1757CCS § 3, adopted 7/26/94; Ord. No. 1767CCS § 2, adopted 9/13/94; Ord. No. 1793CCS § 1, adopted 4/11/95; Ord. No. 1826CCS § 1 (part), adopted 11/7/95)

9.04.02.030.005 Accessory building.

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. (Added by Ord. No. 1826CCS § 1 (part), adopted 11/7/95)

9.04.02.030.010 Accessory living quarters.

Living quarters within an accessory building on the same premises as a single family residence. Such quarters shall not have a kitchen, shower or tub and shall not be rented as a separate dwelling. (Added by Ord. No. 1826CCS § 1 (part), adopted 11/7/95)

9.04.02.030.015 Accessory use.

Any use of land or a building or portion thereof which is clearly incidental to the principal use of the land or building and located on the same parcel as the principal use. (Added by Ord. No. 1826CCS § 1 (part), adopted 11/7/95)

9.04.02.030.020 Act of nature.

A natural occurrence such as an earthquake, flood, tidal wave, hurricane or tornado which causes substantial damage to buildings or property. (Added by Ord. No. 1826CCS § 1 (part), adopted 11/7/95)

9.04.02.030.025 Affordable housing project.

Housing in which one hundred percent of the dwelling units are deed-restricted or restricted by an agreement approved by the City for occupancy by low or moderate income households. Such projects may also include non-residential uses, as long as such uses do not exceed thirty-three percent of the floor area of the total project. (Added by Ord. No. 1826CCS § 1 (part), adopted 11/7/95)

9.04.02.030.030 Altered grade.

A change in the elevation of the ground surface from its natural state due to grading, excavation or filling. (Added by Ord. No. 1826CCS § 1 (part), adopted 11/7/95)

9.04.02.030.035 Arcade.

A public passageway or colonnade open along at least one side, except for structural supports, usually covered by a canopy or permanent roofing. (Added by Ord. No. 1826CCS § 1 (part), adopted 11/7/95)

9.04.02.030.040 Art gallery.

A room or structure in which original works of art or limited editions of original art are bought, sold, loaned, appraised or exhibited to the general public. (Added by Ord. No. 1826CCS § 1 (part), adopted 11/7/95)

9.04.02.030.045 Artist studio.

A building or portion of a building used as a place of work by an artist. This shall not include performance or exhibition space, unless otherwise permitted. Living quarters for the artist may be permitted provided the area devoted to living quarters does not exceed fifty percent of the square footage of the total studio space. (Added by Ord. No. 1826CCS § 1 (part), adopted 11/7/95)

9.04.02.030.050 Attic.

The area located above the ceiling of the top story and below the roof and not usable as habitable or commercial space. (Added by Ord. No. 1826CCS § 1 (part), adopted 11/7/95)

9.04.02.030.055 Auditorium.

A building or room designed to accommodate groups of people for meetings, performances or events. (Added by Ord. No. 1826CCS § 1 (part), adopted 11/7/95)

9.04.02.030.060 Automobile center.

A grouping of individual automobile dealerships offering a variety of automobile makes and models proposed as a single development project. (Added by Ord. No. 1826CCS § 1 (part), adopted 11/7/95)

9.04.02.030.065 Automobile dealership.

Any business establishment which sells or leases new or used automobiles, trucks, vans, trailers, recreational vehicles, boats or motorcycles or other similar motorized transportation vehicles. An automobile dealership may maintain an inventory of the vehicles for sale or lease either on-site or at a nearby location and may provide on-site facilities for the repair and service of the vehicles sold or leased by the dealership. (Added by Ord. No. 1826CCS § 1 (part), adopted 11/7/95)

9.04.02.030.070 Automobile rental agency.

Any business establishment which rents or otherwise provides motorized transportation vehicles on a short-term basis typically for periods of less than one month, and which maintains such vehicles on-site or at a nearby location. For the purpose of this Chapter, rental of trucks exceeding one ton capacity or rental of other heavy equipment shall constitute distinct uses separate from an automobile rental agency. (Added by Ord. No. 1826CCS § 1 (part), adopted 11/7/95)

9.04.02.030.075 Automobile repair facility.

Any building, structure, improvements or land used for the repair and maintenance of automobiles, motorcycles, trucks, trailers, or similar vehicles including, but not limited to, body, fender, muffler or upholstery work, oil change and lubrication, painting, tire service and sales, or the installation of CB radios, car alarms, stereo equipment or cellular telephones. (Added by Ord. No. 1826CCS § 1 (part), adopted 11/7/95)

9.04.02.030.080 Automobile service station.

Any establishment whose primary function is the retail sale of petroleum products and vehicle accessories normally associated with this use, and shall include those service stations providing full-service or self-service stations. (Added by Ord. No. 1826CCS § 1 (part), adopted 11/7/95)

9.04.02.030.085 Automobile storage lot.

Any property used for short- or long-term parking of vehicles for sale or lease at an off-site or on-site automobile dealership. (Added by Ord. No. 1826CCS § 1 (part), adopted 11/7/95)

9.04.02.030.090 Automobile washing facility.

Any building, structure, improvement or land principally used for washing motor vehicles. (Added by Ord. No. 1826CCS § 1 (part), adopted 11/7/95)

9.04.02.030.095 Awning.

A temporary shelter supported entirely from the exterior wall of a building. Awnings may be fixed or collapsible, retractable or capable of being folded against the face of the supporting building. (Added by Ord. No. 1826CCS § 1 (part), adopted 11/7/95)

9.04.02.030.100 Bakery.

An establishment which is primarily engaged in the retail sale of baked products for consumption off site. The products may be prepared either on or off site. Such use may include incidental food service. A bakery shall be considered a general retail use. (Added by Ord. No. 1826CCS § 1 (part), adopted 11/7/95)

9.04.02.030.105 Balcony.

A platform that projects from the wall of a building and is surrounded on the exposed sides by a railing or wall up to forty-two inches in height. (Added by Ord. No. 1826CCS § 1 (part), adopted 11/7/95)

9.04.02.030.110 Bar.

An establishment with a "public premises" liquor license and restaurants with a liquor service facility that is physically separate

from the dining area and is regularly operated during hours not corresponding to food service hours. (Added by Ord. No. 1826CCS § 1 (part), adopted 11/7/95)

9.04.02.030.115 Basement.

The portion of a structure below the finished first floor. A basement shall be considered a story if the finished floor level above this portion of the structure extends more than three feet above the average natural or in the Ocean Park, R2, R3, and R4 Districts, theoretical grade. (Added by Ord. No. 1826CCS § 1 (part), adopted 11/7/95; amended by Ord. No. 2131CCS § 1, adopted 7/27/04)

9.04.02.030.120 Bathroom, full.

A room containing a sink, a toilet, and a shower and/or bathtub. (Added by Ord. No. 1826CCS § 1 (part), adopted 11/7/95)

9.04.02.030.125 Bathroom, half.

A room containing a toilet and a sink. (Added by Ord. No. 1826CCS § 1 (part), adopted 11/7/95)

9.04.02.030.130 Bay window.

An angular or curved window which projects from the building surface. If such bay or greenhouse window includes floor area, then it shall count towards parcel coverage. (Added by Ord. No. 1826CCS § 1 (part), adopted 11/7/95)

9.04.02.030.135 Bed and breakfast facility.

A building or portion thereof which is used as a temporary lodging place for individuals generally for less than thirty consecutive days, and which does not have more than four guest rooms and one kitchen. (Added by Ord. No. 1826CCS § 1 (part), adopted 11/7/95)

9.04.02.030.140 Bedroom.

A private room planned and intended for sleeping, separated from other rooms by a door and accessible to a bathroom without crossing another bedroom. (Added by Ord. No. 1826CCS § 1 (part), adopted 11/7/95)

9.04.02.030.142 Billiard parlor.

Any establishment or portion thereof in which there are four or more billiard tables. (Added by Ord. No. 1841CCS § 1, adopted 2/13/96)

9.04.02.030.145 Boardinghouse.

A residential building with common cooking and eating facilities where a room or any portion of a room is rented for periods of generally at least thirty days, where meals are provided, and where there is on-site facility management. (Added by Ord. No. 1826CCS § 1 (part), adopted 11/7/95)

9.04.02.030.150 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 of any kind or nature. (Added by Ord. No. 1826CCS § 1 (part), adopted 11/7/95)

9.04.02.030.155 Building height.

The vertical distance measured from the average natural grade to the highest point of the roof. However, in connection with development projects in the Ocean Park, R2, R3, and R4 Districts, building height shall mean the vertical distance measured from the theoretical grade to the highest point of the roof. (Added by Ord. No. 1826CCS § 1 (part), adopted 11/7/95; amended by Ord. No. 2131CCS § 2, adopted 7/27/04)

9.04.02.030.160 Building, principal.

A building in which the principal use of the parcel on which it is located is conducted. (Added by Ord. No. 1826CCS § 1 (part), adopted 11/7/95)

9.04.02.030.165 Building size.

The aggregate of building mass and building bulk permitted on a parcel which is defined by height regulations, setbacks and other property development standards. (Added by Ord. No. 1826CCS § 1 (part), adopted 11/7/95)

9.04.02.030.170 Canopy.

A roof-like cover that projects from the wall of a building for the purpose of shielding a doorway, window or wall from the elements. (Added by Ord. No. 1826CCS § 1 (part), adopted 11/7/95)

9.04.02.030.175 Carport.

A permanently roofed structure providing space for parking or temporary storage of vehicles and enclosed on not more than three sides. (Added by Ord. No. 1826CCS § 1 (part), adopted 11/7/95)

9.04.02.030.180 Change of use.

The establishment of any use which differs from the previous use of a building or place of business including but not limited to having different impacts, such as having a different parking requirement or requiring a new planning permit or being otherwise differently regulated by the zoning ordinance as compared to the prior use. A change of ownership alone does not constitute a change of use. (Added by Ord. No. 1826CCS § 1 (part), adopted 11/7/95)

9.04.02.030.185 Child day care facility.

A facility which provides non-medical care to children under eighteen years of age in need of personal services, supervision or assistance essential for sustaining the activities of daily living or for the protection of the individual on less than a twenty-four-hour basis. Child day care facility includes day care centers and family day care homes. Also see Day care center; Family day care home, large and small. (Added by Ord. No. 1826CCS § 1 (part), adopted 11/7/95)

9.04.02.030.190 Church.

See Place of worship. (Added by Ord. No. 1826CCS § 1 (part), adopted 11/7/95)

9.04.02.030.195 Cinema.

A motion picture theater where the primary use is to show motion or video pictures and to which admission is free or a fee is

charged, received or collected, either by the sale of tickets or by any other means or device by which money or something of value is received or paid therefor. (Added by Ord. No. 1826CCS § 1 (part), adopted 11/7/95)

9.04.02.030.200 Club or lodge.

A building and related facilities owned or operated by a corporation, association or group of individuals established for the fraternal, social, educational, recreational or cultural enrichment of its members and not primarily for profit, and whose members pay dues. A private club or lodge does not include a facility where the principal membership requirement is payment of a membership or admission fee. (Added by Ord. No. 1826CCS § 1 (part), adopted 11/7/95)

9.04.02.030.205 Community care facility.

Any State licensed facility, place or building which is maintained and operated to provide non-medical residential care, day treatment, adult day care or foster family agency services for children, adults, or children and adults as defined in Article 1 of Chapter 3 of the California Health and Safety Code Section, 1500 et seq. (Added by Ord. No. 1826CCS § 1 (part), adopted 11/7/95)

9.04.02.030.210 Congregate housing.

A multi-family 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 which may include meals, housekeeping and personal care assistance as well as common areas for residents of the facility. (Added by Ord. No. 1826CCS § 1 (part), adopted 11/7/95)

9.04.02.030.215 Convalescent home.

See Rest home. (Added by Ord. No. 1826CCS § 1 (part), adopted 11/7/95)

9.04.02.030.220 Cultural facilities.

Museums, galleries, theaters and the like, which promote educational and aesthetic interest within a community. (Added by Ord. No. 1826CCS § 1 (part), adopted 11/7/95)

9.04.02.030.225 Day care center.

Any child day care facility other than a family day care home, and includes infant centers, preschools and extended day care facilities. (Added by Ord. No. 1826CCS § 1 (part), adopted 11/7/95)

9.04.02.030.230 Delicatessen.

An establishment which is engaged in the retail sale of food products for consumption off-site, including but not limited to salads, cheeses, cooked meats, smoked fish, and dried and canned goods. Such use may include incidental food service. (Added by Ord. No. 1826CCS § 1 (part), adopted 11/7/95)

9.04.02.030.235 Demolition.

See Substantial remodel. (Added by Ord. No. 1826CCS § 1 (part), adopted 11/7/95)

9.04.02.030.240 Domestic violence shelter.

A residential facility which 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. (Added by Ord. No. 1826CCS § 1 (part), adopted 11/7/95)

9.04.02.030.245 Driveway.

An access road leading from a public street or right-of-way to a designated parking area, or from one parking area to another, but not including any ramp, aisle, maneuvering area or driveway apron. (Added by Ord. No. 1826CCS § 1 (part), adopted 11/7/95)

9.04.02.030.250 Duplex.

One structure on a single parcel containing two dwelling units, each of which is functionally separated from the other. A duplex shall be considered a multi-family dwelling. (Added by Ord. No. 1826CCS § 1 (part), adopted 11/7/95)

9.04.02.030.255 Dwelling.

A structure or portion thereof which is used principally for residential occupancy. (Added by Ord. No. 1826CCS § 1 (part), adopted 11/7/95)

9.04.02.030.260 Dwelling, multi-family.

A building containing two or more dwelling units. More than one dwelling on a parcel shall be considered a multi-family use. (Added by Ord. No. 1826CCS § 1 (part), adopted 11/7/95)

9.04.02.030.265 Dwelling, single family.

A building containing one dwelling unit which contains only one kitchen and which is located on a permanent foundation. (Added by Ord. No. 1826CCS § 1 (part), adopted 11/7/95)

9.04.02.030.270 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. (Added by Ord. No. 1826CCS § 1 (part), adopted 11/7/95)

9.04.02.030.275 Dwelling unit, efficiency.

A dwelling unit consisting of not more than one habitable room together with kitchen or kitchenette and bathroom facilities. (Added by Ord. No. 1826CCS § 1 (part), adopted 11/7/95)

9.04.02.030.276 Dwelling unit, second.

"Second unit" means an attached or detached residential dwelling unit which provides complete independent living

facilities for one or more persons and which is located or established on the same lot on which a single-family residence is located. A second unit shall contain permanent provisions for living, sleeping, eating, cooking and sanitation. "Second unit" shall also include an efficiency unit, as defined in Section 17958.1 of the Health and Safety Code, and a manufactured home, as defined in Section 18007 of the Health and Safety Code. (Added by Ord. No. 1942CCS § 1, adopted 5/11/99)

9.04.02.030.280 Electric distribution substation.

An assembly of equipment which could include fuel cells and microwave, cable, radio and/or other communication facilities as part of a system for distribution of electric power where electric energy is normally received at a subtransmission voltage and transformed to a lower voltage, and/or produced at this lower voltage in case a fuel cell is installed, for distribution to the customer. (Added by Ord. No. 1826CCS § 1 (part), adopted 11/7/95)

9.04.02.030.285 Façade.

An exterior wall of a building. (Added by Ord. No. 1826CCS § 1 (part), adopted 11/7/95)

9.04.02.030.290 Family day care home, large.*

A home which provides family day care for seven to twelve children at any one time, including children under the age of ten years who reside at the home, as defined in State regulations. (Added by Ord. No. 1826CCS § 1 (part), adopted 11/7/95)

* Note: State law establishes a different limitation on the number of child care spaces that may be provided in a large family child care home. See California Health and Safety Code, Division 2, Chapter 3.6. This State law controls.

9.04.02.030.295 Family day care home, small.*

A home which provides family day care for six or fewer children at any one time, including children under the age of ten years who reside at the home, as defined in State regulations. (Added by Ord. No. 1826CCS § 1 (part), adopted 11/7/95)

* Note: State law establishes a different limitation on the number of child care spaces that may be provided in a small family child care home. See California Health and Safety Code, Division 2, Chapter 3.6. This State law controls.

9.04.02.030.300 Fence.

A barrier of any material or combination of materials functioning as an enclosure or for screening. (Added by Ord. No. 1826CCS § 1 (part), adopted 11/7/95)

9.04.02.030.305 Fence height.

The vertical distance between the ground and top of a fence measured from the lowest adjacent grade. The height shall be measured in a continuum at each point along the fence. (Added by Ord. No. 1826CCS § 1 (part), adopted 11/7/95; amended by Ord. No. 2276CCS § 1, adopted 10/28/08)

9.04.02.030.310 Finished first floor.

The top of the first floor of a structure which does not extend more than three feet above the average natural, or in the Ocean Park, R2, R3, and R4 Districts, theoretical grade. (Added by Ord. No. 1826CCS § 1 (part), adopted 11/7/95; amended by Ord. No. 2131CCS § 3, adopted 7/27/04)

9.04.02.030.311 Firearms dealership.

Any business which sells, transfers, leases or offers or advertises for sale, transfer or lease any firearm or munitions. (Added by Ord. No. 1852CCS § 6, adopted 6/11/96)

9.04.02.030.315 Floor area.

The total gross horizontal areas of all floors of a building, including usable basements and all areas measured from the interior face of exterior walls, or a wall separating two buildings excluding:

(a) Stairways and stairwells;

(b) Elevators, elevator equipment rooms and elevator shafts;

(c) Ramps to a subterranean or semi-subterranean parking structure or ramps between floors of a parking structure provided the ramp does not accommodate parking;

(d) Unenclosed decks, balconies and platforms not used for commercial or restaurant activity;

(e) Courtyards, arcades, atria, paseos, walkways and corridors open to the outdoors whether or not covered by a roof provided they are not used for commercial or restaurant activity;

(f) The volume above interior courtyards, atria, paseos, walkways and corridors whether covered or not;

(g) Subterranean and semi-subterranean parking structures used exclusively for parking and loading and unloading;

(h) At-grade parking not covered by a building, structure or roof;

(i) Loading docks open or covered by a roof or canopy, but otherwise unenclosed and used exclusively for loading and unloading;

(j) Mechanical equipment rooms, electrical rooms, telephone rooms, and similar space, if located below grade;

(k) Enclosures constructed pursuant to Section 9.04.14.050(k) for outdoor hoists in existence on the adoption of Ordinance Number 1452 (CCS).

Floor area shall include those areas occupied by the following:

(a) Restrooms, lounges, lobbies, kitchens, storage areas, and interior hallways and corridors;

(b) The floor area of interior courtyards, atria, paseos, walkways and corridors covered by a roof or skylight;

(c) Covered at-grade parking;

(d) Above grade parking.

Floor area devoted to covered at-grade parking shall be counted at two-thirds of the actual area if all of the following conditions are met:

(a) The floor devoted to parking does not exceed ten feet in height;

(b) There is at least one level of subterranean or semi-subterranean parking provided on the parcel;

(c) The at-grade and above grade parking levels are screened from view;

(d) There is no parking on the ground floor within forty feet of the front property line;

(e) The design of the parking levels is compatible with the design of the building as determined by the Architectural Review Board. (Added by Ord. No. 1826CCS § 1 (part), adopted 11/7/95; amended by Ord. No. 1963CCS § 1, adopted 2/8/00)

9.04.02.030.320 Floor area ratio (FAR).

The floor area of all buildings on a parcel divided by the parcel area. (Added by Ord. No. 1826CCS § 1 (part), adopted 11/7/95)

9.04.02.030.325 Game arcade.

Any establishment or portion thereof in which there are four or more games or amusements. These games or amusements include, but are not limited to, electronic and video games, pinball machines, shooting gallery, table games, and similar amusement devices whether coin operated or on free play. (Added by Ord. No. 1826CCS § 1 (part), adopted 11/7/95)

9.04.02.030.330 Garage.

An enclosed accessory building or portion of a principal building designed for use for the parking or temporary storage of vehicles. (Added by Ord. No. 1826CCS § 1 (part), adopted 11/7/95)

9.04.02.030.335 Garage, semi-subterranean.

A structure located partly underground used for parking and storage of vehicles, where the finished floor of the first level of the structure is not more than three feet above the average natural grade, or in the Ocean Park, R2, R3, and R4 Districts, theoretical grade, except for openings for ingress and egress. (Added by Ord. No. 1826CCS § 1 (part), adopted 11/7/95; amended by Ord. No. 2131CCS § 4, adopted 7/27/04)

9.04.02.030.340 Garage, subterranean.

A structure entirely underground, except for openings for ingress and egress. (Added by Ord. No. 1826CCS § 1 (part), adopted 11/7/95)

9.04.02.030.345 General 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. (Added by Ord. No. 1826CCS § 1 (part), adopted 11/7/95)

9.04.02.030.350 Grade, average natural.

The average elevation of the ground level of the parcel surface in its natural state as measured at the intersection of the rear and front setback lines (if any) with the side setback lines of the parcel. For parcels with a grade differential of twelve and one-half feet or more, as measured from either any point on the front setback line to any point on the rear setback line, or from any point on a side setback line to any point on the opposing setback line, average natural grade shall be calculated on three equal segments of the parcel created by drawing imaginary lines connecting opposite parcel lines at the intersection of the rear and front setback lines (if any) with the side setback lines at one-third increments of the depth of the parcel from the rear to the front setback (if any). This height calculation method shall be optional for parcels with less than a twelve and one-half foot grade differential. Also see Grade, theoretical. (Added by Ord. No. 1826CCS § 1 (part), adopted 11/7/95)

9.04.02.030.355 Grade, theoretical.

An imaginary line from the midpoint of the parcel on the front property line to the midpoint of the parcel on the rear property line, from which height calculations in the Ocean Park, R2, R3, and R4 District are measured. (Added by Ord. No. 1826CCS § 1 (part), adopted 11/7/95; amended by Ord. No. 2131CCS § 5, adopted 7/27/04)

9.04.02.030.360 Grading.

Any stripping, cutting, soil removal, filling or stockpiling of earth or land. (Added by Ord. No. 1826CCS § 1 (part), adopted 11/7/95)

9.04.02.030.365 Grocery store.

Any market or supermarket selling a full range of food products including meat, dairy, vegetable, fruit, dry goods and beverages where the total square footage exceeds three thousand square feet of floor area. (Added by Ord. No. 1826CCS § 1 (part), adopted 11/7/95)

9.04.02.030.370 Grocery store, neighborhood.

Any small market selling a full range of food products including meat, dairy, vegetables, fruit, dry goods and beverages where the total square footage does not exceed three thousand square feet of floor area, unless a larger floor area is authorized pursuant to Section 9.04.14.080(m). (Added by Ord. No. 1826CCS § 1 (part), adopted 11/7/95; amended by Ord. No. 2224CCS § 2, adopted 4/24/07)

9.04.02.030.375 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. (Added by Ord. No. 1826CCS § 1 (part), adopted 11/7/95)

9.04.02.030.380 Ground floor.

The first level of a building other than a basement. (Added by Ord. No. 1826CCS § 1 (part), adopted 11/7/95)

9.04.02.030.385 Ground floor street frontage.

The first level of a building, other than a basement, to a depth of no less than fifty feet of the front of the parcel. (Added by Ord. No. 1826CCS § 1 (part), adopted 11/7/95)

9.04.02.030.390 Hardscape.

An open area comprised of durable non-living materials including, but not limited to rocks, pebbles, sand, wood, mulch, chips, walls, fences, planters, bricks, stone, aggregate, natural forms and water features. (Added by Ord. No. 1826CCS § 1 (part), adopted 11/7/95)

9.04.02.030.395 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. (Added by Ord. No. 1826CCS § 1 (part), adopted 11/7/95; amended by Ord. No. 2276CCS § 2, adopted 10/28/08)

9.04.02.030.400 Homeless shelter.

A residential facility, other than a community care facility, operated by a provider which provides temporary accommodations to persons or families with low income. The term "temporary accommodations" means that a person or family will be allowed to reside at the shelter for a time period not to exceed six months. For purpose of this definition, a "provider" shall mean a government agency or private non-profit organization which provides or contracts with recognized community organizations to provide emergency or temporary shelter, and which may also provide meals, counseling and other services, as well as common areas for residents of the facility. Such a facility may have individual rooms, but is not developed with individual dwelling units, with the exception of a manager's unit. (Added by Ord. No. 1826CCS § 1 (part), adopted 11/7/95)

9.04.02.030.405 Hospice.

A facility that provides residential living quarters for up to six terminally ill persons. A hospice is a permitted use in all residential districts. (Added by Ord. No. 1826CCS § 1 (part), adopted 11/7/95)

9.04.02.030.410 Hotel.

A building, group of buildings or a portion of a building which is designed for or occupied as the temporary lodging place of individuals for generally less than thirty consecutive days including, but not limited to, an establishment held out to the public as an apartment hotel, hostel, inn, timeshare project, tourist court or other similar use. (Added by Ord. No. 1826CCS § 1 (part), adopted 11/7/95)

9.04.02.030.415 Household.

Persons living together in a single dwelling unit, with common access to, and common use of all living and eating areas and all areas and facilities for the preparation and storage of food within the dwelling unit. (Added by Ord. No. 1826CCS § 1 (part), adopted 11/7/95)

9.04.02.030.420 Incidental food service.

Any use of a building, room or space for the on-site sale and consumption of food and/or beverages where less than two hundred fifty square feet (interior and exterior) is utilized for on-site consumption of any food and/or beverage, including seating, counter space, or other eating arrangement, where the number of seats does not exceed twenty and where orders for food or beverages are not taken from the table. The seating area shall be defined by fixed barriers, such as full or partial walls, fencing or planters. The consumption area cannot exceed thirty-three percent of the floor area of a primary permitted on-site use. (Added by Ord. No. 1826CCS § 1 (part), adopted 11/7/95)

9.04.02.030.425 Kitchen.

A room or space within a building used for cooking or preparing food. (Added by Ord. No. 1826CCS § 1 (part), adopted 11/7/95)

9.04.02.030.430 Landscaped area.

The area within the boundaries of a given parcel which consists of living plant material including, but not limited to, trees, shrubs, woody and herbaceous groundcovers, grass, flowers, vines, irrigation systems, and other design features commonly used in landscaping, but not including walkways, driveways, patios, and other landscape features that use smooth concrete or asphalt. (Added by Ord. No. 1826CCS § 1 (part), adopted 11/7/95)

9.04.02.030.435 Light manufacturing.

Manufacturing uses conducted within an enclosed building that include fabricating, assembling, testing, repairing, servicing or processing products where the nature of the operation is not obnoxious or offensive by reason of emission of odor, dust, noxious gas, noise, vibration, glare, heat or other adverse environmental impacts. (Added by Ord. No. 1826CCS § 1 (part), adopted 11/7/95)

9.04.02.030.440 Liquor store.

An establishment primarily engaged in the retail sale of packaged alcoholic beverages, such as ale, beer, wine and liquor, for consumption off the premises. (Added by Ord. No. 1826CCS § 1 (part), adopted 11/7/95)

9.04.02.030.445 Living area.

The interior habitable area of an existing principal dwelling unit including a basement but not including a garage. (Added by Ord. No. 1826CCS § 1 (part), adopted 11/7/95)

9.04.02.030.450 Living quarters.

A structure or portion thereof which is used principally for human habitation. (Added by Ord. No. 1826CCS § 1 (part), adopted 11/7/95)

9.04.02.030.455 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. (Added by Ord. No. 1826CCS § 1 (part), adopted 11/7/95)

9.04.02.030.460 Loft.

A loft is considered a mezzanine. (Added by Ord. No. 1826CCS § 1 (part), adopted 11/7/95)

9.04.02.030.465 Lot.

See Parcel. (Added by Ord. No. 1826CCS § 1 (part), adopted 11/7/95)

9.04.02.030.470 Low income household.

A household whose gross annual income does not exceed sixty percent of the median income of the Los Angeles-Long Beach-Anaheim Primary Metropolitan Statistical Area (PMSA), as determined periodically by the U. S. Department of Housing and Urban Development (HUD), adjusted for household size. If a provision of the Municipal Code otherwise specifically defines low income household, then that definition governs the application of that section. See Moderate income household and Very low income household. (Added by Ord. No. 1826CCS § 1 (part), adopted 11/7/95)

9.04.02.030.475 Manufactured house.

A residential structure built off-site and moved to a designated site for placement on a permanent foundation. (Added by Ord. No. 1826CCS § 1 (part), adopted 11/7/95)

9.04.02.030.480 Medical use.

A business which is primarily engaged in providing services for health maintenance, diagnosis or treatment of human disease, pain, injury or physical condition, including, but not limited to, offices of acupuncturists, chiropractors, dentists, optometrists, physicians and podiatrists. (Added by Ord. No. 1826CCS § 1 (part), adopted 11/7/95)

9.04.02.030.485 Mezzanine.

An intermediate level without walls or partitions, bathrooms, closets or screens, and open to one room below. The clear height above or below a mezzanine floor shall not be less than seven feet. No more than one mezzanine may be permitted in any one room. When the total floor area of any such mezzanine exceeds one-third of the total floor area in the room below, it shall constitute an additional story. (Added by Ord. No. 1826CCS § 1 (part), adopted 11/7/95)

9.04.02.030.490 Middle income household.

A household whose gross annual income is one hundred percent of the median income of the Los Angeles-Long Beach-Anaheim Primary Metropolitan Statistical Area

(PMSA), as determined periodically by the U.S. Department of Housing and Urban Development (HUD), adjusted for household size. (Added by Ord. No. 1826CCS § 1 (part), adopted 11/7/95)

9.04.02.030.495 Mini-mart.

A small retail store selling commonly purchased groceries, fast-foods, household goods and impulse items, and located on the same parcel as a service station or operated in conjunction with a service station with common parking. (Added by Ord. No. 1826CCS § 1 (part), adopted 11/7/95)

9.04.02.030.500 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. (Added by Ord. No. 1826CCS § 1 (part), adopted 11/7/95)

9.04.02.030.505 Mobile home park.

Any area or tract of land used or designed to accommodate one or more trailers or coaches in use for long-term human habitation with minimum facilities for water, sewer, electricity and laundry. (Added by Ord. No. 1826CCS § 1 (part), adopted 11/7/95)

9.04.02.030.510 Moderate income household.

A household whose gross annual income does not exceed one hundred percent of the median income of the Los Angeles-Long Beach-Anaheim Primary Metropolitan Statistical Area (PMSA), as determined periodically by the U. S. Department of Housing and Urban Development (HUD), adjusted for household size. If a provision of the Municipal Code otherwise specifically defines moderate-income household, then that definition governs the application of that Section. See Low income household and Very low income household. (Added by Ord. No. 1826CCS § 1 (part), adopted 11/7/95)

9.04.02.030.515 Motel.

An establishment providing transient accommodations containing six or more rooms with at least twenty-five percent of all rooms having direct access to the outside without the necessity of passing through the main lobby of the building. Rooms in such an establishment shall be generally provided for periods of less than thirty consecutive days. (Added by Ord. No. 1826CCS § 1 (part), adopted 11/7/95)

9.04.02.030.520 Nightclub.

An establishment which provides music, dancing, or other entertainment, and which may also serve food or drink, but which does not otherwise qualify as a "bar" or "restaurant." (Added by Ord. No. 1826CCS § 1 (part), adopted 11/7/95)

9.04.02.030.525 Nonconforming building or structure, legal.

A structure, the size, dimension or location of which were lawful prior to the effective date of the ordinance codified in this Chapter or any amendment thereto, but which fails to conform to the present requirements of the Zoning Ordinance. (Added by Ord. No. 1826CCS § 1 (part), adopted 11/7/95)

9.04.02.030.530 Nursing home.

A facility licensed to provide full-time convalescent or chronic care to individuals who, by reason of advanced age, chronic illness or infirmity are unable to care for themselves. (Added by Ord. No. 1826CCS § 1 (part), adopted 11/7/95)

9.04.02.030.535 Off-site hazardous waste facility.

An operation involving handling, treatment, storage or disposal of a hazardous waste in one or more of the following situations:

(a) The hazardous waste is transported via commercial railroad, a public-owned road or public waters, where adjacent land is not owned by or leased to the producer of the waste.

(b) The hazardous waste is at a site which is not owned by or leased to the producer of the waste.

(c) The hazardous waste is at a site which receives hazardous waste from more than one producer. (Added by Ord. No. 1826CCS § 1 (part), adopted 11/7/95)

9.04.02.030.540 Office, specialty.

Uses intended to provide a service without requiring an appointment such as travel agencies, real estate offices and insurance agencies. (Added by Ord. No. 1826CCS § 1 (part), adopted 11/7/95)

9.04.02.030.543 Open air 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. (Added by Ord. No. 1895CCS § 1, adopted 1/27/98)

9.04.02.030.545 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 or occupants of the development. (Added by Ord. No. 1826CCS § 1 (part), adopted 11/7/95)

9.04.02.030.550 Open space, private.

Usable open space, including but not limited to, a deck, yard, patio, or combination thereof, which is specifically designed and constructed to be occupied and used by the resident of a dwelling unit and which is adjacent to, accessible from, and at the same or approximate elevation as the primary space of the dwelling unit. (Added by Ord. No. 1826CCS § 1 (part), adopted 11/7/95)

9.04.02.030.553 Outdoor antique market.
An event where the primary activity is the sale of antiques and collectibles by individual dealers, including but not limited to such items as jewelry, vintage books, furniture, home furnishings, ceramics, and clothing. An outdoor antique market shall be subject to performance standards established pursuant to Section 9.04.12.150 and Section 9.04.20.08 et seq. (Added by Ord. No. 1961CCS § 3, adopted 11/9/99)

9.04.02.030.555 Outdoor storage.
The keeping, in an unroofed area, of any goods, junk, material, merchandise or vehicles in the same place for more than seventy-two hours. (Added by Ord. No. 1826CCS § 1 (part), adopted 11/7/95)

9.04.02.030.560 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 residential, commercial or industrial district. (Added by Ord. No. 1826CCS § 1 (part), adopted 11/7/95)

9.04.02.030.565 Parapet.
A low wall or railing extending above the roof and along its perimeter. (Added by Ord. No. 1826CCS § 1 (part), adopted 11/7/95)

9.04.02.030.570 Parcel.
A portion of land separated from other portions of land by legal description, as on a subdivision or record of survey map, or by metes and bounds. Parcel shall also include two or more lots combined to be used, developed or built upon as a unit as provided for in Section 9.04.06.010. (Added by Ord. No. 1826CCS § 1 (part), adopted 11/7/95)

9.04.02.030.575 Parcel area.
The total area within the property lines of a parcel, excluding any street or alley right-of-way. (Added by Ord. No. 1826CCS § 1 (part), adopted 11/7/95)

9.04.02.030.580 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 one hundred thirty-five degrees. (Added by Ord. No. 1826CCS § 1 (part), adopted 11/7/95)

9.04.02.030.585 Parcel coverage.
The area of a parcel covered by a building or structure. Parcel coverage shall include the following: the area of parcel directly covered by the footprint of all buildings or structures on the parcel; 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 9.04.10.02.180; and 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. (Added by Ord. No. 1826CCS § 1 (part), adopted 11/7/95)

9.04.02.030.590 Parcel depth.
The distance measured from the front parcel line to the rear parcel line as per the legal description of the property. (Added by Ord. No. 1826CCS § 1 (part), adopted 11/7/95)

9.04.02.030.595 Parcel, flag.
A parcel not fronting on or abutting a public road and where access to the public road is by a narrow right-of-way or driveway. (Added by Ord. No. 1826CCS § 1 (part), adopted 11/7/95)

9.04.02.030.600 Parcel frontage.
The width of the front parcel line measured at the street right-of-way. (Added by Ord. No. 1826CCS § 1 (part), adopted 11/7/95)

9.04.02.030.605 Parcel, key.
The first interior parcel to the rear of a reversed corner parcel and not separated therefrom by an alley. (Added by Ord. No. 1826CCS § 1 (part), adopted 11/7/95)

9.04.02.030.610 Parcel line.
A line of record bounding a parcel which divides one parcel from another parcel or from a public or private street or any other public space. (Added by Ord. No. 1826CCS § 1 (part), adopted 11/7/95)

9.04.02.030.615 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. (Added by Ord. No. 1826CCS § 1 (part), adopted 11/7/95)

9.04.02.030.620 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. (Added by Ord. No. 1826CCS § 1 (part), adopted 11/7/95)

9.04.02.030.625 Parcel line, side.
Any parcel line other than a front or rear parcel line. (Added by Ord. No. 1826CCS § 1 (part), adopted 11/7/95)

9.04.02.030.630 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. (Added by Ord. No. 1826CCS § 1 (part), adopted 11/7/95)

9.04.02.030.635 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. (Added by Ord. No. 1826CCS § 1 (part), adopted 11/7/95)

9.04.02.030.640 Parcel width.

The horizontal distance between the side lines of a parcel measured at right angles to its depth along a straight line parallel to the front parcel line at the street or public right-of-way that is identified as the parcel's address. (Added by Ord. No. 1826CCS § 1 (part), adopted 11/7/95)

9.04.02.030.645 Pedestrian orientation.

Design qualities and elements that contribute to an active, inviting street-level environment as set forth in Section 9.04.10.02.440. (Added by Ord. No. 1826CCS § 1 (part), adopted 11/7/95; amended by Ord. No. 1893CCS § 1, adopted 1/13/98)

9.04.02.030.650 Pedestrian-oriented use.

A use which is intended to encourage walk-in customers and which generally does not limit the number of customers by requiring appointments or otherwise excluding the general public. A pedestrian-oriented use may suggest or require appointments for services when primarily for the convenience of the customer, such as reservations with restaurants, beauticians or optometrists to avoid being turned away due to unavailability. (Added by Ord. No. 1826CCS § 1 (part), adopted 11/7/95)

9.04.02.030.655 Permitted use.

Any use allowed in a zoning district and subject to the restrictions applicable to that zoning district. (Added by Ord. No. 1826CCS § 1 (part), adopted 11/7/95)

9.04.02.030.660 Photocopy shop.

A retail establishment that reproduces or prints documents. A print shop shall be considered to be the same as a photocopy shop. (Added by Ord. No. 1826CCS § 1 (part), adopted 11/7/95)

9.04.02.030.665 Place of worship.

A building or structure, or groups of buildings or structures, which by design and construction are primarily intended for conducting religious services and accessory uses associated therewith. (Added by Ord. No. 1826CCS § 1 (part), adopted 11/7/95)

9.04.02.030.670 Porte cochere.

A roofed structure extending from the entrance of a building over an adjacent driveway, the purpose of which is to shelter persons entering and exiting a building. (Added by Ord. No. 1826CCS § 1 (part), adopted 11/7/95)

9.04.02.030.675 Primary space.

Living room, dining room, family room, library, or similar such activity room in a dwelling unit. (Added by Ord. No. 1826CCS § 1 (part), adopted 11/7/95)

9.04.02.030.680 Primary window.

A glazed surface whose area is larger than any other glazed surface in a room which serves as a primary space. (Added by Ord. No. 1826CCS § 1 (part), adopted 11/7/95)

9.04.02.030.685 Principal use.

The primary or predominant use of any site. (Added by Ord. No. 1826CCS § 1 (part), adopted 11/7/95)

9.04.02.030.690 Private tennis court.

A tennis court which is used for noncommercial purposes by the owner(s) of the property or guests. (Added by Ord. No. 1826CCS § 1 (part), adopted 11/7/95)

9.04.02.030.695 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. (Added by Ord. No. 1826CCS § 1 (part), adopted 11/7/95)

9.04.02.030.700 Public utility service center and service yard.

Any building or property used for the administration of public utility repair, maintenance, and installation crews, warehouse, storage yard or maintenance garage including vehicle parking of a public utility. (Added by Ord. No. 1826CCS § 1 (part), adopted 11/7/95)

9.04.02.030.705 Recreational building.

Incidental park structures such as restrooms and maintenance facilities, community rooms, locker rooms and showers servicing persons using the beaches or ocean, playing courts, playgrounds, picnic areas, public swimming pools. (Added by Ord. No. 1826CCS § 1 (part), adopted 11/7/95)

9.04.02.030.710 Residential care facility for the elderly.

A State-licensed housing arrangement chosen voluntarily by residents over sixty years of age where varying levels and intensities of care and supervision, protective supervision, personal care or health-related services are provided, based upon residents' varying needs, as determined in order to be admitted and remain in the facility, as defined in Chapter 3.2 of the California Health and Safety Code, Section 1569 et. seq. A residential care facility for the elderly serving six or fewer persons shall be considered a family dwelling for all zoning purposes. (Added by Ord. No. 1826CCS § 1 (part), adopted 11/7/95)

9.04.02.030.715 Residential facility.

A community care facility which consists of any family home, group care facility, or similar facility as determined by the Director of the State Department of Social Services, for twenty-four-hour non-medical care of persons in need of personal services, supervision or assistance essential for sustaining the activities of daily living or for the protection of the individual, as defined in Article 1 of Chapter 3 of the California Health and Safety Code, Section 1500 et seq. A residential facility serving six or fewer persons shall be considered a family dwelling for all zoning purposes. (Added by Ord. No. 1826CCS § 1 (part), adopted 11/7/95)

9.04.02.030.718 Residential housing and educational facility for young adults emancipated from foster care.

A residential housing and educational facility that provides supervised non-permanent housing accommodations for young adults, at least eighteen years of age, emancipated from foster care. Such a facility may also provide meals, counseling, and other services, as well as common areas for the residents of the facility. (Added by Ord. No. 2094CCS § 1, adopted 9/9/03)

9.04.02.030.720 Residential use.

One or more rooms designed, occupied or intended for occupancy as primary living quarters in a building or portion thereof. (Added by Ord. No. 1826CCS § 1 (part), adopted 11/7/95)

9.04.02.030.725 Rest home.

An extended or intermediate care facility licensed or approved to provide health care under medical supervision for twenty-four or more consecutive hours to two or more patients. (Added by Ord. No. 1826CCS § 1 (part), adopted 11/7/95)

9.04.02.030.730 Restaurant.

Any building, room, space or portion thereof where food is sold for consumption on site, except for uses qualifying as incidental food service. A restaurant may provide music or other entertainment if: (1) there is sit down meal service provided at all times while the entertainment is taking place; (2) there is no dancing or dance floor; (3) there is no cover charge or minimum drink purchase requirement; and (4) the entertainment is provided only in the dining areas. A restaurant with entertainment beyond the scope of these limitations during specified hours on a nightly, weekly, or other regular basis shall also be considered a nightclub and such entertainment use shall be prohibited unless a separate conditional use permit for that nightclub use has been obtained.

Restaurants legally existing as of the effective date of the ordinance codified in this Section which provide entertainment beyond the scope of the limitations set forth above shall be able to continue such entertainment as existed on the effective date of the ordinance codified in this Section without obtaining a nightclub conditional use permit, provided that the provision of live entertainment or dancing is not the primary use of the establishment, and provided there is no intensification or expansion of such entertainment component. (Added by Ord. No. 1826CCS § 1 (part), adopted 11/7/95)

9.04.02.030.735 Restaurant, fast-food, take-out or drive-through.

A restaurant where customers purchase food and either consume the food on the premises within a short period of time or take the food off the premises. Typical characteristics of a fast-food restaurant include, but are not limited to, the purchase of food at a walk-up window or counter, payment for food prior to consumption and the packaging of food in disposable containers. A restaurant shall not be considered a fast-food or take-out restaurant solely on the basis of incidental or occasional take-out sales. A restaurant shall be considered a drive-through or drive-in restaurant where customers may be served food in their vehicles for consumption either on or off the site. (Added by Ord. No. 1826CCS § 1 (part), adopted 11/7/95)

9.04.02.030.740 Roof.

That portion of a building or structure above walls or columns that shelters the floor area or the structure below. (Added by Ord. No. 1826CCS § 1 (part), adopted 11/7/95)

9.04.02.030.745 Sanitarium.

An institution for the treatment of persons with chronic and usually long-term illnesses. (Added by Ord. No. 1826CCS § 1 (part), adopted 11/7/95)

9.04.02.030.750 Secondary window.

A window serving a bedroom, bathroom, kitchen, stairway, corridor or storage area in a dwelling unit, or a non-primary window in a primary space. (Added by Ord. No. 1826CCS § 1 (part), adopted 11/7/95)

9.04.02.030.755 Self-service storage warehouse (mini-warehouse).

A structure containing separate storage spaces, which may be of various sizes, leased or rented on an individual basis. (Added by Ord. No. 1826CCS § 1 (part), adopted 11/7/95)

9.04.02.030.760 Senior citizen.

An individual sixty-two years of age or older. (Added by Ord. No. 1826CCS § 1 (part), adopted 11/7/95)

9.04.02.030.765 Senior group housing.

A building or buildings, including a single family dwelling, that provides residence for a group of senior citizens with a central kitchen and dining facilities and a separate bedroom or private living quarters. (Added by Ord. No. 1826CCS § 1 (part), adopted 11/7/95)

9.04.02.030.770 Senior housing.

Multi-family residential housing, other than a residential care facility for the elderly or senior group housing, developed with individual dwelling units, in which each unit is restricted for occupancy by at least one person in each household who is sixty years of age or older. Without restriction as to age of occupant, units may also be occupied by management or maintenance personnel who are required to live on the premises. (Added by Ord. No. 1826CCS § 1 (part), adopted 11/7/95)

9.04.02.030.775 Setback.

The distance between the parcel line and a building, not including permitted projections. (Added by Ord. No. 1826CCS § 1 (part), adopted 11/7/95)

9.04.02.030.778 Short-term rental 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 some or all of the following amenities:

(1) Maid and linen service

(2) Health club, spa, pool, tennis courts, or memberships to area facilities

(3) Business service centers

(4) Meeting rooms

(5) Fully furnished units including a combination of some but not necessarily all of the following: furniture, appliances, housewares, bed linens, towels, artwork, television sets, stereos, VCRs, CD players, fax machines, and Internet access.

(6) Valet parking. (Added by Ord. No. 2120CCS § 1, adopted 3/23/04)

9.04.02.030.780 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. (Added by Ord. No. 1826CCS § 1 (part), adopted 11/7/95)

9.04.02.030.785 Sidewalk cafe.

Any outdoor dining area located in any public sidewalk or right-of-way which is associated with a restaurant or other eating and drinking establishment on a contiguous adjacent parcel. (Added by Ord. No. 1826CCS § 1 (part), adopted 11/7/95)

(c) The housing includes some or all of the following amenities:

(1) Maid and linen service

(2) Health club, spa, pool, tennis courts, or memberships to area facilities

(3) Business service centers

(4) Meeting rooms

(5) Fully furnished units including a combination of some but not necessarily all of the following: furniture, appliances, housewares, bed linens, towels, artwork, television sets, stereos, VCRs, CD players, fax machines, and Internet access.

(6) Valet parking. (Added by Ord. No. 2120CCS § 1, adopted 3/23/04)

9.04.02.030.780 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. (Added by Ord. No. 1826CCS § 1 (part), adopted 11/7/95)

9.04.02.030.785 Sidewalk cafe.

Any outdoor dining area located in any public sidewalk or right-of-way which is associated with a restaurant or other eating and drinking establishment on a contiguous adjacent parcel. (Added by Ord. No. 1826CCS § 1 (part), adopted 11/7/95)

9.04.02.030.790 Single room occupancy housing.

Multi-family residential buildings containing housing units with a minimum floor area of one hundred fifty square feet and a maximum floor area of three hundred seventy-five square feet which may have kitchen and/or bathroom facilities. Each housing unit is restricted to occupancy by no more than two persons and is offered on a monthly rental basis or longer. (Added by Ord. No. 1826CCS § 1 (part), adopted 11/7/95)

9.04.02.030.795 Site.

Any parcel of land or combination of contiguous parcels of land. (Added by Ord. No. 1826CCS § 1 (part), adopted 11/7/95)

9.04.02.030.800 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. (Added by Ord. No. 1826CCS § 1 (part), adopted 11/7/95)

9.04.02.030.805 Solar energy system.

Any solar collection or other solar engergy device, or any structural design feature of a building whose primary purpose is to provide for the collection, storage or distribution of solar energy for space heating or cooling, water heating or electricity. (Added by Ord. No. 1826CCS § 1 (part), adopted 11/7/95)

9.04.02.030.810 Story.

That portion of a building included between two consecutive floors of a building or the portion between a floor and the roof. A basement shall not be considered a story if the finished first floor does not exceed three feet above the average natural or theoretical grade of the parcel. An unfinished attic shall not be considered a story. See Mezzanine. (Added by Ord. No. 1826CCS § 1 (part), adopted 11/7/95)

9.04.02.030.815 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. (Added by Ord. No. 1826CCS § 1 (part), adopted 11/7/95)

9.04.02.030.820 Subdivision.

See Chapter 9.20 for all subdivision definitions. (Added by Ord. No. 1826CCS § 1 (part), adopted 11/7/95)

9.04.02.030.825 Substantial remodel.

The alteration of or addition to an existing legal nonconforming building to such a degree that the entire building must conform to all current, applicable zoning regulations including, but not limited to, land use approvals, setbacks, height, and parking. Structures substantially remodeled shall also be considered demolished and subject to Part 9.04.10.16 of Subchapter 9.04.10 of the Zoning Ordinance. (Added by Ord. No. 1826CCS § 1 (part), adopted 11/7/95; amended by Ord. No. 2278CCS § 1, adopted 11/25/08)

9.04.02.030.830 Tandem parking.

A group of two or more parking spaces arranged one behind the other where one space blocks access to the other space. (Added by Ord. No. 1826CCS § 1 (part), adopted 11/7/95)

9.04.02.030.835 Temporary structure.

A structure without any foundation or footing and which is removed when the designated time period, activity or use for which the temporary structure was erected has ceased. (Added by Ord. No. 1826CCS § 1 (part), adopted 11/7/95)

9.04.02.030.840 Theater.

Any hall where live entertainment is given or held as the principal use, which contains a permanent stage upon which movable scenery and theatrical appliances are used and where regular theatrical performances are given. (Added by Ord. No. 1826CCS § 1 (part), adopted 11/7/95)

9.04.02.030.845 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. (Added by Ord. No. 1826CCS § 1 (part), adopted 11/7/95)

9.04.02.030.850 Trailer court.

See Mobile home park. (Added by Ord. No. 1826CCS § 1 (part), adopted 11/7/95)

9.04.02.030.855 Transitional housing.

A multi-family residential facility developed in an individual dwelling unit format that does not restrict occupancy to six months or less and that provides temporary accommodations to low and moderate income persons and families for periods of up to three years, and which also may provide meals, counseling, and other services, as well as common areas for residents of the facility. (Added by Ord. No. 1826CCS § 1 (part), adopted 11/7/95)

9.04.02.030.860 Tree.

A plant having at least one well-defined stem or trunk and normally attaining a mature height of at least fifteen feet, with an average mature spread of fifteen feet, and having a trunk that shall be kept clear of leaves and branches at least six feet above grade at maturity. (Added by Ord. No. 1826CCS § 1 (part), adopted 11/7/95)

9.04.02.030.865 Tree, fifteen-gallon.

A fifteen-gallon container tree shall be no less than one inch caliper and at least six feet in height above grade at the time of planting. (Added by Ord. No. 1826CCS § 1 (part), adopted 11/7/95)

9.04.02.030.870 Tree, twenty-four-inch box.

A twenty-four-inch box tree shall be no less than one and three quarters inch caliper and at least seven feet in height above grade at the time of planting. (Added by Ord. No. 1826CCS § 1 (part), adopted 11/7/95)

9.04.02.030.875 Use.

The purpose or activity for which land is zoned or a structure is used. (Added by Ord. No. 1826CCS § 1 (part), adopted 11/7/95)

9.04.02.030.880 Very low income household.

A household whose gross annual income is between zero percent and fifty percent of the median income of the Los Angeles-Long Beach-Anaheim Primary Metropolitan Statistical Area (PMSA), as determined periodically by the U. S. Department of Housing and Urban Development (HUD), adjusted for household size. (Added by Ord. No. 1826CCS § 1 (part), adopted 11/7/95)

9.04.02.030.885 Warehouse.

A building, group of buildings or a portion of a building used for the storage of goods and materials. (Added by Ord. No. 1826CCS § 1 (part), adopted 11/7/95)

9.04.02.030.890 Wholesale trade.

An establishment or place of business primarily engaged in selling and/or distributing merchandise to retailers; to industrial, commercial, institutional or professional business users, or to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies. This is not considered a general commercial use. (Added by Ord. No. 1826CCS § 1 (part), adopted 11/7/95)

9.04.02.030.895 Yard.

An open space situated between parcel lines and not covered by buildings. (Added by Ord. No. 1826CCS § 1 (part), adopted 11/7/95)

9.04.02.030.900 Yard, 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. (Added by Ord. No. 1826CCS § 1 (part), adopted 11/7/95)

9.04.02.030.905 Yard, 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. (Added by Ord. No. 1826CCS § 1 (part), adopted 11/7/95)

9.04.02.030.910 Yard, 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. (Added by Ord. No. 1826CCS § 1 (part), adopted 11/7/95)

9.04.02.030.915 Yard, 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. (Added by Ord. No. 1826CCS § 1 (part), adopted 11/7/95)

9.04.02.030.920 Yard sale.

Any sale held for the purpose of selling, trading or otherwise disposing of household furnishings, personal goods or other tangible properties under control of the person holding such sale and conducted in a residential district. (Added by Ord. No. 1826CCS § 1 (part), adopted 11/7/95)

9.04.02.040 Number of days.

Consecutive calendar days shall be used when calculating the number of days as specified by this Chapter. In the event a time period ends on a Saturday, Sunday, or holiday, the time period shall end on the next consecutive business day. (Prior code § 9000.4)

9.04.02.050 Rounding of quantities.

Whenever this Chapter requires consideration of distances, parking spaces, unit density, or other aspects of development or the physical environment expressed in numerical quantities which are fractions of whole numbers, such numbers are to be rounded to the nearest highest whole number, when the

fraction is one-half or more, and to the next lowest whole number when the fraction is less than one-half, except as otherwise provided by this Chapter. (Prior code § 9000.5)

Subchapter 9.04.04 Establishment of Zoning Districts

9.04.04.010 Establishment of districts.

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

(a) R1 Single Family Residential District.

(b) R2R Low Density Multiple-Family Residential District.

(c) R2 Low Density Multiple-Family Residential District.

(d) R3 Medium Density Multiple-Family Residential District.

(e) R4 High Density Multiple-Family Residential District.

(f) RVC Residential-Visitor Serving Commercial District.

(g) BCD Broadway Commercial District.

(h) C2 Neighborhood Commercial District.

(i) C3 Downtown Commercial District.

(j) C3-C Downtown Overlay District.

(k) C4 Highway Commercial District.

(l) C5 Special Office Commercial District.

(m) C6 Boulevard Commercial District.

(n) CM Main Street Special Commercial District.

(o) CP Commercial Professional District.

(p) CC Civic Center District.

(q) M1 Limited Manufacturing District.

(r) PL Public Lands Overlay District.

(s) A Off-Street Parking Overlay Designation.

(t) N Neighborhood Commercial Overlay Designation.

(u) R-MH Residential Mobile Home Park District.

The R1, R2R, R2, R3, R4, RVC and R-MH Districts shall be considered residential districts. The BCD, C2, C3, C4, C5, C6, CM and CP Districts shall be considered commercial districts. The M1 District shall be considered an industrial district. The CC District shall be considered a public, institutional district. (Prior code § 9001.1)

9.04.04.020 Adoption of district map.

The boundaries of the zoning districts established by Section 9.04.04.010 shall be shown upon the map designated as the "Official Districting Map of the City," on file with the City Clerk and adopted, and from time to time amended, by ordinance of the City Council. (Prior code § 9001.2; amended by Ord. No. 1622CCS, adopted 4/28/92)

9.04.04.030 Rules to determine appropriate district.

The following rules shall be employed to determine the boundaries of a district as shown on the Official Districting Map of the City:

(a) Where a boundary is indicated as approximately following a street and alley line or parcel line, the centerline of the street or alley or the parcel line shall be the boundary.

(b) In unsubdivided property 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.

(c) Where any public street or alley is officially vacated or abandoned, the district regulations applicable to abutting properties shall apply to the former centerline of the vacated or abandoned street or alley.

(d) 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.

(e) 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.

(f) In case any uncertainty exists, the Planning Commission shall determine the location of the district boundary. (Prior code § 9001.3)

9.04.04.040 Adoption of overlay districts.

Where a specifically delineated area within the City requires preparation of an overlay district designation, that district shall be adopted in the manner set forth in Part 9.04.20.16 of this Chapter. (Prior code § 9001.4)

Subchapter 9.04.06 General Requirements

9.04.06.010 Application.

Except as provided in this Chapter, 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:

(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 yard 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;

(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.

(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:

(1) 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;

(2) 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. (Prior code § 9002.1; Ord. No. 1834CCS § 1, 12/12/95)

9.04.06.020 Vested right.

The following projects shall have a vested right to proceed without complying with this Chapter.

(a) **Previously Approved Conversion.** The conversion to condominiums or other form of subdivided ownership for any multi-family dwelling that has a final subdivision map approved prior to October 1, 1981, and has received either a removal permit or vested right determination from the Santa Monica Rent Control Board;

(b) **Projects with Currently Valid Building Permit.** The erection, construction, enlargement, demolition, moving, conversion of and excavation and grading for any building or structure for which a valid building permit is in effect as of the effective date of the ordinance codified in this Chapter;

(c) **Previously Approved Development Permit.** The erection, construction, enlargement, demolition, moving, conversion of and excavation and grading for any building or structure for which a valid development permit is in effect pursuant to Ordinance Number 1321 (CCS). A development permit which 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 date of adoption of the ordinance codified in this Chapter. No time extensions shall be granted for any development permit approved prior to the adoption of the ordinance codified in this Chapter;

(d) **Applications Deemed Complete.** Any project for which an application was filed pursuant to Ordinance Number 1321 (CCS) and deemed complete in accordance with Ordinance Number 1441 (CCS) or 1449 (CCS) prior to April 29, 1988;

(e) **Development Agreement.** Development in accordance with the terms and conditions of a development agreement approved by the City Council pursuant to Chapter 9.48 of this Code;

(f) **Vesting Tentative Maps.** Any residential project for which a vesting tentative map was filed between April 29, 1988, and July 28, 1988, and subsequently deemed complete in accordance with Chapter 9.20 of this Code. (Prior code § 9002.2; amended by Ord. No. 1463CCS, adopted 1/10/89)

9.04.06.030 Building permits.

(a) Before any work pertaining to the erection, construction, demolition, reconstruction, moving, conversion or alteration of any building is commenced, a building permit shall be issued by the Building Officer. It is unlawful to commence any work until and unless a building permit is issued. No building shall be occupied or used unless a business license for the use, where required, is first obtained in accordance with the Code.

(b) Each application of a building permit shall contain accurate information and dimensions as to the size and location of the buildings on the parcel or buildings proposed to be placed or erected on the parcel, the dimensions of all yards and open spaces, and such other information as may be necessary for the enforcement of these regulations. Where complete and accurate information is not readily available from existing records, the Building Officer may require the applicant to furnish a survey of the parcel prepared by a licensed surveyor. The original of such application shall be kept in the office of the Building Officer and the duplicate copy shall be kept at the building site at all times during construction. (Prior code § 9002.3)

9.04.06.040 Zoning conformance review.

(a) **Zoning Conformance.** Prior to issuance of a building permit for any building or structure, or prior to issuance of a business license for any initiation of a use, a zoning conformance review shall be performed by the Zoning Administrator, to ensure that the permit, license, or use complies with all provisions of this Chapter.

(b) **Change of Occupancy.** In the event of a proposed change of occupant or tenant on a parcel of land or of a building, or a portion thereof, no new business license for such new occupant or tenant to occupy or use any parcel of land or building shall be issued until a new zoning conformance review has been performed for such occupancy or tenancy.

(c) **Change of Use.** In the event of a proposed change of use of a parcel of land or of a building, or portion thereof, no business license for such change of use shall be issued until a new zoning conformance review has been performed for such use. (Prior code § 9002.4)

9.04.06.050 Use of Standard Industrial Classification (SIC) manual.

Groups of uses permitted, permitted subject to approval of a performance standards permit, conditionally permitted, or prohibited for all districts have been partially developed using the classifications identified in the Standard Industrial Classification (SIC) Manual 1972. This Manual shall be used to classify similar uses not specifically listed or classified in this Chapter. (Prior code § 9002.5)

9.04.06.060 Conflict with other regulations.

Where conflicts occur between the regulations of this Chapter and the Building Code or other regulations effective within the City, the more restrictive of the regulations shall apply. When this Chapter imposes a greater restriction upon the use of buildings or land, or upon the height of buildings, or requires larger open spaces than are imposed or required by other ordinances, rules, or regulations or by easements, covenants, or agreements, the provisions of this Chapter shall apply. (Prior code § 9002.6)

9.04.06.070 Compliance.

All City departments, officials, or public employees, vested with the duty or authority to issue licenses, permits, or certificates of occupancy where required by law, shall comply with the provisions of this Chapter. No permit or license for buildings, uses, or purposes shall be issued which would be in conflict with the provisions of this Chapter. Any permit or license issued in conflict with the provisions of this Chapter, shall be null and void. (Prior code § 9002.7)

9.04.06.080 Compliance by City, school district, and other agencies.

To the extent permitted by State law, the provisions of this Chapter shall apply to all buildings, improvements, parcels, and premises owned, leased, operated, or controlled by any municipal or quasi municipal corporation, utility, school district, authority, or governmental agency within the City of Santa Monica. Development in existence on the effective date of this Chapter shall not be subject to the provisions of this subsection. City Government uses may be permitted in any district subject to the approval of a conditional use permit. (Prior code § 9002.8)

9.04.06.090 Neighborhood impact statement.

A neighborhood impact statement shall be prepared as part of the City's environmental review process for any project over fifteen thousand square feet if the project is subject to a discretionary permit and if the project is not exempt from environmental review under the City of Santa Monica Guidelines for implementation of CEQA. (Prior code § 9002.9)

9.04.06.100 Conformance with ocean park zoning standards adopted on September 26, 1989.

Any project for which an application was filed prior to September 19, 1989 shall not be required to comply with Parts 9.04.08.44, 9.04.08.46, 9.04.08.48, 9.04.08.50, 9.04.08.52, 9.04.08.54, Chapter 9.04 of the Santa Monica Municipal Code and Sections 9.04.10.02.030, 9.04.10.02.100, 9.04.10.02.170, 9.04.10.02.180, 9.04.10.02.410, 9.04.10.04.020, 9.04.10.04.060, 9.04.10.08.100, 9.04.10.08.210, 9.04.10.14.010, 9.04.10.14.020, 9.04.20.10.030, 9.04.20.32.010 through 9.04.20.32.070 and prior code Section 9047.3 of the Santa Monica Municipal Code, adopted on September 26, 1989. (Prior code § 9002.10; added by Ord. No. 1496CCS, adopted 9/26/89.)

Subchapter 9.04.08 Zoning Districts and Uses

Part 9.04.08.02 R1 Single Family Residential District

9.04.08.02.010 Purpose.

The R1 District is intended to provide a single-family residential area free of disturbing noises, excessive traffic, and hazards created by moving automobiles. The R1 District is designed to prevent burdens on the 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. The R1 District affords protection from deleterious environmental effects and serves to maintain and protect the existing character of the residential neighborhood. (Prior code § 9010.1; amended by Ord. No. 1697CCS § 2 (part), adopted 8/10/93)

9.04.08.02.020 Permitted uses.

The following uses shall be permitted in the R1 District:

(a) Hospice facilities;

(b) One single-family dwelling per parcel placed on a permanent foundation (including manufactured housing);

(c) One-story accessory buildings and structures up to fourteen feet in height;

(d) Except in the area bounded by Montana Avenue, the northern City limits, Twenty-Sixth Street and Ocean Avenue, one-story accessory buildings over fourteen feet in height to a maximum height of twenty-eight feet, or two-story accessory buildings up to a maximum height of twenty-eight feet, if such buildings conform to the required setbacks and stepbacks for the principal building and with the development standards set forth in Section 9.04.14.110;

(e) Public parks and playgrounds;

(f) Small family day care homes;

(g) State authorized, licensed, or certified uses to the extent required to be permitted by State Law;

(h) Yard sales, limited to two per calendar year, for a maximum of two days each;

(i) Domestic violence shelter. (Prior code § 9010.2; amended by Ord. No. 1697CCS § 2 (part), adopted 8/10/93; Ord. No. 1950CCS § 1, adopted 8/10/99)

9.04.08.02.030 Uses subject to performance standards permit.

The following uses may be permitted in the R1 District subject to the approval of a performance standards permit:

(a) Large family day care homes;

(b) One-story accessory living quarters, up to fourteen feet in height, on a parcel having a minimum area of ten thousand square feet;

(c) Private tennis courts. (Prior code § 9010.3; amended by Ord. No. 1697CCS § 2 (part), adopted 8/10/93)

9.04.08.02.040 Uses subject to use permit.

The following use may be permitted in the R1 District subject to the approval of a use permit:

(a) Duplexes on a parcel having not less than six thousand square feet of area, a side parcel line of which abuts or is separated by an alley from any R2, R3 or R4 District;

(b) Second dwelling units subject to the requirements set forth in Section 9.04.13.040;

(c) On parcels in the area bounded by Montana Avenue, the northern City limits, Twenty-Sixth Street and Ocean Avenue, one-story accessory buildings over fourteen feet in height to a maximum height of twenty-four feet, or two-story accessory buildings up to a maximum height of twenty-four feet, if such buildings conform to the development standards set forth in Section 9.04.13.050.

(d) On parcels in the area bounded by Montana Avenue, the northern City limits, Twenty-Sixth Street and Ocean Avenue, curb cuts for purposes of providing street access to an on-site parking garage on parcels with an adjacent side or rear alley having a minimum right-of-way of fifteen feet. (Added by Ord. No. 1697CCS § 2 (part), adopted 8/10/93; amended by Ord. No. 1942CCS § 2, adopted 5/11/99; Ord. No. 1950CCS § 2, adopted 8/10/99)

9.04.08.02.050 Conditionally permitted uses.

The following uses may be permitted in the R1 District subject to the approval of a conditional use permit:

(a) Residential housing and educational facility for young adults emancipated from foster care.

(b) Schools. (Prior code § 9010.4; amended by Ord. No. 1697CCS § 2 (part), adopted 8/10/93; amended by Ord. No. 2094CCS § 2, adopted 9/9/03)

9.04.08.02.060 Prohibited uses.

(a) Boarding houses.

(b) Rooftop parking.

(c) Any uses not specifically authorized. (Prior code § 9010.5; amended by Ord. No. 1697CCS § 2 (part), adopted by 8/10/93; Ord. No. 1942CCS, § 3, adopted 5/11/99)

9.04.08.02.070 Property development standards.

All property in the R1 District shall be developed in accordance with the following standards:

(a) **Maximum Building Height.**

(1) Two stories, not to exceed twenty-eight feet, which includes all building elements except chimneys and required vents;

(2) On lots of more than twenty thousand square feet with a minimum front parcel line dimension of two hundred feet, the height shall not exceed thirty-five feet for a pitched roof or twenty-eight feet for other types of roofs.

(3) On lots of less than twenty-thousand square feet in the area bounded by Montana Avenue, the northern City limits, Twenty-Sixth Street and Ocean Avenue, the maximum building height shall be thirty-two feet, except that for a parcel with greater than thirty-five percent parcel coverage, the maximum building height shall be one story, not to exceed eighteen feet, which includes all building elements except chimneys and required vents.

(b) **Maximum Unit Density.** One dwelling unit per parcel, except where a use permit has been approved for a duplex as permitted by Section 9.04.08.02.040(a).

(c) **Minimum Lot Size.** Five thousand square feet. Each parcel shall contain a minimum depth of one hundred feet and a minimum width of fifty feet except for parcels bounded by the centerlines of First Court Alley to the west, Seventh Street to the east, Montana Place North Alley to the south, and Adelaide Drive to the north, which shall contain a minimum width of one hundred feet and a minimum depth of one hundred seventy-five feet. Any parcel existing on the effective date of the ordinance codified in this Chapter shall not be subject to this requirement.

(d) **Maximum Parcel Coverage.** Thirty-five percent except that parcels with only one-story structures not exceeding eighteen feet in height may have a maximum parcel coverage of fifty percent, however, in the area bounded by Stewart Avenue, Exposition Boulevard, Centinela Avenue, and Pico Boulevard, maximum parcel coverage shall be forty percent except that parcels between three thousand one and five thousand square feet may have a parcel coverage of fifty percent, and parcels of three thousand square feet or smaller may have a parcel coverage of sixty percent.

(e) **Front Yard Setback.** As shown on the Official Districting Map of the City, or, if no setback is specified, twenty feet.

(f) **Additional Front Stepback Above 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 required stepback greater than ten feet. However, in the area bounded by Montana Avenue, the northern City limits, Twenty-Sixth

Street and Ocean Avenue, the stepback shall be as follows: any portion of the front building elevation above fourteen feet exceeding seventy percent of the maximum buildable front elevation shall be stepped back from the front setback line an additional average amount equal to eight percent of parcel depth, but in no case resulting in a required stepback greater than twelve feet.

As used in this Chapter, "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 setback.

(g) **Rear Yard Setback.** Twenty-five feet.

(h) **Additional Rear Stepback Above Fourteen Feet in Height.** For new structures or additions to existing structures, any portion of the rear building elevation above fourteen feet exceeding seventy-five percent of the maximum buildable rear elevation shall be stepped back from the rear setback line an additional average amount equal to four percent of parcel depth, but in no case resulting in a required stepback greater than ten feet. However, in the area bounded by Montana Avenue, the northern City limits, Twenty-Sixth Street and Ocean Avenue, the stepback shall be as follows: the entire rear building elevation above fourteen feet shall be stepped back an amount equal to thirty percent of the lot depth, but no greater than forty feet from the rear property line.

(i) **Side Yard Setback.**

(1) Except as otherwise provided in this subsection, ten percent of the parcel width or a minimum of three feet six inches, whichever is greater, but in no case greater than fifteen feet.

(2) For structures over eighteen feet in height, including all building elements except chimneys and required vents, the required amount of setback for both side yards combined as measured at any point on the parcel, shall equal thirty percent of the parcel width but in no case be greater than a total of forty-five feet. The minimum setback for each side yard shall also be equal to ten percent of the parcel width, or a minimum of three feet, six inches whichever is greater. (See also Section 9.04.10.02.190.)

(3) Subdivision (2) of this subsection (i) shall not apply in the area bounded by Stewart Street, Exposition Boulevard, Centinela Avenue, and Pico Boulevard,

(4) Subdivision (2) of this subsection (i) shall also not apply in the following circumstances to parcels in the area bounded by Lincoln Boulevard to the west, Pico Boulevard to the north, and the City boundaries to the east and south and in the area bounded by Montana Avenue to the north, 22nd Street to the west, Wilshire Boulevard to the south and the City boundary to the east:

(A) New structures on parcels that are forty-five feet or less in parcel width.

(B) Additions to existing structures that do not constitute a substantial remodel on parcels that are less than fifty feet in parcel width.

(C) Any development on parcels that are less than five thousand square feet in parcel area.

(D) If modified by the Architectural Review Board in accordance with Section 9.04.08.02.080(f)(3) and (g).

(j) **Additional Side Stepbacks Above 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 one foot for every two feet four inches above fourteen feet of building height to a maximum height of twenty-one feet.

(k) **Additional Side Stepback Above Twenty-One Feet in Height.** No portion of the building, except permitted projections, shall intersect a plane commencing twenty-one feet in height at the minimum sideyard setback and extending at an angle of forty-five degrees from the vertical toward the interior of the site. However, in the area bounded by Montana Avenue, the northern City limits, Twenty-Sixth Street and Ocean Avenue, no portion of the building, except permitted projections, shall intersect a plane commencing twenty-one feet in height at the minimum sideyard setback and extending at an angle of thirty degrees from the horizontal toward the interior of the site.

(l) **Front Yard Paving.** No more than fifty percent of the required front yard area including driveways shall be paved, except that lots with a width of twenty-five feet or less may have up to sixty percent of the required front yard area paved. However, in the area bounded by Montana Avenue, the northern City limits, Twenty-Sixth Street and Ocean Avenue, no more than forty percent of the required front yard area shall be paved, including driveways, except that lots with a width of twenty-five feet or less may have up to sixty percent of the required front yard area paved.

(m) **Modifications to Stepbacks Above Fourteen Feet in Height.** The stepback requirements of subsections (f), (h), (j), and (k) of this Section 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 stepback requirements are satisfied by the provision of alternative stepbacks or other building features which reduce effective mass to a degree comparable, to the relevant standard requirement.

(n) **Driveways.** No more than one driveway per parcel to a public street shall be permitted on parcels less than one hundred feet in width.

(o) **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.

(p) **Access to Subterranean Garages and Basements.**

(1) Up to a total of fifty square feet of area in the side and rear yards may be utilized for lightwells or stairways to below-grade areas of the main building and any accessory buildings. However, in the area bounded by Montana Avenue, the northern City limits, Twenty-Sixth Street and Ocean Avenue, the side and rear yards may be utilized for lightwells

or stairways to below-grade areas of the main building and any accessory building provided such excavated area is setback a minimum of ten percent of the lot width from the property line.

(2) No more than three feet of excavation below grade for a driveway, stairway, doorway, lightwell, window or other such element to a subterranean or semi-subterranean garage or basement shall occur in the front yard setback area. This requirement may be modified by the Architectural Review Board for parcels with an elevation rise of five feet from the front property line to a point fifty feet towards the interior of the site if it finds that topographic conditions necessitate that such excavation be permitted. However, in the area bounded by Montana Avenue, the northern City limits, Twenty-Sixth Street and Ocean Avenue, no excavation for a driveway, stairway, doorway, light-well, window or other such element to a subterranean or semi-subterranean garage or basement shall be permitted in the front yard setback area; and this prohibition shall not be modified by the Architectural Review Board.

(q) **Roof Decks.** Roof decks shall be set back at least three feet from the minimum sideyard setback. The height of any railings or parapets associated with such roof decks may not exceed the maximum allowable building height for the structure. (Prior code § 9010.6; amended by Ord. No. 1476CCS, adopted 4/25/89; Ord. No. 1697CCS § 2 (part), adopted 8/10/93; Ord. No. 1936CCS § 1, adopted 2/23/99; Ord. No. 1942CCS § 4, adopted 5/11/99; Ord. No. 1950CCS § 3, adopted 8/10/99; Ord. No. 2205CCS § 1, adopted 9/26/06)

9.04.08.02.075 Special project design and development standards for the north of Montana Avenue neighborhood.

Notwithstanding Section 9.04.10.02.180, projects in the area bounded by Montana Avenue, the northern City limits, Twenty-Sixth Street and Ocean Avenue, shall comply with the following special project design and development standards. These standards are intended to promote design flexibility, encourage the retention of existing structures that contribute to neighborhood character and pedestrian scale, and result in homes that do not impact the light, air, open space, and privacy of adjacent structures.

(a) For parcels with a maximum ground floor parcel coverage of thirty-five percent, the maximum second floor parcel coverage, including the second floor of all accessory buildings, shall not exceed twenty-six percent of the parcel area. Second floor parcel coverage may be increased up to a maximum of thirty percent of the parcel area if the ground floor square footage is reduced an equivalent amount. Conversely, the ground floor coverage may be increased to a maximum of forty percent if an equivalent amount is reduced on the second floor. For purposes of this subsection (a), the area in any single story portion of the structure that exceeds the height of the second floor elevation shall count toward second floor parcel coverage, except where the roofline of the single story portion does not exceed eighteen feet in height.

(b) In computing the first floor parcel coverage for a parcel with alley access, one-half the width of a rear alley, which abuts the parcel, may be counted as a portion of the parcel area if alley access is provided and there are no curb cuts for the purpose of providing street access to on-site parking.

(c) The aggregate square footage of second floor balconies, terraces or roof decks shall not exceed four hundred square feet.

(d) 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.

(e) Any individual second floor balconies, terraces or roof decks greater than fifty square feet and located in the rear two-thirds of the parcel shall be set back twelve feet from any property line.

(f) Garage doors facing the public street must be set back a minimum of five feet from the front setback line and may not exceed sixteen feet in width unless located in the rear thirty-five feet of the parcel.

(g) A one-story garage attached to the primary structure with a maximum height of fourteen feet, including parapets and railings, a maximum length of twenty-five feet, and with garage doors perpendicular to the public street, shall be allowed to project up to six feet into the required front yard if no alley access exists, but may not extend closer than twenty feet to the front property line.

(h) Exterior stairs and required fire escapes shall not project into the required front or side yard areas.

(i) Porte cocheres not more than twenty feet long, not more than fourteen feet in height including railings or parapets, and open on three sides may project into required side and rear yards.

(j) Balconies and porches open on at least two sides with a maximum height of fourteen feet including parapets and railings, that do not exceed fifty percent of the front building width measured at the front façade, may project up to six feet into the required front yard. Stairs less than three feet above grade may project an additional four feet into the required front yard.

(k) The requirements of subsections (c), (f) and (j) of this Section may be modified subject to the review and approval of the Architectural Review Board pursuant to Section 9.04.08.02.080(g). (Added by Ord. No. 1950CCS § 4, adopted 8/10/99; amended by Ord. No. 2205CCS § 2, adopted 9/26/06)

9.04.08.02.076 Special project design and development standards for the Sunset Park and north of Wilshire Boulevard neighborhoods.

Notwithstanding Section 9.04.10.02.180, projects in the area bounded by Lincoln Boulevard to the west, Pico Boulevard to the north, and the City boundaries to the east and south, and the area of the City bounded by Montana Avenue to the north, 22nd Street to the west, Wilshire Boulevard to the south, and the City boundary to the east, shall comply with the following special project design and development standards. These standards are intended to promote design flexibility,

encourage the retention of existing structures that contribute to neighborhood character and pedestrian scale, and result in homes that do not impact the light, air, open space, and privacy of adjacent structures.

(a) For parcels with a maximum ground floor parcel coverage of thirty-five percent, the maximum second floor parcel coverage, including the second floor of all accessory buildings, shall not exceed twenty-six percent of the parcel area. Second floor parcel coverage may be increased up to a maximum of thirty percent of the parcel area if the ground floor square footage is reduced an equivalent amount. Conversely, the ground floor coverage may be increased to a maximum of forty percent if an equivalent amount is reduced on the second floor. For purposes of this subsection (a), the area in any single story portion of the structure that exceeds the height of the second floor elevation shall count toward second floor parcel coverage, except where the roofline of the single story portion does not exceed eighteen feet in height.

(b) Garage doors facing the public street must be set back a minimum of five feet from the front setback line and may not exceed sixteen feet in width unless located in the rear thirty-five feet of the parcel.

(c) A one-story garage attached to the primary structure with a maximum height of fourteen feet, including parapets and railings, a maximum length of twenty-five feet, and with garage doors perpendicular to the public street, shall be allowed to project up to six feet into the required front yard if no alley access exists, but may not extend closer than twenty feet to the front property line.

(d) Eaves, awnings, canopies, sunshades, sills, cornices, belt courses, trellises, arbors and similar architectural projections may extend a maximum of eighteen inches into an interior side yard or thirty inches into a street side yard, provided that such projections shall not be closer than three feet to any property line.

(e) Balconies and porches open on at least two sides with a maximum height of fourteen feet including parapets and railings, that do not exceed fifty percent of the front building width measured at the front façade, may project up to six feet into the required front yard. Stairs less than three feet above grade may project an additional four feet into the required front yard.

(f) The requirements of subsections (b) and (e) of this Section may be modified subject to the review and approval of the Architectural Review Board pursuant to Section 9.04.08.02.080(g). (Added by Ord. No. 2205CCS § 3, adopted 9/26/06)

9.04.08.02.080 Architectural review.

No building or structure in the R1 District shall be subject to architectural review pursuant to the provisions of Chapter 9.32 of this Code except:

(a) Properties installing roof or building-mounted parabolic antennae (only with respect to the antennae and screening);

(b) Duplexes;

(c) Any structure above fourteen feet in height that does not conform to the required yard stepbacks for structures above fourteen feet in height;

(d) Any structure that does not conform to the limitations on access to subterranean garages and basements;

(e) Any development in the area bounded by Montana Avenue, the northern City limits, Twenty-Sixth Street and Ocean Avenue, with regard to the following conditions only:

(1) Any development with an aggregate square footage of second floor balconies, terraces or roof decks which exceeds four hundred square feet.

(2) 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.

(3) 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.

(4) Any structure with side yard setbacks that do not conform with Section 9.04.08.02.070(i)(2) but which has minimum setbacks for each side yard equal to ten percent of the parcel width.

(f) Any development in the area bounded by Lincoln Boulevard to the west, Pico Boulevard to the north, and the City boundaries to the east and south and the area of the City bounded by Montana Avenue to the north, 22nd Street to the west, Wilshire Boulevard to the south, and the City boundary to the east, with regard to the following conditions only:

(1) 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 (1) of subsection (f) 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.

(2) Any structure with garage doors facing the public street which are not set back a minimum of five feet from the front setback line.

(3) Any structure on a parcel that is fifty feet or more in width that does not comply with Section 9.04.08.02.070(i)(2).

(4) 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.

(g) The Architectural Review Board may approve the design modifications set forth in Section 9.04.08.02.080(e) provided all the following findings of fact are made and may approve the design modifications set forth in Section 9.04.08.02.080(f)(2)-(f)(4) provided that all of the following findings of fact, except subdivision (5) of this subsection (g), are made:

(1) 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.

(2) 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.

(3) 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.

(4) 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.

(5) The design modifications also comply with the criteria established in Section 9.32.140.

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 Zoning Administrator.

(h) Any existing structure that would not comply with the minimum side yard setback of ten percent of the parcel width required by Section 9.04.08.02.070(i) 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:

(1) Only one of the side yard setbacks for the existing structure would become non-conforming due to the combination of contiguous parcels.

(2) This non-conforming side yard setback would not physically change.

(3) The aggregate setback on the combined lots shall be a minimum of thirty percent of the total combined lot width.

(4) The combined lot width shall not exceed one hundred twenty feet.

(5) 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.

(6) 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.

(i) 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 (h) of this Section, the Architectural Review Board may approve such a re-division provided the following finding of fact is made:

No construction has taken place since the original combination of parcels. (Prior code § 9010.7; amended by Ord. No. 1697CCS § 2 (part), adopted 8/10/93; Ord. No. 1942CCS § 5, adopted 5/11/99; Ord. No. 1950CCS § 5, adopted 8/10/99; Ord. No. 2184CCS § 1, adopted 5/9/06; Ord. No. 2205CCS § 4, adopted 9/26/06)

9.04.08.02.090 Fifty percent addition.

Parking shall be provided in accordance with the provisions of Part 9.04.10.08, Off Street Parking Requirements, if the principal building on the parcel is substantially remodeled or, if fifty 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 five hundred square feet or more. See Section 9.04.02.030 for the definition of "substantial remodel." (Prior code § 9010.8; amended by Ord. No. 1697CCS § 2 (part), adopted 8/10/93)

Part 9.04.08.04 R2R Low Density Duplex District

9.04.08.04.010 Purpose.

The R2R District is intended to provide for low density residential neighborhoods free of disturbing noises, excessive traffic, and hazards created by moving automobiles. The R2R district is designed to prevent burdens on the public facilities, including sewer, water, electricity and schools by an influx and increase of people to the degree larger than the City's geographic limits, tax base or financial capabilities can reasonably and responsibly accommodate. The R2R district affords protection from deleterious environmental effects and serves to maintain and protect the existing character and state of the residential neighborhood. (Prior code § 9011.1)

9.04.08.04.020 Permitted uses.

The following uses shall be permitted in the R2R District:

(a) Domestic violence shelters.

(b) Hospice facilities.

(c) One single-family dwelling unit per parcel placed on a permanent foundation (including manufactured housing).

(d) One duplex (including a detached second unit when located on a parcel containing one single-family home) on any legal parcel that existed on August 31, 1975.

(e) One-story accessory buildings and structures up to fourteen feet in height.

(f) Public parks and playgrounds.

(g) Small family day care homes.

(h) Yard sales, limited to two per calendar year, for each dwelling unit for a maximum of two days. (Prior code § 9011.2; amended by Ord. No. 1750CCS § 1, adopted 6/28/94; Ord. No. 1942CCS § 6, adopted 5/11/99)

9.04.08.04.030 Uses subject to performance standards permit.

The following uses may be permitted in the R2R District subject to the approval of performance standards permit:

(a) Large family day care homes.

(b) One-story accessory living quarters, up to fourteen feet in height, on a parcel having a minimum area of ten thousand square feet.

(c) Private tennis courts. (Prior code § 9011.3)

9.04.08.04.040 Conditionally permitted uses.

The following uses may be permitted in the R2R District subject to the approval of a conditional use permit.

(a) One-story accessory buildings over fourteen feet in height or two story accessory buildings up to a maximum height of twenty-four feet. (Prior code § 9011.4)

9.04.08.04.050 Prohibited uses.

(a) Rooftop parking.

(b) Any use not specifically authorized. (Prior code § 9011.5)

9.04.08.04.060 Property development standards.

All property in the R2R District shall be developed in accordance with the following standards:

(a) **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.

(b) **Maximum Unit Density.** A minimum of fifteen hundred square feet of parcel area for each dwelling unit. However, one duplex shall be permitted on any legal parcel that existed on August 31, 1975.

(c) **Maximum Parcel Coverage.** Sixty percent of the parcel area.

(d) **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.

(e) **Front Yard Setback.** Ten feet.

(f) **Rear Yard Setback.** Fifteen 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 setback shall be ten percent of the parcel width, but in any event not less than four feet:

$$5' + \frac{\text{(stories x lot width)}}{50'}$$

(h) **Front Yard Paving.** No more than fifty percent of the area of the required front yard setback, including driveways, shall be paved.

(i) **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. (Prior code § 9011.6; amended by Ord. No. 1476CCS, adopted 4/25/89; Ord. No. 1703CCS § 1, adopted 9/14/93; Ord. No. 1750CCS § 2, adopted 6/28/94; Ord. No. 1767CCS § 3, adopted 9/13/94)

9.04.08.04.070 Architectural review.

All new construction of additions to existing structures including single family homes and any other exterior improvements that require issuance of a building permit shall be subject to architectural review pursuant to the provisions of Chapter 9.32 of this Article. (Prior code § 9011.7)

Part 9.04.08.06 Multiple Family Residential Districts

9.04.08.06.010 Purpose.

(a) **Low Density Multiple Family Residential District (R2).** The R2 District is intended to provide a low density multiple family residential neighborhood (zero to twenty-nine dwelling units per net residential acre) free of disturbing noises, excessive traffic, and hazards created by moving automobiles. The R2 District is designed to prevent burdens on the public facilities, including sewer, water, electricity and schools by an influx and increase of people to the degree larger than the City's geographic limits, tax base or financial capabilities can reasonably and responsibly accommodate. The R2 District affords protection from deleterious environmental effects and serves to maintain and protect the existing character and state of the residential neighborhood.

(b) **Medium Density Multiple Family Residential District (R3).** The R3 District is intended to provide a broad range of housing within medium density multiple family residential neighborhoods (zero to thirty-five dwelling units per net residential acre) free of disturbing noises, excessive traffic, and hazards created by moving automobiles. The R3 District is designed to prevent burdens on the public facilities, including sewer, water, electricity and schools by an influx and increase of people to the degree larger than the City's geographic limits, tax base or financial capabilities can reasonably and responsibly accommodate. The R3 District affords protection from deleterious environmental effects and serves to maintain and protect the existing character and state of the residential neighborhood.

(c) **High Density Multiple Family Residential District (R4).** The R4 District is intended to provide a broad range of housing within high density multiple family residential neighborhoods (zero to forty-eight dwelling units per net residential acre) free of disturbing noises, excessive traffic, and hazards created by moving automobiles. The R4 District is designed to prevent burdens on the public facilities, including sewer, water, electricity and schools by an influx and increase of people to the degree larger than the City's geographic limits, tax base or financial capabilities can

reasonably and responsibly accommodate. The R4 District affords protection from deleterious environmental effects and serves to maintain and protect the existing character and state of the residential neighborhood. (Prior code § 9012.1; amended by Ord. No. 2131CCS § 6 (part), adopted 7/27/04)

9.04.08.06.020 Allowed land uses.

Table 9.04-1 (Land Uses Allowed in Multiple Family Residential Districts) identifies allowed land uses in the R2, R3, and R4 zoning districts. Land uses designated with the letter "P" are permitted in that district subject to standards referenced under the Additional Land Use Regulations column. Land uses designated with the letters "PSP" require a Performance Standards Permit and are subject to further standards set forth under the Additional Land Use Regulations column. Land uses designated with the letters "CUP" require a Conditional Use Permit and are subject to further standards set forth under the Additional Land Use Regulations column. Land uses designated with the letter "L" are limited uses only authorized in accordance with the standards set forth under the Additional Land Use Regulations column. Land uses that have no letter designation are not permitted in that particular district. Rooftop parking is not permitted in any multiple family residential district. Any land use not specifically authorized is prohibited.

TABLE 9.04-1
LAND USES ALLOWED IN MULTIPLE FAMILY RESIDENTIAL DISTRICTS

LAND USE	R2	R3	R4	ADDITIONAL LAND USE REGULATIONS
Bed and breakfast facilities	CUP	CUP	CUP	9.04.20.12
Boarding houses	CUP	CUP	CUP	9.04.20.12
Child day care centers *	CUP	CUP	CUP	9.04.14.030 9.04.20.12
Clubs or lodges			CUP	9.04.20.12
Community care facilities *	CUP	CUP	CUP	9.04.20.12
Congregate housing *	P	P	P	
Domestic violence shelters *	P	P	P	
Homeless shelters *		CUP	CUP	9.04.20.12
Hospice facilities *	P	P	P	
Hotels, existing as of 1/1/95	L	L		9.04.08.06.020(a)
Hotels with incidental businesses			CUP	9.04.20.12
Large family day care homes *	PSP	PSP	PSP	9.04.12.030 9.04.20.08
Libraries	CUP		CUP	9.04.20.12
Multi-family dwelling units	P	P	P	9.04.08.06.020(b)
Multi-family apartments where 25% of the units are 3-bedrooms or larger, 60% of the remaining units are 2 bedrooms or larger, and this project is registered with the USGBC to receive a LEED rating of silver or higher level *	P	P	P	
Municipal parking structures			CUP	9.04.20.12
Neighborhood grocery stores	CUP	CUP	CUP	9.04.14.080 9.04.20.12
Offices and meeting rooms for charitable, youth and welfare organizations	CUP	CUP	CUP	9.04.20.12
One-story accessory buildings over 14 feet in height or two-story accessory buildings up to a maximum height of 24 feet	CUP	CUP	CUP	9.04.08.06.020(c) 9.04.10.02.110 9.04.14.110 9.04.20.12
One-story accessory buildings and structures up to 14 feet in height	P	P	P	9.04.08.06.020(c) 9.04.10.02.100
One-story accessory living quarters	PSP	PSP	PSP	9.04.08.06.020(c) 9.04.08.06.020(d) 9.04.12.080 9.04.20.08
Places of worship	CUP	CUP	CUP	9.04.20.12
Private tennis courts	PSP	PSP	PSP	9.04.12.060 9.04.20.08
Public parks and playgrounds	P	P	P	
Residential care facilities *	CUP	CUP	CUP	9.04.20.12
Rest homes	CUP	CUP	CUP	9.04.20.12
Schools	CUP	CUP	CUP	9.04.20.12
Senior group housing *	P	P	P	
Senior housing *	P	P	P	
Single room occupancy housing	P	P	P	
Single-family dwellings *	P	P	P	9.04.08.06.020(e)
Small family day care homes	P	P	P	
Transitional housing *	P	P	P	
Underground parking structures	CUP	CUP	CUP	9.04.08.06.020(f) 9.04.20.12
Yard sales	P	P	P	9.04.08.06.020(g)

* Denotes preferred permitted project per Table 9.04-2. Additional preferred permitted projects include one hundred percent affordable housing projects and projects that include the retention and preservation of a historic resource and comply with the Secretary of Interior's Standards for the Treatment of Historic Properties. "USGBC" shall mean the United States Green Building Council for certification under the Leadership Energy and Environmental Design Green Building Rating System (LEED).

Additional Land Use Regulations for the R2, R3, and R4 Districts referenced in Table 9.04-1:

(a) Hotels in existence as of January 1, 1995, or their replacement with a new hotel at an existing hotel site in conformance with the physical development standards in effect at the time of such replacement and located in a R2 or R3 zone in an area bounded by the centerline of Ocean Avenue to the west, the centerline of 14th Court to the east, the centerline of Wilshire Boulevard to the south and the centerline of Montana Avenue to the north, and including those R2 and R3 parcels on the north side of Montana Avenue within the east and west boundaries, provided:

(1) There is no increase in the floor area of the hotel after January 1, 1995;

(2) Any increase in the number of rooms is accomplished through subdivision of rooms existing on January 1, 1995 and does not exceed twenty-five percent of the number of rooms existing on January 1, 1995, or fifteen rooms, whichever is less; and

(3) All other Zoning Ordinance requirements are met, including parking requirements for any addition of rooms after January 1, 1995. If a parking variance is requested, the applicant shall be required to submit a parking analysis which demonstrates that the increase in guest rooms will not result in an adverse parking impact to the surrounding neighborhood.

(b) Residential condominiums are also subject to the requirements set forth in Subchapter 9.04.16 (Condominiums) and Chapter 9.20 (Subdivisions).

(c) Accessory buildings shall be architecturally compatible with the principal structure(s).

(d) One-story accessory living quarters are limited to fourteen feet in height. A minimum parcel area of ten thousand square feet is required.

(e) Single-family homes, including manufactured housing, must be placed on a permanent foundation.

(f) Underground parking structures may be conditionally permitted only if the subject parcel or parcels were occupied by a surface parking lot at the time of adoption of this Chapter, the parcel(s) is not adjacent to a parcel in the C2 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.

(g) Yard sales are limited to two per calendar year, for each dwelling unit, for a maximum of two days each. (Prior code § 9012.2; amended by Ord. No. 1750CCS § 3, adopted 6/28/94; Ord. No. 2131CCS § 6, adopted 7/27/04; Ord. No. 2207CCS § 1, adopted 10/3/06; Ord. No. 2213CCS § 1, adopted 12/5/06)

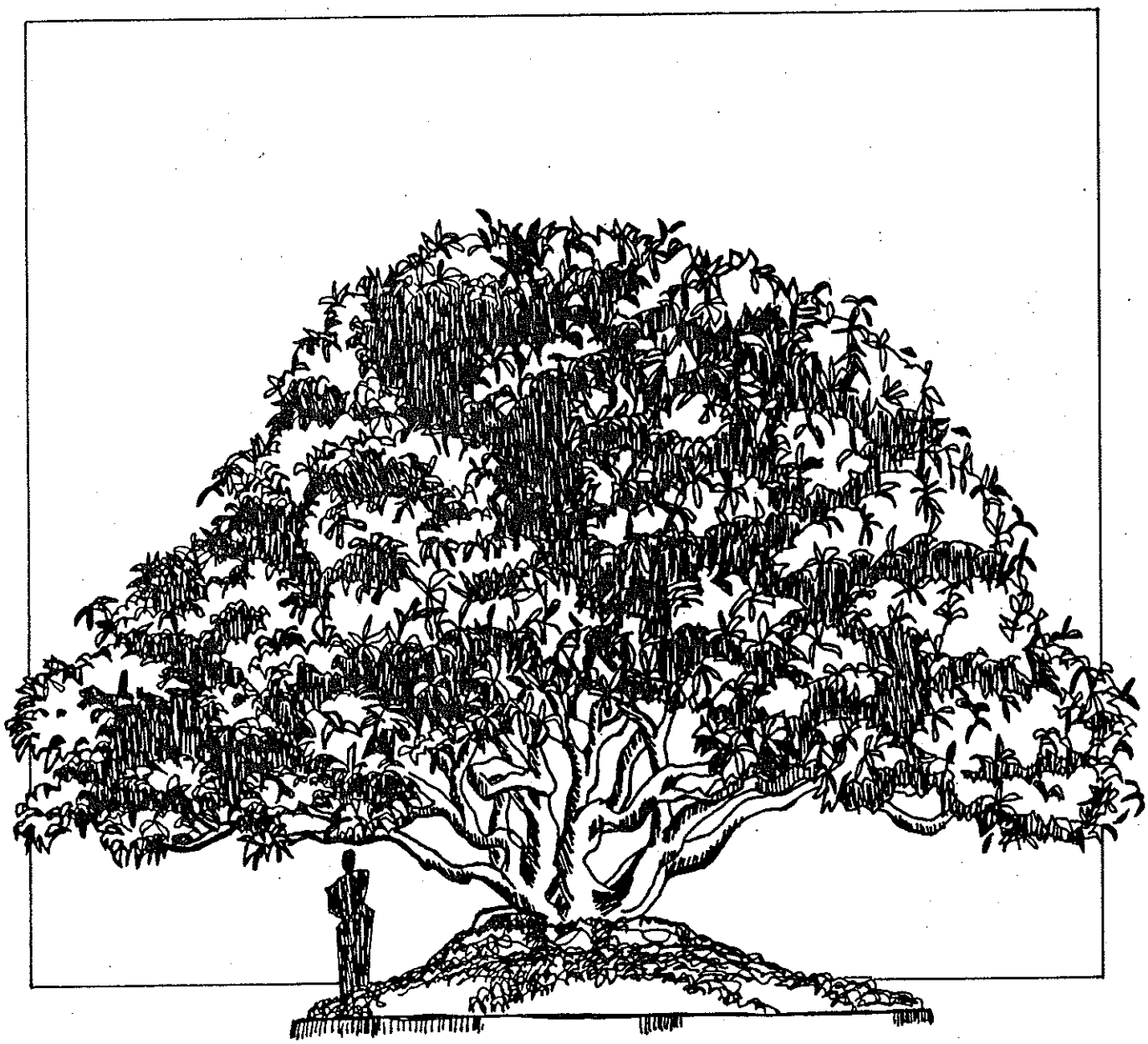
9.04.08.06.060 Property development standards.

All property in the R2, R3, and R4 Districts shall be developed in accordance with the standards set forth in Table 9.04-2, subsections (a) through (i) of this Section, and Section 9.04.08.06.070:

TABLE 9.04-2
PROPERTY DEVELOPMENT STANDARDS FOR THE R2, R3 AND R4 MULTIPLE FAMILY RESIDENTIAL DISTRICTS

	R2	R3	R4	ADDITIONAL DEVELOPMENT REGULATIONS
Minimum Parcel Dimensions: Area (square feet) Width (feet) Length (feet)	 5,000 SF 50 100	 5,000 SF 50 100	 5,000 SF 50 100	9.04.08.06.060 (a)
Maximum Building Height	2 stories 23 feet	3 stories 35 feet* All others: 2 stories 23 feet	4 stories 40 feet	9.04.08.06.060 (b) 9.04.08.06.060 (i)
Maximum Parcel Coverage (MPC):				
First Story	50%* All others: 45%	50%	50%	9.04.08.06.060 (c)
Second Story	90% of 1st Story MPC	85% of 1st Story MPC* All others: 90% of 1st Story MPC	80% of 1st Story MPC	9.04.08.06.060 (i)
Third Story	NA	60% of 1st Story MPC* All others: NA	60% of 1st Story MPC	9.04.08.06.060 (i)
Fourth Story	NA	NA	50% of 1st Story MPC Coverage	9.04.08.06.060 (i)
Minimum Front Yard Setback (feet)	20, or as established in the Official Districting Map, whichever is greater	20, or as established in the Official Districting Map, whichever is greater	20, or as established in the Official Districting Map, whichever is greater	
Minimum Rear Yard Setback (feet)	15	15	15	9.04.10.02.230
Minimum Side Yard Setback (feet)	8	8	8	9.04.08.06.060 (d)
Maximum Unit Density (dwelling unit / area)	1 / 1,500 SF* All others: The lesser of 1 / 2000 SF or 4 total	1 / 1,250 SF* All others: 1 / 1500 SF	1 / 900 SF	9.04.08.06.060 (e) 9.04.08.06.060 (f) 9.04.08.06.060 (i)
Private Open Space:				
Four or five units	100 SF / Unit	100 SF / Unit	100 SF / Unit	9.04.08.06.060 (g)
Six or more units	50 SF / Unit	50 SF / Unit	50 SF / Unit	9.04.08.06.060 (g)
Development Review Permit Threshold (based on project floor area)	15,000 SF	22,500 SF	25,000 SF	9.04.08.06.060 (h)

* Preferred Permitted Projects as listed in Table 9.04-1



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Additional regulations for the R2, R3, and R4 Districts referenced in the Additional Development Regulation column of Table 9.04-2:

(a) Parcels in existence prior to September 8, 1988 shall not be subject to the minimum parcel dimension requirements.

(b) The maximum building height may be exceeded in each district provided the maximum roof height does not exceed thirty feet in the R2 District, forty feet in the R3 District, or forty-five feet in the R4 District subject to the following criteria:

(1) In the R2 District, the building volume above twenty-three feet shall not exceed fifty percent of the parcel coverage of the story immediately below the twenty-three foot height elevation, multiplied by seven. For purposes of calculating a story's parcel coverage, area measurements shall extend to the outside surface of exterior walls. No portion of the building volume above twenty-three feet shall encroach into a plane starting at twenty-three feet above the front setback line and sloping upward at a forty-five-degree angle toward the rear of the lot. Parapets extending above twenty-three feet shall be included in the building volume calculation. To determine the volume occupied by a parapet structure, two sets of parallel lines to form a rectangle shall be used to enclose the area, multiplied by the height of the parapet.

(2) In the R3 District, the building volume above thirty-five feet shall not exceed fifty percent of the parcel coverage of the story immediately below the thirty-five-foot height elevation, multiplied by five. For purposes of calculating a story's parcel coverage, area measurements shall extend to the outside surface of exterior walls. No portion of the building volume above thirty-five feet shall encroach into a plane starting at thirty-five feet above the front setback line and sloping upward at a forty-five-degree angle toward the rear of the lot. Parapets extending above thirty-five feet shall be included in the building volume calculation. To determine the volume occupied by a parapet structure, two sets of parallel lines to form a rectangle shall be used to enclose the area, multiplied by the height of the parapet.

(3) In the R4 District, the building volume above forty feet shall not exceed fifty percent of the parcel coverage of the story immediately below the forty foot height elevation, multiplied by five. For purposes of calculating a story's parcel coverage, area measurements shall extend to the outside surface of exterior walls. No portion of the building volume above forty feet shall encroach into a plane starting at forty feet above the front setback line and sloping upward at a forty-five-degree angle toward the rear of the lot. Parapets extending above forty feet shall be included in the building volume calculation. To determine the volume occupied by a parapet structure, two sets of parallel lines to form a rectangle shall be used to enclose the area, multiplied by the height of the parapet.

(4) Affordable housing projects are not subject to subdivisions (1), (2), and (3) of this subdivision (b) and may extend to thirty feet in the R2 District, forty feet in the R3 District, and forty-five feet in the R4 District and shall have no limitation to the number of stories.

(c) The maximum parcel coverage shall not exceed fifty percent of the parcel area or the parcel area remaining after deducting required front, side and rear yard setbacks, whichever is less.

(d) The side yard setback for parcels less than fifty feet in width shall be sixteen percent of the parcel width, or four feet, whichever is greater.

(e) No more than one dwelling unit shall be permitted on a parcel of less than four thousand square feet if a single-family dwelling existed on the parcel on September 8, 1988.

(f) The density for affordable housing projects in which one hundred percent of the units are deed restricted for very low, low, or moderate income and located in an R2 or R3 District in the area bounded by the centerline of Ocean Avenue to the west, the centerline of 14th Court to the east, the centerline of Wilshire Boulevard to the south and the centerline of Montana Avenue to the north, but including those R2 and R3 zoned parcels on the north side of Montana Avenue within the east and west boundaries, may be one dwelling unit for every twelve hundred fifty square feet in the R2 District, and one dwelling unit for every nine hundred square feet in the R3 District.

(g) For purposes of the open space requirement, a 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.

(h) Except for projects listed in Section 9.04.10.14.050(b), a development review permit shall be required for projects that equal or exceed the established square foot floor area threshold. See Part 9.04.20.14 of the Zoning Ordinance.

(i) In the R4 District on Pico Boulevard between 11th Street and Euclid Street, the following development standards shall apply:

	Maximum Height	Maximum Parcel Coverage	Maximum Unit Density
Preferred Permitted Projects (as listed in Table 9.04-1)	4 stories, 40 feet	First Story: 50% Second Story: 80% of 1st story MPC Third Story: 60% of 1st story MPC Fourth Story: 50% of 1st story MPC	1 unit / 900 SF of parcel area
Permitted Projects	3 stories, 35 feet	First Story: 50% Second Story: 85% of 1st story MPC Third Story: 60% of 1st story MPC	1 unit / 1,250 SF of Parcel area

(Prior code § 9012.6; amended by Ord. No. 1750CCS § 4, adopted 6/28/94; Ord. No. 1767CCS § 4, adopted 9/13/94; Ord. No. 1791CCS § 1, adopted 3/21/95; Ord. No. 2131CCS § 6 (part), adopted 7/27/04; Ord. No. 2207CCS § 2, adopted 10/3/06; Ord. No. 2217CCS § 5, adopted 1/23/07)

9.04.08.06.070 Special project design and development standards.

The new construction of or new addition to a principal building shall comply with the following standards:

(a) The finished floor elevation of the first floor level shall be a minimum of six inches above, but no more than three feet above theoretical grade.

(b) An additional five-foot setback beyond the minimum front yard setback set forth in Section 9.04.08.06.060 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.

(c) All required setbacks set forth in Section 9.04.08.06.060 and this Section 9.04.08.06.070 shall be open to the sky except for permitted architectural projections contained in Section 9.04.10.02.180.

(d) Mezzanines shall be concealed within the building and shall not appear as an additional story on the exterior building façade.

(e) Stair and elevator projections above the maximum permitted height limit shall not exceed the minimum width, depth and height identified in Chapter 8 of the Santa Monica Municipal Code necessary to accommodate such access. A landing exceeding the minimum size requirements, multiple landings, and access to mezzanines or circulation corridors shall not be permitted above the maximum height limit.

(f) An additional two-foot average sideyard setback from the minimum requirement set forth in Section 9.04.08.06.060 shall be

provided at each story. Setback areas greater than five feet in depth from the minimum sideyard setback, or the area used to comply with the additional setback requirements in subsection (b) of this Section, shall not be used to satisfy compliance with this requirement.

(g) 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 stepbacks; 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.

(h) Parcels having a width greater than ninety-nine feet and located in the R2 or R3 District shall provide a courtyard centered 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 must be designed to accommodate a rectangular area not less than one thousand square feet with a minimum width of eighteen feet measured parallel to the front parcel line. Required setback area shall not count toward the minimum width or one thousand square foot requirement.

(2) Courtyards shall be open to the sky, but may include permitted projections set forth in Section 9.04.10.02.180 for side yard projections. Courtyards shall be visible and accessible from the sidewalk and each ground floor unit. 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) Courtyard entry gates, if provided, shall be seventy percent transparent to the courtyard, designed in a complementary style to the building's architecture, and constructed using high quality, durable materials.

(i) A minimum of two canopy trees shall be provided in the required unexcavated front yard setback and three canopy trees shall be provided in the required unexcavated side yard. (Added by Ord. No. 2131CCS § 6 (part), adopted 7/27/04)

9.04.08.06.080 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 9.32 of this Article. (Prior code § 9012.7; amended by Ord. No. 2131CCS § 6 (part), adopted 7/27/04)

Part 9.04.08.12 RVC Residential-Visitor Commercial District

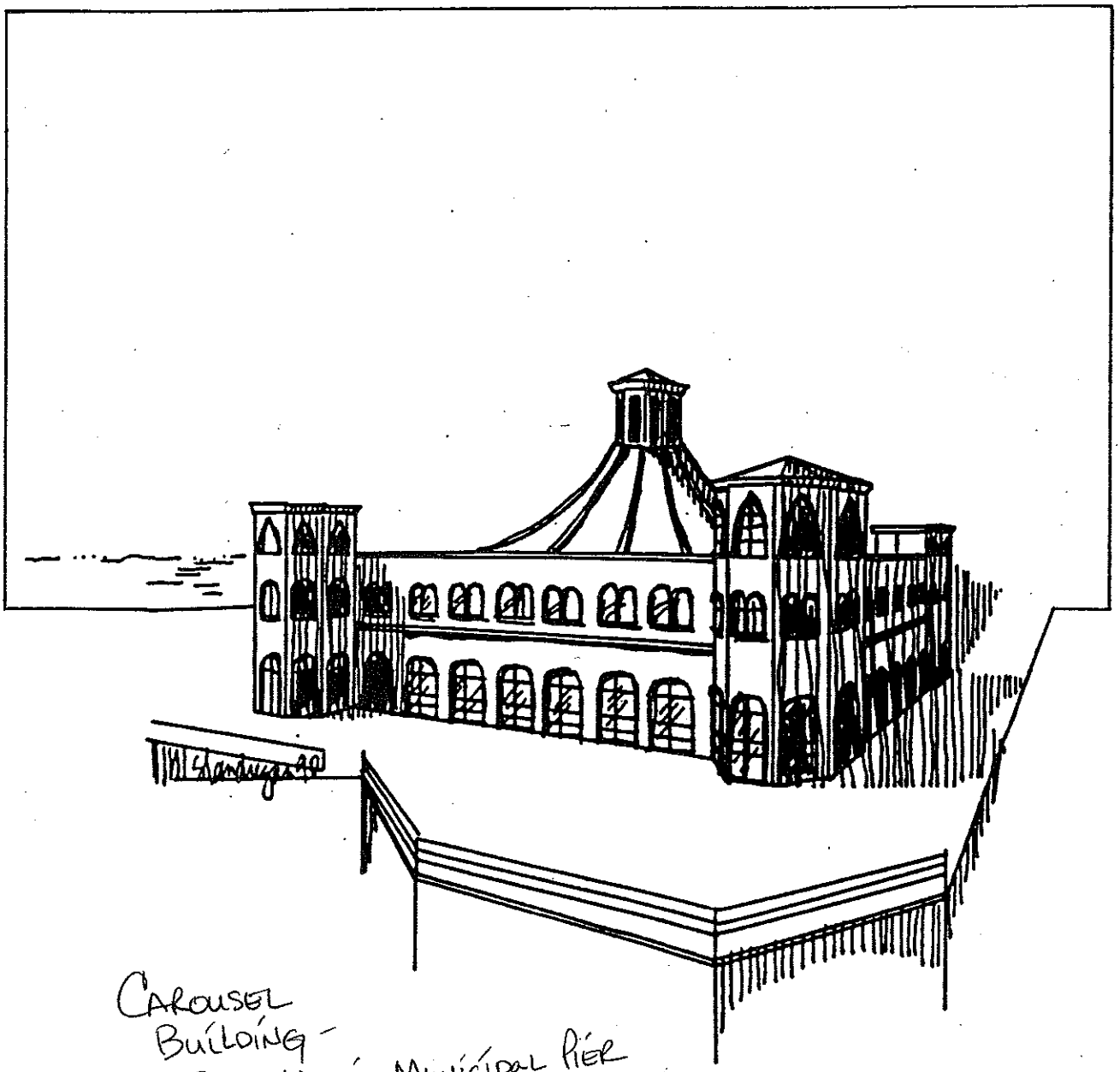
9.04.08.12.010 Purpose.

The RVC District is intended to protect the existing residential mix in the area while providing for the concentration and expansion of coastal-related, lodging, dining, recreation, and shopping needs of tourists and others in the oceanfront area. The RVC District is designed to preserve and enhance the unique scale, character, and uses along the Promenade and on the Santa Monica Pier. Development intensity is intended to accommodate new hotel and other desired uses. The RVC District is also intended to conditionally permit other uses such as office, new residential, and cultural uses to ensure consistency with the goals, objectives, and policies of the General Plan. (Prior code § 9015.1)

9.04.08.12.020 Permitted uses.

The following uses shall be permitted in the RVC District, if conducted within an enclosed building, except where otherwise permitted:

(a) Arts and crafts shops;
(b) Camera shops;
(c) Congregate housing;
(d) Convention and conference facilities;
(e) Domestic violence shelters;
(f) Entertainment and cultural uses;
(g) Gift or souvenir shops;
(h) Libraries;
(i) Marine oriented uses such as aquariums;
(j) Museums;
(k) Neighborhood grocery stores;
(l) Single-family dwellings placed on a permanent foundation (including manufactured housing);
(m) Multifamily dwellings;
(n) Nightclubs within hotels;
(o) Retail uses that cater to the visiting public;
(p) Public parks and playgrounds;
(q) Residential uses existing at the time of adoption of this Chapter;
(r) Restaurants;
(s) Schools;
(t) Senior housing;
(u) Senior group housing;
(v) Sidewalk cafes not more than two hundred square feet in area, subject to the limitations contained in Section 9.04.10.02.460.
(w) Single room occupancy housing;
(x) Skating rinks;
(y) Snack shops;
(z) Swim and health clubs;
(aa) Transitional housing;
(bb) Outdoor public utilities and maintenance service yards;
(cc) The following uses if conducted on the Santa Monica Pier or along The Promenade:
(1) Bait shops and fishing supplies,
(2) Exhibitions and games,
(3) Fish markets,
(4) Marine service stations and boat landings on the Pier only,
(5) Night clubs,
(6) Sport fishing;
(dd) Accessory uses which are determined by the Zoning Administrator to be necessary and customarily associated with, and are appropriate, incidental, and subordinate to, the principal permitted use;



CAROUSEL
BUILDING -
Santa Monica Municipal Pier

(ee) Other uses determined by the Zoning Administrator to be similar to those listed above and which are consistent and not more disruptive or disturbing than permitted uses. (Prior code § 9015.2; amended by Ord. No. 1721CCS § 1, adopted 1/25/94; Ord. No. 1750CCS § 9, adopted 6/28/94; Ord. No. 1917CCS § 1, adopted 6/16/98; Ord. No. 1964CCS § 1, adopted 1/11/00; Ord. No. 2192CCS § 1, adopted 7/11/06)

9.04.08.12.030 Uses subject to performance standards permit.

The following uses may be permitted in the RVC District subject to the approval of a performance standards permit:

(a) Automobile rental agencies.

(b) Sidewalk cafés that exceed two hundred square feet in area.

(c) Game arcades. (Prior code § 9015.3; amended by Ord. No. 1964CCS, § 2, adopted 1/11/00; Ord. No. 2192CCS § 2, adopted 7/11/06)

9.04.08.12.035 Uses subject to a use permit.

(a) Outdoor newsstands. (Added by Ord. No. 1690CCS § 1, adopted 7/13/93)

9.04.08.12.040 Conditionally permitted uses.

The following uses may be permitted in the RVC District subject to the approval of a conditional use permit:

(a) Bed and breakfast facilities.

(b) Child day care centers.

(c) Eating and drinking establishments permitting alcoholic beverages.

(d) General offices uses, except within the ground floor street frontage such uses may not exceed twenty-five percent of the parcel width or one thousand square feet whichever is less.

(e) Hotels and motels.

(f) Outdoor displays and sales of the following items on private property adjacent to either The Promenade or the streets between The Promenade and Appian Way:

(1) Artwork and pottery.

(2) Flowers and plants.

(3) Handcrafted products and goods.

(4) Recreational equipment rentals such as rollerskates, bicycles, and surfboards.

(5) Any other items determined by the Zoning Administrator to be similar to those listed above.

(g) Parking facilities.

(h) Shelters for the homeless.

(i) Theaters only in the Pier Overlay. (Prior code § 9015.4; amended by Ord. No. 1886CCS § 1, adopted 9/23/97)

9.04.08.12.050 Prohibited uses.

(a) Cinemas.

(b) Firearms dealerships.

(c) Rooftop parking on parcels directly abutting, or separated by an alley from, a residential district.

(d) Any use not specifically authorized. (Prior code § 9015.5; amended by Ord. No. 1852CCS § 7, adopted 6/11/96)

9.04.08.12.060 Property development standards.

All property in the RVC District shall be developed in accordance with the following standards:

(a) **Maximum Building Height and FAR.** Maximum building height, number of stories and floor area ratio shall be determined as follows:

Table 9.04.08.12.060
MAXIMUM BUILDING HEIGHT AND FAR

(1) **Properties Bounded by the following Streets**	**Maximum Height**	**Maximum Number of Stories**	**Maximum FAR**
Pier Overlay:			
a. Santa Monica Pier. The Deauville site to the north, Seaside Terrace to the south, The Promenade to the west, and Ocean Avenue to the east, except parcels fronting on Ocean Avenue.	30′	2	1.0
b. Parcels fronting on Ocean Avenue.	30′	2	0.5
c. Replacement of Sinbad's building only on the Santa Monica Pier.	40′	3	1.0
d. Amusement rides on the Santa Monica Pier.	85′ for one Ferris wheel; 55′ for one roller coaster; 45′ for all other amusement rides		
West of Ocean Avenue from Pico Boulevard to Seaside Terrace (Ocean Avenue Fronting Parcels Only).	45′	3	2.0
East side of Ocean Avenue to First Court from Colorado Avenue to California Avenue.	45′	3	2.0
For parcels located along the Pacific Coast Highway between the Santa Monica Pier and the north City limits.	23′ flat roof 30′ pitched roof	2	0.5

(2) As used in this Section, 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.

(3) There shall be no limitation on the number of stories of any hotel, parking structure or affordable housing project, as long as the height does not exceed the maximum number of feet permitted in this Section. Maximum building height for the pier platform shall be measured from the pier platform rather than average natural grade.

(4) Buildings on the Santa Monica Pier may be three stories in height provided that the third story is comprised exclusively of structures that support roof top dining, including, but not limited to, restrooms, server stations, elevator lobby areas and service/storage areas provided the area of all such structures, including mechanical equipment and enclosures and vents, ducts and skylights does not exceed fifty-five percent of the total roof area and the total building height does not exceed the maximum height of the district when including the roof-top dining support structures. Maximum building height for the buildings on the pier shall be measured from the pier platform and not average natural grade (ANG).

(b) **Maximum Unit Density.** For parcels located along the Pacific Coast Highway between the Santa Monica Pier and the north City limits, those parcels greater than four thousand square feet, one dwelling unit for each one thousand five hundred square feet of parcel area is permitted. 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-family dwelling existed on the parcel on September 9, 1988. No more than one dwelling unit shall be permitted on a parcel forty feet or less in width.

(c) **Maximum Parcel Coverage.** Seventy percent except that for parcels located along the Pacific Coast Highway between the Santa Monica Pier and the north City limits, the maximum parcel coverage shall be fifty percent.

(d) **Minimum Lot 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 9, 1988, shall not be subject to this requirement.

(e) **Front Yard Setback.**

(1) Thirty-five feet along the west side of Ocean Avenue south of Colorado Avenue, twenty feet on the east side of Ocean Avenue south of Colorado Avenue and five feet on all other streets, except that for parcels located along the Pacific Coast Highway between the Santa Monica Pier and the north City limits, the front yard setback shall be twenty feet or as shown on the Official Districting Map, whichever is greater.

(2) 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) **Rear Yard Setback.** Fifteen feet, except that for parcels located along the Pacific Coast Highway between the Santa Monica Pier and the north City limits, the beach rear yard setback shall be fifteen feet for parcels one hundred feet or less in depth, fifty-five feet for parcels over one hundred feet in depth.

(g) **Side Yard Setback.** The side yard setback shall be determined in accordance with the following formula, except for lots of less than fifty feet in width for which the side yard

shall be ten percent of the parcel width but not less than four feet:

$$5' + \frac{(\text{stories x lot width})}{50'}$$

For parcels located along the Pacific Coast Highway between the Santa Monica Pier and the north City limits, 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 side yard setback.

(h) **Development Review.** Except for projects listed in Section 9.04.10.14.050, a development review permit is required for any development of more than seven thousand five hundred square feet of floor area and for any development with rooftop parking. Square footage devoted to residential use shall be reduced by fifty percent when calculating whether a development review permit is required.

(i) **View Corridor.** For parcels located along the Pacific Coast Highway between the Santa Monica Pier and the north City limits, any structure with seventy 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 twenty continuous feet in width measured from the property line abutting and parallel to Pacific Coast Highway and shall remain unobstructed by any structure or portion thereof.

(j) **Parking.** For parcels located along the Pacific Coast Highway between the Santa Monica Pier and the north City limits, uncovered parking may be located in the front half of the parcel and within the required front yard setback.

(k) **Pedestrian Orientation.** Ground floor street frontage of each structure shall be designed with pedestrian orientation in accordance with Section 9.04.10.02.440 of this Chapter. (Prior code § 9015.6; amended by Ord. No. 1626CCS § 1, adopted 5/12/92; Ord. No. 1721CCS § 2, adopted 1/25/94; Ord. No. 1750CCS § 10, adopted 6/28/94; Ord. No. 1893CCS § 3, adopted 1/13/98; Ord. No. 1927CCS § 1, adopted 11/10/98; Ord. No. 2102CCS § 1, adopted 12/16/03; Ord. No. 2413CCS § 1, adopted 11/13/12)

9.04.08.12.065 Deed restrictions.

Prior to issuance of a building permit for a project which, pursuant to this Part, has received a density or height bonus, or was not subject to a development review permit because the calculation of the residential square footage of the project was reduced by fifty percent, the applicant shall submit for City review and approval, deed restrictions or other legal instruments setting forth the obligation of the applicant to maintain the residential use of the project for the life of the project. (Added by Ord. No. 1927CCS § 2, adopted 11/10/98)

9.04.08.12.070 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 9.32 of this Article. The construction of a single-family dwelling shall be exempt from architectural review. (Prior code § 9015.7)

9.04.08.12.080 Exemptions.

The following projects are exempt from the provisions of Section 9.04.08.12.060:

(1) Any building or structure sited on a Residential-Visitor Commercial zoned parcel located on the Pacific Coast Highway north of the Pier for which a building permit was issued on or before April 23, 1993.

(2) Any building or structure sited on Residential-Visitor Commercial zoned parcels other than those located on the Pacific Coast Highway north of the Pier for which a building permit was issued on or before the effective date of the ordinance codified in this Section.

(3) Any project sited on a Residential-Visitor Commercial zoned parcel located on the Pacific Coast Highway north of the Pier for which a vesting tentative map application was filed and deemed complete on or before April 23, 1993.

(4) Any project sited on Residential-Visitor Commercial zoned parcels other than those located on the Pacific Coast Highway north of the Pier for which a vesting tentative map application was filed and deemed complete on or before the effective date of the ordinance codified in this Section. (Added by Ord. No. 1721CCS § 3, adopted 1/25/94)

Part 9.04.08.14 Broadway Commercial District

9.04.08.14.010 Purpose.

The Broadway Commercial District is intended to protect and enhance neighborhood commercial areas by promoting the concentration of businesses that provide convenience goods and services used frequently by local residents. This District provides for a scale and character of development that is consistent with pedestrian orientation and which tends to attract and promote a walk-in clientele. Development within this District should maximize human scale elements while providing a sensitive transition between these uses and neighboring residences, including the provision of adequate and properly sited parking facilities. Additionally, the Broadway Commercial District encourages residential mixed use of commercially zoned parcels to further enhance the transition between neighborhood commercial and adjacent residential uses, consistent with the goals, objectives, and policies of the General Plan. (Prior code § 9016.1; amended by Ord. No. 1687CCS § 2, adopted 6/22/93)

9.04.08.14.020 Permitted uses.

The following convenience goods and service type uses shall be permitted in the Broadway Commercial District, if conducted within an enclosed building (except where otherwise permitted):

(a) Appliance stores.
(b) Appliance or electronic repair shops.
(c) Art galleries.
(d) Artist studios.
(e) Barber or beauty shops.
(f) Child day care centers.
(g) Cleaners.
(h) Congregate housing.
(i) Domestic violence shelters.

(j) Drugstores.
(k) Food stores.
(l) General offices above the first floor.
(m) Hardware stores.
(n) Homeless shelters with less than fifty-five beds.
(o) Laundromats.
(p) Libraries.
(q) Medical, dental, and optometrist offices, provided that the use does not exceed twenty-five percent of total square footage of the building or three thousand square feet, whichever is less.
(r) Multifamily dwelling units.
(s) Offices and meeting rooms for charitable, youth and welfare organizations.
(t) Places of worship.
(u) Public parks and playgrounds.
(v) Photocopy shops.
(w) Plant nurseries (provided all supplies, except planted stock are kept entirely within an enclosed building).
(x) Restaurants of fifty seats or less.
(y) Schools.
(z) Senior group housing.
(aa) Senior housing.
(bb) Sidewalk cafés not more than two hundred square feet in area, subject to the limitations contained in Section 9.04.10.02.460.
(cc) Single-family dwelling units.
(dd) Single-room occupancy housing.
(ee) Specialty offices.
(ff) Tailors.
(gg) Transitional housing.
(hh) Accessory uses which are determined by the Zoning Administrator to be necessary and customarily associated with, and are appropriate, incidental, and subordinate to, the principal permitted uses and which are consistent with and no more disturbing or disruptive than permitted uses.
(ii) Other uses determined by the Zoning Administrator to be similar to those listed above which are consistent with and no more disturbing or disruptive than permitted uses. (Prior code § 9016.2; amended by Ord. No. 1687CCS § 2, adopted 6/22/93; Ord. No. 2192CCS § 3, adopted 7/11/06)

9.04.08.14.030 Uses subject to performance standards permit.

The following uses may be permitted in the Broadway Commercial District subject to approval of a performance standards permit:
(a) Automobile storage lots associated with automobile dealerships selling new vehicles on the effective date of the ordinance codified in this Chapter. Existing automobile storage lots shall comply with Section 9.04.12.100 within three years from the effective date of the ordinance codifed in this Chapter.
(b) Large family day care homes.
(c) Sidewalk cafés that exceed two hundred square feet in area. (Prior code § 9016.3; amended by Ord. No. 1687CCS § 2, adopted 6/22/93; Ord. No. 2192CCS § 4, adopted 7/11/06)

9.04.08.14.035 Uses subject to a use permit.

(a) Outdoor newsstands. (Added by Ord. No. 1690CCS § 2, adopted 7/13/93)

9.04.08.14.040 Conditionally permitted uses.

The following uses may be permitted in the Broadway Commercial District subject to the approval of a conditional use permit:
(a) Expansion or intensification of automobile repair facilities existing as of July 11, 1995.
(b) Homeless shelters with fifty-five beds or more.
(c) Service stations. (Prior code § 9016.4; amended by Ord. No. 1687CCS § 2, adopted 6/22/93; Ord. No. 1809CCS § 1, adopted 7/25/95)

9.04.08.14.050 Prohibited uses.

(a) Cinemas.
(b) Firearms dealerships.
(c) Rooftop parking on parcels directly abutting, or separated by an alley from, a residential district.
(d) Any use not specifically authorized. (Prior code § 9016.5; amended by Ord. No. 1687CCS § 2, adopted 6/22/93; Ord. No. 1852CCS § 8, adopted 6/11/96)

9.04.08.14.060 Property development standards.

All property in the Broadway District shall be developed in accordance with the following standards:
(a) **Maximum Building Height.** Two stories, not to exceed thirty feet except that if fifty percent or more of the building is residential, three stories, not to exceed forty-five feet. There shall be no limitation on the number of stories of any structure containing at least one floor of residential use, so long as the height does not exceed the maximum number of feet permitted in this Section.
(b) **Maximum Floor Area Ratio.** The maximum floor area ratio shall be determined as follows:

Parcel Square Footage	FAR	FAR if at Least 30 Percent of Project is Residential, or if at Least 80 Percent of the Project is a Grocery Store
0—15,000	1.0	1.5
15,001—22,500	0.90	1.3
22,501 and up	0.80	1.15

(c) **Minimum Lot Size.** Seven thousand five hundred square feet. Each parcel shall have minimum dimensions of fifty feet by one hundred fifty feet, except that parcels existing on the effective date of the ordinance codified in this Chapter shall not be subject to this requirement.
(d) **Front Yard Setback.** Landscaping as required pursuant to the provisions of Part 9.04.10.04.
(e) **Rear Yard Setback.** None, except:
(1) Where rear parcel line abuts a residential district, a rear yard equal to:

$$5' + \frac{(\text{stories x lot width})}{50'}$$

The required rear yard may be used for parking or loading to within five feet of the rear parcel line provided the parking or loading does not extend above the first floor level and provided that a wall not less than five feet or more than six feet in height is erected and maintained along the rear commercial parcel line. Access driveways shall be permitted to perpendicularly cross the required rear yard provided the driveway does not exceed the minimum width permitted for the parking area. A required rear yard shall not be used for commercial purposes.

(2) That needed to accommodate landscaping and screening for a rear yard buffer required pursuant to the provisions of Part 9.04.10.04.

(f) **Side Yard Setback.** None, except:

(1) Where the interior side parcel line abuts a residential district, an interior side yard equal to:

$$5' + \frac{(\text{stories x lot width})}{50'}$$

The interior side yard may be used for parking or loading to within five feet of the interior side property line provided the parking or loading does not extend above the first floor level and provided a wall not less than five feet or more than six feet in height is erected and maintained along the side commercial parcel line. A required interior side yard shall not be used for access or for commercial purposes.

(2) That needed to accommodate landscaping required for a street side yard, landscape buffer and screening pursuant to the provisions of Part 9.04.10.04.

(3) A ten-foot setback from an interior property line shall be required for portions of buildings that contain windows, doors, or other openings into the interior of the building. An interior side yard less than ten feet shall be permitted if provisions of the Uniform Building Code related to fire-rated openings in side yards are satisfied.

(g) **Development Review.** Except for projects listed in Section 9.04.10.14.050, a development review permit is required for any development of more than seven thousand five hundred square feet of floor area and for any development with rooftop parking. Square footage devoted to residential use shall be reduced by fifty percent when calculating whether a development review permit is required.

(h) **Pedestrian Orientation.** Ground floor street frontage of each structure shall be designed with pedestrian orientation in accordance with Section 9.04.10.02.440 of this Chapter. (Prior code § 9016.6; amended by Ord. No. 1687CCS § 2, adopted 6/22/93; Ord. No. 1774CCS § 1, adopted 11/15/94; Ord. No. 1893CCS § 4, adopted 1/13/98; Ord. No. 1927CCS § 3, adopted 11/10/98; Ord. No. 2102CCS § 2, adopted 12/16/03)

9.04.08.14.065 Deed restrictions.

Prior to issuance of a building permit for a project which, pursuant to this Part, has received a density or height bonus, or was not subject to a development review permit because the calculation of the residential square footage of the project was reduced by fifty percent, the applicant shall submit for City review and approval, deed restrictions or other legal instruments setting forth the obligation of the applicant to maintain the residential use of the project for the life of the project. (Added by Ord. No. 1828CCS § 1, adopted 11/7/95; amended by Ord. No. 1927CCS § 4, adopted 11/10/98)

9.04.08.14.070 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 9.32 of this Article. (Prior code § 9016.7; amended by Ord. No. 1687CCS § 2, adopted 6/22/93)

Part 9.04.08.15 BSCD Bayside Commercial District

9.04.08.15.010 Purpose.

The BSC District is intended to provide for a concentration of retail, entertainment, office and housing uses in addition to complementary uses such as hotels and cultural facilities. The development standards for the BSC District are intended to permit a greater amount of floor area per parcel than other zoning districts in order to encourage an increase in the mix of uses and level of activity in the area while providing for development that maintains a sense of human scale and pedestrian-oriented character, consistent with the goals, objectives, and policies of the General Plan. (Added by Ord. No. 1841CCS § 3 (part), adopted 2/13/96)

9.04.08.15.015 Definitions.

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

Bayside Commercial District-1 (BSC-1). That area bounded by Wilshire Boulevard on the north, Broadway on the south, Mall Court East on the east, and Mall Court West on the west.

Bayside Commercial District-2 (BSC-2). That area bounded by Wilshire Boulevard on the north, Broadway on the south, Mall Court West on the east, and Second Street on the west, and that area bounded by Wilshire Boulevard on the north, Broadway on the south, Fourth Street on the east, and Mall Court East on the west.

Bayside Commercial District-3 (BSC-3). That area bounded by Wilshire Boulevard on the north, Broadway on the south, Fourth Court Alley on the east and Fourth Street on the west.

Bayside Commercial District-4 (BSC-4). That area bounded by Wilshire Boulevard on the north, Broadway on the south, Second Street on the east, and First Court Alley on the west.

Block One. That area bounded by Wilshire Boulevard on the north, Arizona Avenue on the south, Fourth Court Alley on the east, and Mall Court East on the west.

Block Two. That area bounded by Arizona Avenue on the north, Santa Monica Boulevard on the south, Fourth Court Alley on the east, and Mall Court East on the west.

Block Three. That area bounded by Santa Monica Boulevard on the north, Broadway on the south, Fourth Court Alley on the east, and Mall Court East on the west.

Block Four. That area bounded by Wilshire Boulevard on the north, Arizona Avenue on the south, Mall Court East on the east, and Mall Court West on the west.

Block Five. That area bounded by Arizona Avenue on the north, Santa Monica Boulevard on the south, Mall Court East on the east, and Mall Court West on the west.

Block Six. That area bounded by Santa Monica Boulevard on the north, Broadway on the south, Mall Court East on the east, and Mall Court West on the west.

Block Seven. That area bounded by Wilshire Boulevard on the north, Arizona Avenue on the south, Mall Court West on the east, and First Court Alley on the west.

Block Eight. That area bounded by Arizona Avenue on the north, Santa Monica Boulevard on the south, Mall Court West on the east, and First Court Alley on the west.

Block Nine. That area bounded by Santa Monica Boulevard on the north, Broadway on the south, Mall Court West on the east, and First Court Alley on the west.

Fast-Food Food Court. A multi-tenant food service complex with at least four food service outlets where the complex is under common management, there is no table service, and tenants share common seating area. The size of the individual food service facilities shall be limited to seven hundred fifty square feet and the complex must include a dedicated public passageway from the Third Street Promenade to the rear alley. (Added by Ord. No. 1841CCS § 3 (part), adopted 2/13/96)

9.04.08.15.020 Permitted uses.

(a) The following uses shall be permitted in the BSC-1 portion of the BSC District, provided that any such use shall obtain a use permit pursuant to Section 9.04.13.060 if its Third Street Promenade first-floor frontage exceeds fifty feet, and that the conversion of any portion of a food use in existence as of January 24, 2006 to any other new or expanded use located on the ground floor level adjacent to the Third Street Promenade shall obtain a conditional use permit pursuant to Section 9.04.08.15.085. All uses shall be conducted within an enclosed building, except where otherwise specified:

(1) Art galleries.

(2) Artist studios above the first floor and at the rear seventy-five feet of a parcel.

(3) Bakeries.

(4) Barber or beauty shops.

(5) Business colleges.

(6) Child day care centers.

(7) Cleaners.

(8) Congregate housing.

(9) Cultural facilities.

(10) Dance studios.

(11) Domestic violence shelters.

(12) Exercise facilities.

(13) General offices above the first floor and in the rear seventy-five feet of a parcel.

(14) General retail.

(15) Homeless shelters with less than fifty-five beds.

(16) Medical, dental and optometrist clinics and laboratories above the first floor and in the rear seventy-five feet of a parcel.

(17) Multi-family dwelling units.

(18) Museums.

(19) Outdoor newsstands.

(20) Pawnbrokers.

(21) Photocopy shops.

(22) Places of worship.

(23) Restaurants, subject to the limitations contained in Section 9.04.08.15.080.

(24) Senior group housing.

(25) Senior housing.

(26) Sidewalk cafés, subject to the provisions of the Outdoor Dining Standards for the Third Street Promenade, approved by resolution of the City Council, and subject to the limitations contained in Section 9.04.08.15.080.

(27) Single-room occupancy housing.

(28) Tailors.

(29) Trade schools.

(30) Transitional housing.

(31) Accessory uses which are determined by the Zoning Administrator to be necessary and customarily associated with and appropriate, incidental, and subordinate to, the principal permitted uses and which are consistent and not more disturbing or disruptive than permitted uses.

(32) Other uses determined by the Zoning Administrator to be similar to those listed above and which are consistent and not more disturbing or disruptive than permitted uses.

(b) The following uses shall be permitted in the BSC-2, BSC-3 and BSC-4 portions of the BSC District. All uses shall be conducted within an enclosed building, except where otherwise specified:

(1) Art galleries.

(2) Artist studios above the first floor.

(3) Appliance repair shops.

(4) Bakeries.

(5) Banks and savings and loan institutions.

(6) Barber or beauty shops.

(7) Business colleges.

(8) Child day care centers.

(9) Cleaners.

(10) Congregate housing.

(11) Cultural facilities.

(12) Dance studios.

(13) Domestic violence shelters.

(14) Exercise facilities.

(15) General offices above the first floor and in the rear seventy-five feet of a parcel.

(16) General retail.

(17) Homeless shelters with less than fifty-five beds.

(18) Laundromats.

(19) Medical, dental and optometrist clinics and laboratories above the first floor and in the rear fifty feet of a parcel.

(20) Multi-family dwelling units.

(21) Museums.

(22) Outdoor newsstands.

(23) Pawnbrokers.

(24) Party equipment rentals.

(25) Photocopy shops.

(26) Places of worship.

(27) Restaurants, subject to the limitations contained in Section 9.04.08.15.080.

(28) Senior group housing.

(29) Senior housing.

(30) Single-room occupancy housing.

(31) Tailors.

(32) Theaters.

(33) Trade schools.

(34) Transitional housing.

(35) Accessory uses which are determined by the Zoning Administrator to be necessary and customarily associated with and appropriate, incidental, and subordinate to, the principal permitted uses and which are consistent and not more disturbing or disruptive than permitted uses.

(36) Other uses determined by the Zoning Administrator to be similar to those listed above and which are consistent and not more disturbing or disruptive than permitted uses. (Added by Ord. No. 1841CCS § 3 (part), adopted 2/13/96; amended by Ord. No. 1864CCS § 1, adopted 9/24/96; Ord. No. 2142CCS § 1, adopted 9/28/04; Ord. No. 2175CCS § 1, adopted 2/14/06; Ord. No. 2192CCS § 5, adopted 7/11/06; Ord. No. 2198CCS § 1, adopted 7/25/06)

9.04.08.15.030 Uses subject to performance standards permit.

(a) The following uses may be permitted in the BSC-1 portion of the BSC District subject to the approval of a performance standards permit:

(1) All-electric vehicle automobile dealership showrooms.

(b) The following uses may be permitted in the BSC-2, BSC-3 and BSC-4 portions of the BSC District subject to the approval of a performance standards permit:

(1) Sidewalk cafés that exceed two hundred square feet in area, subject to the limitations contained in Section 9.04.08.15.080. (Added by Ord. No. 1841CCS § 3 (part), adopted 2/13/96; amended by Ord. No. 2192CCS § 6, adopted 7/11/06; Ord. No. 2384CCS § 1, adopted 12/13/11)

9.04.08.15.040 Conditionally permitted uses.

(a) The following uses may be permitted in the BSC-1 portion of the BSC District subject to the approval of a conditional use permit. Additionally, any use for which the Third Street Promenade first-floor frontage exceeds fifty feet shall obtain a use permit pursuant to Section 9.04.13.060, and the conversion of any portion of a food use in existence as of January 24, 2006 to any other new or expanded use located on the ground floor level adjacent to the Third Street Promenade shall obtain a conditional use permit pursuant to Section 9.04.08.15.085:

(1) Bars, subject to the limitations contained in Section 9.04.08.15.080;

(2) Billiard parlors;

(3) Bowling alleys;

(4) Cinemas;

(5) Clubs and lodges;

(6) Convention and conference facilities;

(7) Fast-food food courts, subject to the limitations contained in Section 9.04.08.15.080;

(8) Homeless shelters with fifty-five beds or more;

(9) Hotels and motels;

(10) Nightclubs, subject to the limitations contained in Section 9.04.08.15.080;

(11) Open-air farmers markets;

(12) Skating rinks;

(13) Theaters.

(b) The following uses may be permitted in the BSC-2, BSC-3 and BSC-4 portions of the BSC District, subject to the approval of a conditional use permit:

(1) Automobile parking lots and structures;

(2) Bars, subject to the limitations contained in Section 9.04.08.15.080;

(3) Billiard parlors;

(4) Bowling alleys;

(5) Cinemas;

(6) Clubs and lodges;

(7) Convention and conference facilities;

(8) General offices uses on the ground floor in that portion of a parcel between twenty-five feet and seventy-five feet from the front parcel line;

(9) Homeless shelters with fifty-five beds or more;

(10) Hotels and motels;

(11) Nightclubs, subject to the limitations contained in Section 9.04.08.15.080;

(12) Open-air farmers markets;

(13) Skating rinks.

(c) In addition to those uses specified in subsection (b) of this Section, the following uses may be permitted in the BSC-3 portion of the BSC District subject to the approval of a conditional use permit:

Expansion or intensification of automobile repair facilities existing as of July 8, 1997 provided such property is physically improved to comply with the Bayside District special project design and development standards set forth in Section 9.04.08.15.070 and the special conditions for auto repair facilities set forth in Section 9.04.14.050. (Added by Ord. No. 1841CCS § 3 (part), adopted 2/13/96; amended by Ord. No. 1885CCS § 1, adopted 9/23/97; Ord. No. 1937CCS § 1, adopted 2/23/99; Ord. No. 2142CCS § 2, adopted 9/28/04; Ord. No. 2175CCS § 2, adopted 2/14/06; Ord. No. 2198CCS § 2, adopted 7/25/06)

9.04.08.15.050 Prohibited uses.

The following uses are prohibited in the BSC-1, BSC-2, BSC-3 and BSC-4 portions of the BSC District:

(a) Drive-in and drive-through restaurants.

(b) Fast-food restaurants, except those located in a fast-food court.

(c) Firearms dealerships.

(d) Game arcades.

(e) Any use not otherwise authorized. (Added by Ord. No. 1841CCS § 3 (part), adopted 2/13/96; amended by Ord. No. 1852CCS § 9, adopted 6/11/96)

9.04.08.15.060 Property development standards.

All property in the BSC District shall be developed in accordance with the following standards:

(a) **Maximum Building Height and FAR.** Maximum building height, number of stories and floor area ratio shall be determined as follows:

District	Maximum Height	Maximum Number of Stories	Maximum FAR
BSC-1	56′	4	3.0
BSC-2	56′	4	3.0
BSC-3	56′	4	3.0
BSC-4	45′	3	2.0

Notwithstanding the above:

(1) There shall be no limitation on the number of stories of any hotel, parking structure, or structure containing at least one floor of residential use, so long as the height does not exceed the maximum number of feet permitted in this Section.

(2) Floor area devoted to residential uses shall be discounted by fifty percent for the purposes of floor area ratio calculation.

(3) Parcels of fifteen thousand square feet or less within the Passageway Overlay Zone, as depicted in the Bayside District Specific Plan, may be developed to a maximum height of eighty-four feet, and a 3.5 FAR provided the following conditions are met:

(A) The top two floors are used exclusively for residential purposes;

(B) All inclusionary units required by Chapter 9.28 of this Code are provided on-site;

(C) Parking for the residential uses is provided on-site, notwithstanding Section 9.04.10.08.030(m);

(D) A passageway dedicated to the City of Santa Monica as a recorded easement is provided;

(E) The dedicated passageway is a minimum of twelve feet in width and is well lighted and visually unobstructed from the Promenade to the alley;

(F) There shall be only one dedicated passageway permitted on each side of each block; however, dedicated passageways existing as of the effective date of the ordinance codified in this Section shall not count toward this limit.

(4) With the approval of a development review permit, parcels over fifteen thousand square feet within the Passageway Overlay Zone, as depicted in the Bayside District Specific Plan, may be developed to a maximum height of eighty-four feet, and a 3.5 FAR provided the following conditions are met:

(A) The top two floors are used exclusively for residential purposes;

(B) All inclusionary units required by Chapter 9.28 of this Code are provided on-site;

(C) Parking for the residential uses is provided on-site, notwithstanding Section 9.04.10.08.030(m);

(D) A passageway dedicated to the City of Santa Monica as a recorded easement is provided;

(E) The dedicated passageway is a minimum of twelve feet in width and is well lighted and visually unobstructed from the Promenade to the alley;

(F) There shall be only one dedicated passageway permitted on each side of each block; however, dedicated passageways existing as of the effective date of the ordinance codified in this Section shall not count toward this limit. *

(5) With the approval of a development review permit, parcels in the BSC-2 and BSC-3 Districts may be developed to a maximum height of eighty-four feet, and a 3.5 FAR provided the following conditions are met:

(A) The top two floors are used exclusively for residential purposes;

(B) All inclusionary units required by Chapter 9.28 of this Code are provided on-site;

(C) Parking for the residential uses is provided on-site, notwithstanding Section 9.04.10.08.030(m).

(6) With approval of a development review permit, in the BSC-2 District, existing legal nonconforming buildings on different parcels may be connected by a bridge which exceeds height limitations and FAR limitations for such parcels provided that the following conditions are met:

(A) The bridge contains no usable area other than that reasonably necessary for pedestrian circulation;

(B) The height of the bridge is no higher than the existing buildings;

(C) The bridge would not be detrimental to public health or safety;

(D) Appropriate covenants or restrictions are recorded with the County Recorder's Office which state the intention of the owner(s) to develop the parcels as a single building site in accordance with Section 9.04.06.010(g) of this Code.

(7) Without requiring a development review permit, City-owned public parking structures in the BSC-2 District may be developed to a maximum height of eighty-four feet as measured to the rooftop parking surface, excluding permitted projections, with no FAR limitation.

(b) **Building Stepbacks.** For new structures or additions to existing structures, any portion of a building elevation fronting on Second Street, Third Street Promenade or Fourth Street, above thirty feet in height shall be stepped back at a 36.9 degree angle measured from the horizontal. For buildings located in the Passageway Overlay Zone, there shall be no additional stepback requirement above fifty-six feet of building height. In addition, for parcels one hundred feet in depth measured from Wilshire Boulevard, Arizona Avenue, Santa Monica Boulevard or Broadway (cross streets), any portion of a building elevation fronting on the cross street, above thirty feet in height, shall be stepped back fifteen feet from the cross street. The Architectural Review Board may allow the fifteen-foot stepback to be provided only for the portion of the building above forty-five feet in height if the Architectural Review Board determines that such a stepback is necessary to maintain the district's existing character and to provide visual continuity with nearby structures. Notwithstanding the above, City-owned public parking structures shall instead be required to step back above the second floor a minimum of thirteen feet measured from the property line to the guard rail, with architectural treatments and stairs permitted to encroach into this stepback: (1) up to the property from grade to the fourth floor; (2) up to ten feet from the fifth floor to sixth floor; and (3) up to seven feet from the seventh floor and above.

(c) **Minimum Parcel Size.** For all zoning classifications in the BSC District, minimum parcel size shall be seven thousand five hundred square feet. Each parcel shall contain a minimum depth of one hundred fifty feet and a minimum width of fifty feet, except that legal parcels existing on the effective date of the ordinance codified in this Section shall not be subject to this requirement.

(d) **Development Review Required.** For all zoning classifications in the BSC District, a development review permit is required for any new development of more than seven thousand five hundred square feet of floor area and for any development with rooftop parking, except the following projects shall be subject to a development review permit if in excess of thirty thousand square feet:

(1) Projects that contain a minimum of eighty percent of floor area devoted to multi-family residential use provided that at least twenty percent of the housing units are deed-restricted or restricted by an agreement approved by the City for occupancy by households with incomes of sixty percent of median income or less or at least ten percent of the housing units are deed-restricted or restricted by an agreement approved by the City for occupancy by households with incomes of fifty percent of median income or less. The required percentage of affordable housing units shall not apply to any State density bonus units provided in the project;

(2) Affordable housing projects in which one hundred percent of the housing units are deed-restricted or restricted by an agreement approved by the City for occupancy by households with incomes of eighty percent of median income or less;

(3) The requirements of subsection (d)(1) may also be met through the provision of off-site affordable housing units subject to the following provisions:

(A) The number of off-site affordable housing units provided by the project shall be at least twenty-five percent greater than the number of on-site units that would have been provided by the project to meet the requirements of subsection (d)(1) of this Section.

(B) The off-site affordable housing units shall be developed in accordance with the requirements of subsections (b) through (g) of Section 9.56.060 of this Code.

(C) The off-site affordable housing units shall be located in an affordable housing project in which one hundred percent of the housing units are deed-restricted or restricted by an agreement approved by the City in accordance with the following affordability levels:

(i) At least fifty percent of the housing units in the affordable housing project shall be affordable to low (sixty percent of median income) or very low (fifty percent of median income) income households, and

(ii) The remaining housing units in the affordable housing project shall be affordable to moderate (one hundred percent of median income), low or very low income households.

(D) The affordable housing project shall be developed to the maximum allowable floor area for the zone in which the project is developed consistent with the City's architectural design standards.

Square footage devoted to residential use shall be reduced by fifty percent when calculating whether a development review permit is required.

(e) **City-Owned Parking Structures in BSC-2 District.** Notwithstanding subsection (d) of this Section, projects that involve the construction or expansion of a City-owned public parking structure in the BSC-2 District shall not require a development review permit. (Added by Ord. No. 1841CCS § 3 (part), adopted 2/13/96; amended by Ord. No. 1864CCS § 2, adopted 9/24/96; Ord. No. 1873CCS § 1, adopted 2/25/97; Ord. No. 1927CCS § 5, adopted 11/10/98; Ord. No. 2187CCS § 1, adopted 5/25/06; Ord. No. 2351CCS § 1, adopted 3/22/11)

9.04.08.15.065 Deed restrictions.

Prior to issuance of a building permit for a project which, pursuant to this Part, has received a density or height bonus, or was not subject to a development review permit because the calculation of the residential square footage of the project was reduced by fifty percent, the applicant shall submit for City review and approval, deed restrictions or other legal instruments setting forth the obligation of the applicant to maintain the residential use of the project for the life of the project. (Added by Ord. No. 1927CCS § 6, adopted 11/10/98)

9.04.08.15.070 Special project design and development standards.

In all zoning classifications in the BSC District the following special project design and development standards shall apply:

(a) The entries to ground floor commercial spaces shall be at the same grade as the adjacent public sidewalk. The finished floor level of the ground floor commercial spaces shall be no more than six inches below the average grade of the adjacent sidewalk or twelve inches above the average grade of the adjacent sidewalk.

(b) The ground floor level floor-to-floor height shall be a minimum of eighteen feet within the front seventy-five feet of the building. Affordable housing projects as defined in Section 9.04.02.030.025 shall not be subject to this subsection.

(c) Ground floor uses shall be pedestrian-oriented uses for a minimum depth of seventy-five feet measured from the front of the structures.

(d) The Planning Commission, or the Architectural Review Board in the absence of Planning Commission review, may modify the requirements of subsections (a) and (b) of this Section and the requirements of subsection (c) of this Section for City-owned public parking structures if the following findings of fact can be made in an affirmative manner:

(1) That the strict application of the provisions of this Chapter would result in practical difficulties or unnecessary hardships inconsistent with the general purpose and intent of this Chapter or that there are exceptional circumstances or conditions applicable to the proposed development that do not apply generally to other developments covered by this Chapter; and

(2) That the granting of an exception would not adversely affect surrounding properties or be detrimental to the district's pedestrian-oriented environment.

(e) In any new or reconstructed building, a minimum of seventy percent of the building façade at the street frontage at the ground floor level shall be designed with pedestrian orientation, in accordance with Section 9.04.10.02.440 of this Chapter, unless precluded by the presence of significant existing architectural features.

(f) In any new or reconstructed building, clear untinted glass shall be used at the ground floor level to allow maximum visual access to the interior of buildings. Mirrored and highly reflective glass shall not be permitted at any level of a structure.

(g) In any new or reconstructed building, walk-up facilities shall be recessed and provide adequate queuing space to avoid interruption of the pedestrian flow.

(h) Security grills at the street level shall be designed as an integral component of the building, shall be of the roll-down type, shall have an open web sufficient to provide visibility to the interior when the grill is in the closed position, and shall be placed to the interior of the outside glass.

(i) For new buildings or additions to existing buildings that are adjacent to buildings identified as historic resources, all portions of the new building or addition located within a five-foot vertical distance from the cornice of the adjacent historic resource shall be stepped back ten feet from the adjacent side property line and the adjacent side wall shall be designed with the same level of finish and detailing as the front façade of the new construction. The Planning Commission, or Architectural Review Board in the absence of Planning Commission review, may modify this requirement if the following findings of fact can be made in an affirmative manner:

(1) The proposed modification enhances the compatibility of the new construction and the historic resource; and

(2) The proposed modification complies with the Secretary of Interior's Standards for the Rehabilitation of Historic Structures. (Added by Ord. No. 1841CCS § 3 (part), adopted 2/13/96; amended by Ord. No. 1893 § 5, adopted 1/13/98; Ord. No. 2187CCS § 2, adopted 5/25/06; Ord. No. 2351CCS § 2, adopted 3/22/11)

9.04.08.15.080 Limitations on food uses and alcohol outlets.

(a) The number of alcohol establishments in the BSC District shall be limited to fifty. For purposes of this Section, fast-food food courts shall be counted as one alcohol outlet, even though individual tenants within a fast-food food court may be required to obtain separate permits in order to obtain an on-sale alcohol license. (Added by Ord. No. 1841CCS § 3 (part), adopted 2/13/96; amended by Ord. No. 1864CCS § 3, adopted 9/24/96; Ord. No. 2153CCS § 1, adopted 3/8/05)

9.04.08.15.085 Conversion of any portion of a food use to any other new or expanded use located on the ground floor level adjacent to the Third Street Promenade.

(a) Except as provided in subsection (b) of this Section, in the BSC-1 portion of the BSC District, the conversion of any portion of a food use in existence as of January 24, 2006 to any other new or expanded use located on the ground floor level adjacent to the Third Street Promenade shall require a conditional use permit pursuant to Santa Monica Municipal Code Section Part 9.04.20.12 and one of the following additional findings being be made in the affirmative:

(1) The proposed use would preserve the unique mixture of restaurants, retail and entertainment on the Third Street Promenade and maintain the vitality and diversity of the Promenade and the Bayside District; or

(2) The strict application of the provisions of this Section would, due to unique site conditions or special circumstances, result in practical difficulties or unnecessary hardships, not including economic hardships or economic difficulties, for the business or property owner.

(b) Except as provided in subsection (c) of this Section, a conditional use permit shall not be required if a portion of the food use is retained in accordance with the following criteria:

(1) The minimum width of the retained food use shall be at least one-half of the existing restaurant frontage and two-thirds of existing outdoor dining frontage, but no less than sixteen feet, and the minimum depth of the retained food use shall be no less than seventy-five feet at any point as measured from the front property line.

(2) Any outdoor dining area associated with the food use shall be retained or reconfigured with the same or greater square footage.

(3) If the outdoor dining area is reconfigured, it may be recessed into a portion of the building which shall remain open to the Promenade during the establishment's hours of operation provided the recessed depth does not exceed twenty feet, subject to review and approval of the Architectural Review Board. In its review, the Architectural Review Board must find that the proposal is compatible with improvements on the subject and immediately adjacent properties and that the design has the appearance and function of an easily accessible outdoor dining area that reinforces the Promenade's pedestrian oriented environment, encourages public interaction between the outdoor dining area and the street, and provides visibility to the outdoor dining area. The Architectural Review Board may restrict the recessed depth of the outdoor dining area into the building and require façade modifications in order to make these finding determinations.

(4) On corner lots, the retained food use must also be located adjacent to the public right of way intersecting the Third Street Promenade.

(c) The conversion of any portion of a fast-food court in existence as of January 24, 2006 to a new or expanded retail use, or other non-food use, shall require, without exception, a conditional use permit pursuant to subsection (a) of this Section.

(d) Reconfiguration of a food use in accordance with subsection (b) of this Section shall be considered a minor modification to any existing conditional use permit governing a food use operation on the Third Street Promenade provided the primary activity of the establishment remains a restaurant with sit down dining. (Added by Ord. No. 2175CCS § 3, adopted 2/14/06; amended by Ord. No. 2198CCS § 3, adopted 7/25/06)

9.04.08.15.090 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 9.32 of this Article. (Added by Ord. No. 1841CCS § 3 (part), adopted 2/13/96)

9.04.08.15.100 Exceptions to limitations on food uses and alcohol outlets.

Notwithstanding the limitations on food serving establishments and alcohol outlets set forth in Section 3 of Ordinance 1841CCS (to be codified at Municipal Code Section 9.04.08.15.080), a maximum of two separate food service establishments with up to two on-sale alcohol licenses shall be allowed, provided the establishments are contained in the buildings located at 1201-1221 Third Street Promenade, none of the two restaurants contain more than two hundred seats, and the total number of seats does not exceed three hundred sixty. This exemption does not affect the requirement to obtain any other City permits, including, without limitation, conditional use permits or alcohol exemptions for the sale of alcohol at the individual food service establishments. This exemption shall expire one year from the effective date of the ordinance codified in this Chapter unless an application for such establishment(s) has been submitted and deemed complete by that date. (Added by Ord. No. 1841CCS § 5, adopted 2/13/96)

9.04.08.15.110 Applicability of provisions of Part 9.04.08.15.

The provisions of this Part 9.04.08.15 shall not apply to any project for which an application was deemed complete prior to January 23, 1996. Any such project may, however, elect to be governed by the provisions of this Part rather than those in effect at the time the project was deemed complete. (Added by Ord. No. 1841CCS § 6, adopted 2/13/96)

Part 9.04.08.16 C2 Neighborhood Commercial District

9.04.08.16.010 Purpose.

The C2 District is intended to protect and enhance neighborhood commercial areas by promoting the concentration of businesses that provide convenience goods and services used frequently by local residents. This District provides for a scale and character of development that is consistent with pedestrian-orientation and which tends to attract and promote a walk-in clientele. Development within this District should maximize human scale elements while providing a sensitive transition between these uses and

neighboring residence, including the provision of adequate and properly sited parking facilities. Additionally, the C2 District encourages residential mixed use of commercially zoned parcels to further enhance the transition between neighborhood commercial and adjacent residential uses, consistent with the goals, objectives and policies of the General Plan. (Prior code § 9017.1; amended by Ord. No. 1687CCS § 3 (part), adopted 6/22/93)

9.04.08.16.020 Permitted uses.

The following convenience goods and service type uses shall be permitted in the C2 District, if conducted within an enclosed building, except where otherwise permitted:

(a) Appliance stores;

(b) Appliance repair shops;

(c) Art galleries;

(d) Artist studios above the first floor;

(e) Branch offices of banks or savings and loan institutions;

(f) Barber or beauty shops;

(g) Child day care centers;

(h) Cinema buildings in existence since May 23, 2000;

(i) Cleaners;

(j) Congregate housing;

(k) Domestic violence shelters;

(l) General offices above the first floor; and on the ground floor for parcels located at least one hundred fifty feet from Montana Avenue, Ocean Park Boulevard, or Pico Boulevard, except general office uses shall also be allowed on

the ground floor within one hundred fifty feet of Montana Avenue, Ocean Park Boulevard, and Pico Boulevard in buildings in existence since January 17, 2007 if either subdivision (1) or subdivision (2) of this subsection apply:

(1) The building has all of the following characteristics:

(A) The building's front façade and entrance is not oriented toward Montana Avenue, Ocean Park Boulevard, and Pico Boulevard, and

(B) The building has a finished ground floor which is more than three feet below the level of the adjacent sidewalk along Montana Avenue, Ocean Park Boulevard, or Pico Boulevard, and

(C) The building is set back a minimum of twenty feet from the sidewalk along Montana Avenue, Ocean Park Boulevard and Pico Boulevard, and

(D) When the building was initially developed, the ground floor was designed and intended for nonpedestrian uses, or

(2) The building has all of the following characteristics:

(A) When the building was initially developed, the ground floor was designed and intended for general office use, and was legally constructed and occupied in that manner, and

(B) The ground floor was subsequently occupied by a charitable, youth or welfare organization, and

(C) The charitable, youth, or welfare organization continued to use the ground floor, or a portion thereof, for office use during the entire period that it occupied the property, and

(D) Only those portions of the ground floor that were continuously used by the charitable, youth, or welfare organization for office use may be resumed for general office use, no expansion of this general office use can occur, and if this general office use is subsequently converted to another use or otherwise terminated, this general office use cannot be resumed again except in accordance with this subdivision (2).

(m) General retail and specialized retail uses;

(n) Homeless shelters with less than fifty-five beds;

(o) Laundromats;

(p) Libraries;

(q) Multifamily dwelling units;

(r) Offices and meeting rooms for charitable, youth, and welfare organizations;

(s) Photocopy shops;

(t) Places of worship;

(u) Plant nurseries (provided all supplies, except planted stock, are kept entirely within an enclosed building);

(v) Restaurants of fifty seats or less and at which no alcohol is served or consumed;

(w) Schools;

(x) Senior group housing;

(y) Senior housing;

(z) Shoe repair stores;

(aa) Sidewalk cafés not more than two hundred square feet in area, subject to the limitations contained in Section 9.04.10.02.460;

(bb) Single-family dwelling units;

(cc) Single-room occupancy housing;

(dd) Specialty offices;

(ee) Tailors;

(ff) Theaters with fewer than seventy-five seats;

(gg) Transitional housing;

(hh) Accessory uses which are determined by the Zoning Administrator to be necessary and customarily associated with, and appropriate, incidental, and subordinate to, the principal permitted uses and which are consistent with and no more disturbing or disruptive than permitted uses;

(ii) Other uses determined by the Zoning Administrator to be similar to those listed above which are consistent with and no more disturbing or disruptive than permitted uses. (Prior code § 9017.2; amended by Ord. No. 1687CCS § 3 (part), adopted 6/22/93; Ord. No. 2133CCS § 1, adopted 8/3/04; Ord. No. 2192CCS § 7, adopted 7/11/06; amended by Ord. No. 2223CCS § 1, adopted 4/10/07; Ord. No. 2307CCS § 1, adopted 3/9/10)

9.04.08.16.030 Uses subject to performance standards permit.

The following uses may be permitted in the C2 District subject to the approval of a performance standards permit:

(a) Large family day care homes.

(b) Sidewalk cafés that exceed two hundred square feet in area. (Prior code § 9017.3; amended by Ord. No. 1687CCS § 3 (part), adopted 6/22/93; Ord. No. 2192CCS § 8, adopted 7/25/06)

9.04.08.16.035 Uses subject to a use permit.

(a) Outdoor newsstand. (Added by Ord. No. 1690CCS § 3, adopted 7/13/93)

9.04.08.16.040 Conditionally permitted uses.

The following uses may permitted in the C2 District subject to the approval of a conditional use permit:

(a) Banks and savings and loan institutions.

(b) Expansion or intensification of automobile repair facilities existing as of July 11, 1995.

(c) Homeless shelters with fifty-five or more beds.

(d) Medical, dental, and optometrist offices provided that the use does not exceed twenty-five percent of the total square footage of the building, or three thousand square feet, whichever is less.

(e) Restaurants of fifty seats or less at which alcohol is served or consumed.

(f) Restaurants of more than fifty seats, with or without alcohol service or consumption, if located on parcels adjacent to Ocean Park Boulevard between Twenty-Fifth Street and Centinela Avenue.

(g) Service stations.

(h) Take-out or fast food restaurants.

(i) Theaters over seventy-five seats. (Prior code § 9017.4; amended by Ord. No. 1687CCS § 3 (part), adopted 6/22/93; Ord. No. 1809CCS § 2, adopted 7/25/95; Ord. No. 2151CCS § 1, adopted 2/22/05)

9.04.08.16.050 Prohibited uses.

(a) Cinemas, unless the cinema building has been in existence since May 23, 2000.

(b) Drive-in and drive-through restaurants.

(c) Firearms dealerships.

(d) Parking structures located below the ground in conjunction with commercial development, except for parking below grade exclusively for residential uses.

(e) Rooftop parking.

(f) Any use not specifically authorized. (Prior code § 9017.5; amended by Ord. No. 1687CCS § 3 (part), adopted 6/22/93; Ord. No. 1852CCS § 10, adopted 6/11/96; Ord. No. 2133CCS § 2, adopted 8/3/04)

9.04.08.16.060 Property development standards.

All property in the C2 District shall be developed in accordance with the following standards:

(a) **Front Yard Setback.** Landscaping as required pursuant to the provisions of Part 9.04.10.04. The building must comply with build-to-line requirements pursuant to the provisions contained in Section 9.04.10.02.050.

(b) **Maximum Building Height.** Two stories, not to exceed thirty feet.

(c) **Maximum Floor Area Ratio.** The maximum floor area ratio shall be determined as follows:

(1) C2 District on Montana Avenue, and for permitted projects on Ocean Park Boulevard, 26th Street and Pico Boulevard:

Parcel Square Footage	FAR	FAR if at Least Thirty Percent of Project is Residential
0—7,500	0.60	0.75
7,501—15,000	0.40	0.75
15,001—22,500	0.35	0.65
22,501 and up	0.25	0.55

(2) C2 District on Ocean Park Boulevard and 26th Street, for preferred permitted projects only*:

Parcel Square Footage	FAR	FAR if at Least Thirty Percent of Project is Residential, or if at Least Eighty Percent of the Project is a Grocery Store
0—7,500	0.75	0.75
7,501—15,000	0.50	0.75
15,001—22,500	0.45	0.65
22,501 and up	0.40	0.55

(3) C2 District on Pico Boulevard, for preferred permitted projects only*:

Parcel Square Footage	FAR	FAR if at Least Thirty Percent of Project is Residential, or if at Least Eighty Percent of the Project is a Grocery Store
0—7,500	1.00	1.00
7,501—15,000	0.70	1.00
15,001—22,500	0.60	0.85
22,501 and up	0.50	0.75

*Preferred permitted projects include: one hundred percent affordable housing projects; projects that include the retention and preservation of a historic structure and comply with the Secretary of Interior's Standards for the Treatment of Historic Structures; child day care centers; congregate housing; domestic violence shelters; homeless shelters with less than fifty-five beds; market rate apartment and condominium buildings where twenty-five percent of the residential units are three-bedroom or larger, sixty-six percent of the remaining residential units are two bedrooms or larger, and the project is registered with the USGBC to receive a LEED rating of silver or higher level; mixed use commercial-residential projects where at least ninety percent of the floor area at the second floor and above is dedicated toward residential uses, twenty-five percent of the residential units are three-bedroom or larger, sixty-six percent of the remaining residential units are two bedrooms or larger, and the project is registered with the USGBC to receive a LEED rating of silver or higher level; places of worship; senior group housing; senior housing; and transitional housing.

(d) **Minimum Lot Size.** Seven thousand five hundred square feet. Each parcel shall have minimum dimensions of fifty feet by one hundred fifty feet, except that parcels existing on the effective date of the ordinance codified in this Chapter shall not be subject to this requirement.

(e) **Rear Yard Setback.** None, except:

(1) Where rear parcel line abuts a residential district, a rear yard equal to:

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

The required rear yard may be used for parking or loading to within five feet of the rear parcel line provided the parking or loading does not extend above the first floor level and provided that a wall not less than five feet or more than six feet in height is erected and maintained along the rear commercial parcel line.

Access driveways shall be permitted to cross perpendicularly the required rear yard provided the driveway does not exceed the minimum width permitted for the parking area. A required rear yard shall not be used for commercial purposes.

(2) That needed to accommodate landscaping and screening for a rear yard buffer required pursuant to the provisions of Part 9.04.10.04.

(f) **Side Yard Setback.** None, except:

(1) Where the interior side parcel line abuts a residential district, an interior side yard equal to:

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

The interior side yard may be used for parking or loading to within five feet to the interior side property line provided the parking or loading does not extend above the first floor level and provided a wall not less than five feet or more than six feet in height is erected and maintained along the side commercial parcel line. A required interior side yard shall not be used for access or for commercial purposes.

(2) That needed to accommodate landscaping required for a street side yard, landscape buffer and screening pursuant to the provisions of Part 9.04.10.04.

(3) A ten-foot setback from an interior property line shall be required for portions of buildings that contain windows, doors, or other openings into the interior of the building. An interior side yard less than ten feet shall be permitted if provisions of the Uniform Building Code related to fire-rated openings in side yards are satisfied.

(g) **Development Review.** A development review permit is required for any development of more than eleven thousand square feet of floor area, except that within the C2 District on Montana Avenue, a development review permit shall be required for any development of more than five thousand square feet. Square footage devoted to residential use shall be reduced by fifty percent when calculating whether a development review permit is required. (Prior code § 9017.6; amended by Ord. No. 1687CCS § 3 (part), adopted 6/22/93; Ord. No. 1774CCS § 2, adopted 11/15/94; Ord. No. 1927CCS § 7, adopted 11/10/98; Ord. No. 2102CCS § 3, adopted 12/16/03; Ord. No. 2133CCS § 3, adopted 8/3/04; Ord. No. 2207CCS § 7, adopted 10/3/06)

9.04.08.16.065 Deed restrictions.

Prior to issuance of a building permit for a project which, pursuant to this Part, has received a density bonus, or was not subject to a development review permit because the calculation of the residential square footage of the project was reduced by fifty percent, the applicant shall submit, for City review and approval, deed restrictions or other legal instruments setting forth the obligation of the applicant to maintain the residential use of the project for the life of the project. (Added by Ord. No. 1828CCS § 2, adopted 11/7/95; amended by Ord. No. 1927CCS § 8, adopted 11/10/98)

9.04.08.16.070 Special project design and development standards.

Projects in the C2 District shall comply with the following special project design and development standards:

(a) Retail or restaurant uses shall be limited to the first floor except that such uses may extend to a mezzanine level.

(b) Ground floor street frontage of each structure shall be designed with pedestrian orientation in accordance with Section 9.04.10.02.440 of this Chapter, and designed to accommodate pedestrian-oriented uses to a minimum depth of fifty feet from the front of the structure. (Prior code § 9017.7; amended by Ord. No. 1687CCS § 3 (part), adopted 6/22/93; Ord. No. 1893CCS § 6, adopted 1/13/98)

9.04.08.16.080 Architectural review.

All new construction, 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 9.32 of this Article. (Prior code § 9017.8; amended by Ord. No. 1687CCS § 3 (part), adopted 6/22/93)

Part 9.04.08.18 C3 Downtown Commercial District

9.04.08.18.010 Purpose.

The C3 District is intended to maintain and enhance the downtown area and to provide a concentration and variety of commercial, residential, cultural, and recreational opportunities including comparison and general retail, office, cultural uses, and complementary uses such as hotels, housing, and visitor serving uses. The C3 District encourages the concentration of other uses which generate activity during both daytime and evening hours. The development standards for the C3 District are intended to provide for a sense of human scale and pedestrian-oriented character at the street level among a variety of commercial and residential mixed uses in the Downtown, consistent with the goals, objectives, and policies of the General Plan. (Prior code § 9018.1; amended by Ord. No. 1687CCS § 4 (part), adopted 6/22/93)

9.04.08.18.020 Permitted uses.

The following convenience goods and service type uses shall be permitted in the C3 District, if conducted within an enclosed building, except where otherwise permitted:

(a) Art galleries.
(b) Artist studios above the first floor.
(c) Auditoriums.
(d) Bakeries.
(e) Banks and savings and loan institutions.
(f) Barber or beauty shops.
(g) Business colleges.
(h) Cleaners.
(i) Child day care centers.
(j) Congregate housing.
(k) Dance studios.
(l) Domestic violence shelters.
(m) Electric distribution substations.
(n) Exercise facilities.
(o) General offices.
(p) General retail and specialized retail uses.
(q) Homeless shelters with less than fifty-five beds.
(r) Hotels and motels.
(s) Laundromats.
(t) Medical, dental and optometrist clinics and laboratories.
(u) Medical equipment rentals.
(v) Multifamily dwelling units.
(w) Museums.
(x) Outdoor newsstands.
(y) Party equipment rentals.
(z) Pawnbrokers.
(aa) Photocopy shops.
(bb) Places of worship.
(cc) Restaurants.
(dd) Senior group housing.
(ee) Senior housing.
(ff) Sidewalk cafés not more than two hundred square feet in area, subject to the limitations contained in Section 9.04.10.02.460.
(gg) Single-family dwelling units.
(hh) Single-room occupancy housing.
(ii) Tailors.
(jj) Theaters.
(kk) Trade schools.
(ll) Transitional housing.
(mm) Variety stores.
(nn) Accessory uses which are determined by the Zoning Administrator to be necessary and customarily associated with and appropriate, incidental, and subordinate to, the principal permitted uses and which are consistent and not more disturbing or disruptive than permitted uses.
(oo) Other uses determined by the Zoning Administrator to be similar to those listed above and which are consistent and not more disturbing or disruptive than permitted uses. (Prior code § 9018.2; amended by Ord. No. 1687CCS § 4 (part), adopted 6/22/93; Ord. No. 1690CCS § 4, adopted 7/13/93; Ord. No. 2192CCS § 9, adopted 7/11/06; Ord. No. 2288CCS § 1, adopted 4/28/09)

9.04.08.18.030 Uses subject to performance standards permit.

The following uses may be permitted in the C3 District subject to the approval of a performance standards permit:

(a) Automobile rental agencies.
(b) Automobile parking lots.
(c) Sidewalk cafés that exceed two hundred square feet in area. (Prior code § 9018.3; amended by Ord. No. 1687CCS § 4 (part), adopted 6/22/93; Ord. No. 2192CCS § 10, adopted 7/11/06)

9.04.08.18.040 Conditionally permitted uses.

The following uses may be permitted in the C3 District subject to the approval of a conditional use permit:

(a) Automobile parking structures.
(b) Bed and breakfast facilities.
(c) Billiard parlors.
(d) Bowling alleys.
(e) Cinemas.
(f) Clubs and lodges.
(g) Convention and conference facilities.
(h) Expansion or intensification of automobile repair facilities existing as of July 11, 1995.
(i) Funeral parlors and mortuaries.
(j) Homeless shelters with fifty-five beds or more.
(k) Liquor stores.
(l) Nightclubs.
(m) Open-air farmers markets.
(n) Replacement of fast-food restaurants in existence as of May 13, 2003.
(o) Service stations.

(p) Skating rinks.

(q) Take-out restaurants.

(r) Rooftop parking. (Prior code § 9018.4; amended by Ord. No. 1687CCS § 4 (part), adopted 6/22/93; Ord. No. 1809CCS § 3, adopted 7/25/95; Ord. No. 1877CCS § 1, adopted 4/15/97; Ord. No. 2077CCS § 1, adopted 5/20/03)

9.04.08.18.050 Prohibited uses.

(a) Drive-in, drive-through and new fast-food restaurants.

(b) Firearms dealerships.

(c) Any use not specifically authorized. (Prior code § 9018.5; amended by Ord. No. 1687CCS § 4 (part), adopted 6/22/93; Ord. No. 1852CCS § 11, adopted 6/11/96; Ord. No. 1877CCS § 2, adopted 4/15/97; Ord. No. 2077CCS § 2, adopted 5/20/03)

9.04.08.18.060 Property development standards.

All property in the C3 District shall be developed in accordance with the following standards:

(a) **Maximum Building Height.** Three stories, not to exceed forty-five feet, except for the following:

(1) For parcels in the area bounded by 5th Court, 6th Court, Colorado Avenue and Wilshire Boulevard, the maximum height shall be five stories, sixty feet; provided, there is no retail above the first floor and only residential uses above the second floor.

(2) For parcels in the area bounded by 6th Court, 7th Court, Colorado Avenue and Wilshire Boulevard and the north side of Wilshire Boulevard between 2nd Street and 7th Street, the maximum height shall be four stories, fifty feet; provided, there is no retail above the first floor and only residential uses above the second floor.

There shall be no limitation on the number of stories of any hotel, detached parking structure, or structure containing at least one floor of residential use, so long as the height does not exceed the maximum number of feet permitted in this Section.

(b) **Maximum Floor Area Ratio.** 2.0, except that in the area bounded by 5th Court, 7th Court, Colorado Avenue and Wilshire Boulevard, and the area on the north side of Wilshire Boulevard between 2nd Street and 7th Street, the FAR for commercial square footage shall not exceed 1.5. Floor area devoted to residential uses shall be counted at fifty percent.

(c) **Minimum Lot Size.** Seven thousand five hundred square feet. Each parcel shall contain a minimum depth of one hundred fifty feet and a minimum width of fifty feet, except that parcels existing on the effective date of this Chapter shall not be subject to this requirement.

(d) **Front Yard Setback.** Landscaping as required pursuant to the provisions of Section 9.04.08.18.065(e).

(e) **Rear Yard Setback.** None, except:

(1) Where rear parcel line abuts a residential district, a rear yard equal to:

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

The required rear yard may be used for parking or loading to within five feet of the rear parcel line; provided, the parking or loading does not extend above the first floor level; and provided, that a wall not less than five feet or more than six feet in height is erected and maintained along the rear commercial parcel line. Access driveways shall be permitted to perpendicularly cross the required rear yard; provided, the driveway does not exceed the minimum width permitted for the parking area. A required rear yard shall not be used for commercial purposes.

(2) That needed to accommodate landscaping and screening for a rear yard buffer required pursuant to the provisions of Part 9.04.10.04.

(f) **Side Yard Setback.** None, except:

(1) Where the interior side parcel line abuts a residential district, an interior side yard equal to:

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

The interior side yard may be used for parking or loading no closer than five feet to the interior side property line; provided, the parking or loading does not extend above the first floor level; and provided, a wall not less than five feet or more than six feet in height is erected and maintained along the side commercial parcel line. A required interior side yard shall not be used for access or for commercial purposes.

(2) That needed to accommodate landscaping required for a street side yard, landscape buffer and screening pursuant to the provisions of Part 9.04.10.04.

(3) A ten-foot setback from an interior property line shall be required for portions of buildings that contain windows, doors or other openings into the interior of the building. An interior side yard less than ten feet shall be permitted if provisions of the Uniform Building Code related to fire-rated openings in side yards are satisfied.

(g) **Development Review.** A development review permit is required for any development of more than seven thousand five hundred square feet of floor area, except the following projects shall be subject to a development review permit if in excess of thirty-thousand square feet:

(1) Projects that contain a minimum of eighty percent of floor area devoted to multi-family residential use provided that at least twenty percent of the housing units are deed-restricted or restricted by an agreement approved by the City for occupancy by households with incomes of sixty percent of median income or less or at least ten percent of the housing units are deed-restricted or restricted by an agreement approved by the City for occupancy by households with incomes of fifty percent of median income or less. The required percentage of affordable housing units shall not apply to any State density bonus units provided in the project.

(2) Affordable housing projects in which one hundred percent of the housing units are deed-restricted or restricted by an agreement approved by the City for occupancy by households with incomes of eighty percent of median income or less.

(3) The requirements of subsection (g)(1) may also be met through the provision of off-site affordable housing units subject to the following provisions:

(A) The number of off-site affordable housing units provided by the project shall be at least twenty-five percent greater than the number of on-site units that would have been provided by the project to meet the requirements of subsection (g)(1) of this Section.

(B) The off-site affordable housing units shall be developed in accordance with the requirements of subsections (b) through (g) of Section 9.56.060 of this Code.

(C) The off-site affordable housing units shall be located in an affordable housing project in which one hundred percent of the housing units are deed-restricted or restricted by an agreement approved by the City in accordance with the following affordability levels:

(i) At least fifty percent of the housing units in the affordable housing project shall be affordable to low (sixty percent of median income) or very low (fifty percent of median income) income households; and

(ii) The remaining housing units in the affordable housing project shall be affordable to moderate (one hundred percent of median income), low or very low income households.

(D) The affordable housing project shall be developed to the maximum allowable floor area for the zone in which the project is developed consistent with the City's architectural design standards.

Square footage devoted to residential use shall be reduced by fifty percent when calculating whether a development review permit is required.

(h) **Maximum Uninterrupted Building Façade.** Every one hundred feet of building façade at the street frontage shall contain at least one public entrance or other publicly accessible pedestrian-oriented use.

(i) Ground floor street frontage of each structure shall be designed with pedestrian-orientation in accordance with Section 9.04.10.02.440 of this Chapter.

(j) Parcels in the C3 District are required to have ground-floor commercial uses to a minimum depth of fifty feet from the building front, except that on parcels with 7th Street frontage, the requirement shall be to a minimum depth of twenty-five feet from the building front. The spaces shall be provided in accordance with the following formula:

	Parcel Frontage	Minimum Size of Commercial Space
6th Street	50—99 feet	2,500 square feet
	100 feet or more	5,000 square feet
7th Street	50—99 feet	1,250 square feet
	100 feet or more	2,500 square feet

Corner parcels in the C3 District are required to have ground-floor pedestrian-oriented uses.

Affordable housing projects as defined in Section 9.04.02.030.025 shall not be subject to this subjection.

(k) The Planning Commission may exempt municipal buildings from the requirements of subsections (h), (i) and (j) of this Section if both of the following findings of fact can be made in an affirmative manner:

(1) That the strict application of the provisions of this Chapter would result in practical difficulties or unnecessary hardships inconsistent with the general purpose and intent of this Chapter or that there are exceptional circumstances or conditions applicable to the proposed development that do not apply generally to other development covered by this Chapter;

(2) That the granting of an exception would not adversely affect surrounding properties or be detrimental to the district's pedestrian oriented environment. (Prior code § 9018.6; amended by Ord. No. 1563CCS, adopted 1/22/91; Ord. No. 1687CCS § 4 (part), adopted 6/22/93; Ord. No. 1877CCS § 3, adopted 4/15/97; Ord. No. 1893CCS § 7, adopted 1/13/98; Ord. No. 1927CCS § 9, adopted 11/10/98; Ord. No. 2068CCS § 1, adopted 3/11/03; Ord. No. 2187CCS § 3, adopted 5/25/06)

9.04.08.18.065 Special project design and development standards.

(a) The entries to ground floor commercial spaces shall be at the same grade as the adjacent public sidewalk. The finished floor level of the ground floor commercial spaces shall be no more than six inches below the average grade of the adjacent sidewalk or twelve inches above the average grade of the adjacent sidewalk.

(b) The ground floor level floor-to-floor height shall be a minimum of fifteen feet within the front fifty feet of the building, except that for parcels within the C3 District fronting 7th Street, this minimum fifteen feet floor-to-floor height requirement shall be within the front twenty-five feet of the building. Affordable housing projects as defined in Section 9.04.02.030.025 shall not be subject to this subsection (b).

(c) The Planning Commission, or the Architectural Review Board in the absence of Planning Commission review, may modify the requirements of subsections (a) and (b) of this Section if the following findings of fact can be made in an affirmative manner:

(1) That the strict application of the provisions of this Chapter would result in practical difficulties or unnecessary hardships inconsistent with the general purpose and intent of this Chapter or that there are exceptional circumstances or conditions applicable to the proposed development that do not apply generally to other developments covered by this Chapter; and

(2) That the granting of an exception would not adversely affect surrounding properties or be detrimental to the district's pedestrian-oriented environment.

(d) For new buildings or additions to existing buildings that are adjacent to buildings that are considered historic resources, all portions of the new building or addition within a five-foot vertical distance from the cornice of the adjacent historic resource shall be stepped back ten feet from the adjacent side property line and the adjacent side wall shall be designed with the same level of finish and detailing as the front façade of the new construction. The Planning Commission, or Architectural Review Board in the absence of Planning Commission review, may modify this requirement if

the following findings of fact can be made in an affirmative manner:

(1) The proposed modification enhances the compatibility of the new construction and the historic resource; and

(2) The proposed modification complies with the Secretary of Interior's Standards for the Rehabilitation of Historic Structures.

(e) Subject to the review and approval of the Architectural Review Board, a landscaped area of twenty-five square feet per fifty feet of parcel street frontage shall be provided and incorporated into the pedestrian-oriented design elements required pursuant to Section 9.04.10.02.440. The required area may be provided in any configuration except that landscaping shall be required in front of blank walls along the building's streetfront. Landscaping located in front of storefront windows shall be low-growing species that, at maturity, do not exceed the height of the adjacent storefront window sill. The Architectural Review Board may modify this landscaping requirement if the following finding of fact can be made in an affirmative manner:

(1) That the strict application of the provisions of this Chapter would result in practical difficulties or unnecessary hardships inconsistent with the general purpose and intent of this Chapter or that there are exceptional circumstances or conditions applicable to the proposed development that do not apply generally to other developments covered by this Chapter; and

(2) That the granting of an exception would not adversely affect surrounding properties or be detrimental to the district's pedestrian-oriented environment. (Ord. No. 2187CCS § 4, adopted 5/25/06)

9.04.08.18.070 Deed restrictions.

Prior to issuance of a building permit for a project which, pursuant to this Part, has received a density or height bonus, or was not subject to a development review permit because the calculation of the residential square footage of the project was reduced by fifty percent, the applicant shall submit, for City review and approval, deed restrictions or other legal instruments setting forth the obligation of the applicant to maintain the residential use of the project for the life of the project. (Added by Ord. No. 1828CCS § 3, adopted 11/7/95; amended by Ord. No. 1927CCS § 10, adopted 11/10/98; Ord. No. 2187CCS § 5, adopted 5/25/06)

9.04.08.18.075 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 9.32 of this Article. (Prior code § 9018.7; amended by Ord. No. 1687CCS § 4 (part), adopted 6/22/93; Ord. No. 2187CCS § 6, adopted 5/25/06)

Part 9.04.08.20 C3-C Downtown Overlay District

9.04.08.20.010 Purpose.

The C3-C District is intended to provide for a concentration of comparison retail and cultural uses in addition to complementary uses such as hotels, offices, and housing. The development standards for the C3-C District are intended to permit a greater amount of floor area per parcel in order to encourage an increase in the mix of activity in the area while providing for development that maintains a sense of human scale and pedestrian-oriented character, consistent with the goals, objectives, and policies of the General Plan. (Prior code § 9019.1; amended by Ord. No. 1687CCS § 5 (part), adopted 6/22/93)

9.04.08.20.020 Permitted uses.

The following convenience goods and service type uses shall be permitted in the C-3C District, if conducted within an enclosed building, except where otherwise permitted:

(a) Art galleries.
(b) Artist studios above the first floor.
(c) Appliance repair shops.
(d) Bakeries.
(e) Banks and savings and loan institutions.
(f) Barber or beauty shops.
(g) Business colleges.
(h) Child day care centers.
(i) Cleaners.
(j) Congregate housing.
(k) Cultural facilities.
(l) Dance studios.
(m) Domestic violence shelters.
(n) Electric distribution substations.
(o) Exercise facilities.
(p) General offices above the first floor and first floor offices not at the street frontage.
(q) General retail.
(r) Health equipment rentals.
(s) Homeless shelters with less than fifty-five beds.
(t) Exercise facilities.
(u) Laundromats.
(v) Medical, dental and optometrist clinics and laboratories.
(w) Multifamily dwelling units.
(x) Museums.
(y) Outdoor newsstands.
(z) Party equipment rentals.
(aa) Pawnbrokers.
(bb) Photocopy shops.
(cc) Places of worship.
(dd) Restaurants.
(ee) Senior group housing.
(ff) Senior housing.
(gg) Sidewalk cafés not more than two hundred square feet in area, subject to the limitations contained in Section 9.04.10.02.460.
(hh) Single-family dwelling units.
(ii) Single-room occupancy housing.

(jj) Small appliance stores.
(kk) Tailors.
(ll) Theaters.
(mm) Trade schools.
(nn) Transitional housing.
(oo) Variety stores.
(pp) Accessory uses which are determined by the Zoning Administrator to be necessary and customarily associated with, and appropriate, incidental, and subordinate to, the principal permitted uses and which are consistent and not more disturbing or disruptive than permitted uses.
(qq) Other uses determined by the Zoning Administrator to be similar to those listed above and which are consistent and not more disturbing or disruptive than permitted uses. (Prior code § 9019.2; amended by Ord. No. 1687CCS § 5 (part), adopted 6/22/93; Ord. No. 1690CCS § 5, adopted 7/13/93; Ord. No. 2192CCS § 11, adopted 7/11/06; Ord. No. 2288CCS § 2, adopted 4/28/09)

9.04.08.20.030 Uses subject to performance standards permit.

The following uses may be permitted in the C3-C District subject to the approval of a performance standards permit:
(a) Automobile rental agencies.
(b) Sidewalk cafés that exceed two hundred square feet in area. (Prior code § 9019.3; amended by Ord. No. 1687CCS § 5 (part), adopted 6/22/93; Ord. No. 2192CCS § 12, adopted 7/11/06)

9.04.08.20.040 Conditionally permitted uses.

The following uses may be permitted in the C3-C District subject to the approval of a conditional use permit:
(a) Auditoriums.
(b) Automobile parking lots and structures.
(c) Billiard parlors.
(d) Bowling alleys.
(e) Cinemas.
(f) Clubs and lodges.
(g) Convention and conference facilities.
(h) Expansion or intensification of automobile repair facilities existing as of July 11, 1995.
(i) Homeless shelters with fifty-five beds or more.
(j) Hotels and motels.
(k) Liquor stores.
(l) Nightclubs.
(m) Offices at the ground floor street frontage.
(n) Open-air farmers markets.
(o) Restaurants where entertainment and dancing occurs.
(p) Service stations.
(q) Skating rinks.
(r) Take-out and fast food restaurants. (Prior code § 9019.4; amended by Ord. No. 1687CCS § 5 (part), adopted 6/22/93; Ord. No. 1809CCS § 4, adopted 7/25/95)

9.04.08.20.050 Prohibited uses.

(a) Drive-in and drive-through restaurants.
(b) Firearms dealerships.
(c) Rooftop parking on parcels directly abutting, or separated by an alley from a residential district.
(d) Any use not specifically authorized. (Prior code § 9019.5; amended by Ord. No. 1687CCS § 5 (part), adopted 6/22/93; Ord. No. 1852CCS § 12, adopted 6/11/96)

9.04.08.20.060 Property development standards.

The property development standards for the C3-C District shall be four stories, fifty-six feet and 2.5 FAR, except that floor area devoted to residential uses shall be discounted by fifty percent.

For parcels bounded by 4th Court, 5th Court, Colorado Avenue and Wilshire Boulevard, the maximum height shall be six stories, seventy-six feet, and the FAR for commercial square footage shall not exceed 2.5. For such projects, no more than twenty percent of the second floors shall be devoted to retail uses, and the fifth and sixth floors shall be devoted entirely to residential uses. The top floor may contain a restaurant provided the same amount of square footage occupied by the restaurant is provided in residential square footage on the second, third or fourth floors.

There shall be no limitation on the number of stories of any hotel, or structure containing at least one floor of residential uses, so long as the height does not exceed the maximum number of feet permitted in this Section. (Prior code § 9019.6; amended by Ord. No. 1476CCS, adopted 4/25/89; amended by Ord. No. 1687CCS § 5 (part), adopted 6/22/93; Ord. No. 1841CCS § 2, adopted 2/13/96)

9.04.08.20.065 Deed restrictions.

Prior to issuance of a building permit for a project which, pursuant to this Part, has received a density or height bonus, or was not subject to a development review permit because the calculation of the residential square footage of the project was reduced by fifty percent, the applicant shall submit, for City review and approval, deed restrictions or other legal instruments setting forth the obligation of the applicant to maintain the residential use of the project for the life of the project. (Added by Ord. No. 1828CCS § 4, adopted 11/7/95; amended by Ord. No. 1927CCS § 11, adopted 11/10/98)

9.04.08.20.070 Special project design and development standards.

(a) The entries to ground floor commercial spaces shall be at the same grade as the adjacent public sidewalk. The finished floor level of the ground floor commercial spaces shall be no more than six inches below the average grade of the adjacent sidewalk or twelve inches above the average grade of the adjacent sidewalk.
(b) The ground floor level floor-to-floor height shall be a minimum of fifteen feet within the front fifty feet of the building. Affordable housing projects as defined in Section 9.04.02.030.025 shall not be subject to this subsection.
(c) The Planning Commission, or the Architectural Review Board in the absence of Planning Commission review, may modify the requirements of subsections (a) and (b) of this Section if the following findings of fact can be made in an affirmative manner:

(1) That the strict application of the provisions of this Chapter would result in practical difficulties or unnecessary hardships inconsistent with the general purpose and intent of this Chapter or that there are exceptional circumstances or conditions applicable to the proposed development that do not apply generally to other developments covered by this Chapter; and

(2) That the granting of an exception would not adversely affect surrounding properties or be detrimental to the district's pedestrian-oriented environment.

(d) For new buildings or additions to existing buildings that are adjacent to buildings that are considered historic resources, all portions of the new building or addition within a five-foot vertical distance from the cornice of the adjacent historic resource shall be stepped back ten feet from the adjacent side property line and the adjacent side wall shall be designed with the same level of finish and detailing as the front façade of the new construction. The Planning Commission, or Architectural Review Board in the absence of Planning Commission review, may modify this requirement if the following findings of fact can be made in an affirmative manner:

(1) The proposed modification enhances the compatibility between the new construction and the historic resource; and

(2) The proposed modification complies with the Secretary of Interior's Standards for the Rehabilitation of Historic Structures.

(e) Ground floor street frontage of each structure shall be designed with pedestrian orientation in accordance with Section 9.04.10.02.440 of this Chapter and designed to accommodate pedestrian-oriented uses to a minimum depth of fifty feet from the front of the structure.

(f) Subject to the review and approval of the Architectural Review Board, a landscaped area of twenty-five square feet per fifty feet of parcel street frontage shall be provided and incorporated into the pedestrian-oriented design elements required pursuant to Section 9.04.10.02.440. The required area may be provided in any configuration except that landscaping shall be required in front of blank walls along the building's streetfront. Landscaping located in front of storefront windows shall be low-growing species that, at maturity, do not exceed the height of the adjacent storefront window sill. The Architectural Review Board may modify this landscaping requirement if the following finding of fact can be made in an affirmative manner:

(1) That the strict application of the provisions of this Chapter would result in practical difficulties or unnecessary hardships inconsistent with the general purpose and intent of this Chapter or that there are exceptional circumstances or conditions applicable to the proposed development that do not apply generally to other developments covered by this Chapter; and

(2) That the granting of an exception would not adversely affect surrounding properties or be detrimental to the district's pedestrian-oriented environment.

(g) A development review permit is required for any new development of more than seven thousand five hundred square feet of floor area and for any development with rooftop parking, except the following projects shall be subject to a development review permit if in excess of thirty-thousand square feet:

(1) Projects that contain a minimum of eighty percent of floor area devoted to multi-family residential use provided that at least twenty percent of the housing units are deed-restricted or restricted by an agreement approved by the City for occupancy by households with incomes of sixty percent of median income or less or at least ten percent of the housing units are deed-restricted or restricted by an agreement approved by the City for occupancy by households with incomes of fifty percent of median income or less. The required percentage of affordable housing units shall not apply to any State density bonus units provided in the project.

(2) Affordable housing projects in which one hundred percent of the housing units are deed-restricted or restricted by an agreement approved by the City for occupancy by households with incomes of eighty percent of median income or less.

(3) The requirements of subsection (g)(1) may also be met through the provision of off-site affordable housing units subject to the following provisions:

(A) The number of off-site affordable housing units provided by the project shall be at least twenty-five percent greater than the number of on-site units that would have been provided by the project to meet the requirements of subsection (g)(1) of this Section.

(B) The off-site affordable housing units shall be developed in accordance with the requirements of subsections (b) through (g) of Section 9.56.060 of this Code.

(C) The off-site affordable housing units shall be located in an affordable housing project in which one hundred percent of the housing units are deed-restricted or restricted by an agreement approved by the City in accordance with the following affordability levels:

(i) At least fifty percent of the housing units in the affordable housing project shall be affordable to low (sixty percent of median income) or very low (fifty percent of median income) income households; and

(ii) The remaining housing units in the affordable housing project shall be affordable to moderate (one hundred percent of median income), low or very low income households.

(D) The affordable housing project shall be developed to the maximum allowable floor area for the zone in which the project is developed consistent with the City's architectural design standards.

Square footage devoted to residential uses shall be reduced by fifty percent when calculating whether a development review permit is required. (Prior code § 9019.7; amended by Ord. No. 1687CCS § 5 (part), adopted 6/22/93; Ord. No. 1893 § 8, adopted 1/13/98; Ord. No. 1927CCS § 12, adopted 11/10/98; Ord. No. 2187CCS § 7, adopted 5/25/06)

9.04.08.20.080 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 9.32 of this Article.

(Prior code § 9019.8; amended by Ord. No. 1687CCS § 5 (part), adopted 6/22/93)

Part 9.04.08.22 C4 Highway Commercial District

9.04.08.22.010 Purpose.

The C4 District is intended to provide for the future orderly development of the major highway commercial corridors in the City. The C4 District is intended to encourage service commercial businesses, auto sales and service dealerships, and other similar uses that serve regional, community, and local needs, while respecting adjacent residential neighborhoods and established neighborhood commercial areas, consistent with the goals, objectives, and policies of the General Plan. (Prior code § 9020.1; amended by Ord. No. 1687CCS § 6 (part), adopted 6/22/93)

9.04.08.22.020 Permitted uses.

The following uses shall be permitted in the C4 District, if conducted within an enclosed building, except where otherwise permitted:

(a) Ambulance service.
(b) Appliance repair shops.
(c) Artist studios above the first floor.
(d) Automatic ice dispensing machine which need not be in an enclosed building.
(e) Bakeries.
(f) Banks and savings and loan institutions.
(g) Barber or beauty shops.
(h) Bowling alleys.
(i) Business colleges.
(j) Child day care centers.
(k) Cleaners.
(l) Congregate housing.
(m) Dance studios.
(n) Domestic violence shelters.
(o) Electrical shops.
(p) Electric distribution substations.
(q) Funeral parlors or mortuaries.
(r) General offices.
(s) General retail and specialized retail uses.
(t) Homeless shelters with less than fifty-five beds.
(u) Laundromats.
(v) Medical, dental and optometrist clinics and laboratories.
(w) Medical equipment rentals.
(x) Multifamily dwelling units.
(y) Public parks and playgrounds.
(z) Party equipment rentals.
(aa) Photocopy shops.
(bb) Places of worship.
(cc) Plant retail stores.
(dd) Real estate offices.
(ee) Restaurants of fifty seats or less.
(ff) Senior group housing.
(gg) Senior housing.
(hh) Sidewalk cafés not more than two hundred square feet in area, subject to the limitations contained in Section 9.04.10.02.460.
(ii) Sign painting shops.
(jj) Single-family dwelling units.
(kk) Single-room occupancy housing.
(ll) Skating rinks.
(mm) Tailors.
(nn) Trade schools.
(oo) Transitional housing.
(pp) Variety stores.
(qq) Accessory uses which are determined by the Zoning Administrator to be necessary and customarily associated with, and appropriate, incidental, and subordinate to, the principal permitted uses and which are consistent and are no more disruptive or disturbing than permitted uses.
(rr) Other uses determined by the Zoning Administrator to be similar to those listed above and which are consistent and no more disruptive or disturbing than permitted uses. (Prior code § 9020.2; amended by Ord. No. 1687CCS § 6 (part), adopted 6/22/93; Ord. No. 2192CCS § 13, adopted 7/11/06)

9.04.08.22.030 Uses subject to performance standards permit.

The following uses may be permitted in the C4 District subject to the approval of a performance standards permit:

(a) Automobile rental agencies.
(b) Expansion of existing automobile dealerships of up to ten percent, but not exceeding an additional five thousand square feet.
(c) Service stations.
(d) Sidewalk cafés that exceed two hundred square feet in area. (Prior code § 9020.3; amended by Ord. No. 1687CCS § 6 (part), adopted 6/22/93: Ord. No. 1732CCS § 1, adopted 3/8/94; Ord. No. 2192CCS § 14, adopted 7/11/06)

9.04.08.22.035 Uses subject to a use permit.

(a) Outdoor newsstands. (Added by Ord. No. 1690CCS § 6, adopted 7/23/93)

9.04.08.22.040 Conditionally permitted uses.

The following uses maybe permitted in the C4 District subject to the approval of a conditional use permit:

(a) Auditorium.
(b) Automobile dealerships, or expansion of existing automobile dealerships indoor or outdoor area by more than ten percent, or more than five thousand square feet, whichever is less.
(c) Automobile parking lots and structures.
(d) Automobile repair facilities.
(e) Automobile washing facilities.
(f) Billiard parlors.
(g) Clubs and lodges.
(h) Drive-in, drive-through, take-out and fast-food restaurants.
(i) Exercise facilities.
(j) Homeless shelters with fifty-five beds or more.
(k) Hotels and motels.
(l) Liquor stores.
(m) Nightclubs.
(n) Open air farmers markets.
(o) Restaurants over fifty seats.

(p) Self service storage warehouses. (Prior code § 9020.4; amended by Ord. No. 1687CCS § 6 (part), adopted 6/22/93; Ord. No. 1732CCS § 2, adopted 3/8/94; Ord. No. 1803CCS § 1, adopted 5/23/95; Ord. No. 1895 § 4, adopted 1/27/98)

9.04.08.22.050 Prohibited uses.

(a) Cinemas.

(b) Firearms dealerships.

(c) Rooftop parking on parcels directly abutting, or separated by an alley from, a residential district.

(d) Any use not specifically authorized. (Prior code § 9020.5; amended by Ord. No. 1687CCS § 6 (part), adopted 6/22/93; Ord. No. 1852CCS § 13, adopted 6/11/96)

9.04.08.22.060 Property development standards.

There shall be no limitation on the number of stories of any hotel, detached parking structure, or structure containing at least one floor of residential use, so long as the height does not exceed the maximum number of feet permitted in this Section. All property in the C4 District shall be developed in accordance with the following standards:

(a) **Maximum Height and Floor Area Ratio.**

(1) For parcels in the C4 District fronting on Lincoln Boulevard south of the Santa Monica Freeway, Pico Boulevard between Ocean Avenue and 4th Court, and Pico Boulevard between 7th Street and 11th Street, and for permitted projects in areas defined in subdivisions (2), (3) and (4) of this subsection (a), maximum height shall be two stories, not to exceed thirty feet, and the floor area ratio shall be determined as follows:

Parcel Square Footage	FAR	FAR if at Least Thirty Percent of Project is Residential, or if at Least Eighty Percent of the Project is a Grocery Store
0 — 7,500	1.0	1.0
7,501 — 15,000	0.70	1.0
15,001 — 22,500	0.60	0.85
22,501 and up	0.50	0.75

(2) For preferred permitted project developments* on parcels in the C4 District fronting on Broadway, Santa Monica Boulevard, and 14th Street between Pico Boulevard and the Santa Monica Freeway, the maximum height shall be two stories, not to exceed thirty feet, and the floor area ratio shall be determined as follows:

Parcel Square Footage	FAR	FAR if at Least Thirty Percent of Project is Residential or Automobile Dealership with CUP, or if at Least Eighty Percent of the Project is a Grocery Store
0 — 7,500	1.5	1.5
7,501 — 15,000	1.0	1.5
15,001 — 22,500	0.90	1.3
22,501 and up	0.80	1.15

(3) For preferred permitted project developments* on parcels in the C4 District fronting on Lincoln Boulevard north of the Santa Monica Freeway, the maximum height shall be three stories, not to exceed forty-five feet, and the floor area ratio shall be determined as follows:

Parcel Square Footage	FAR	FAR if at Least Thirty Percent of Project is Residential, or if at Least Eighty Percent of the Project is a Grocery Store
0 — 7,500	1.5	1.5
7,501 — 15,000	1.0	1.5
15,001 — 22,500	0.90	1.3
22,501 and up	0.80	1.15

(4) For preferred permitted project developments* on parcels in the C4 District fronting on Pico Boulevard between 21st Street and 31st Street, subject to Section 9.04.08.22.060(a)(5), the maximum height shall be two stories, not to exceed thirty feet, and the floor area ratio shall be determined as follows:

Parcel Square Footage	FAR	FAR if at Least Thirty Percent of Project is Residential, or if at Least Eighty Percent of the Project is a Grocery Store	FAR with CUP Pursuant to Section 9.04.08-.22.060(a)(5)
0 — 7,500	1.5	1.5	2.0
7,501 — 15,000	1.0	1.5	2.0
15,001 — 22,500	0.90	1.3	2.0
22,501 and up	0.80	1.15	2.0

*Preferred permitted projects include: one hundred percent affordable housing projects; auto dealerships; projects that include the retention and preservation of a historic structure and comply with the Secretary of Interior's Standards for the Treatment of Historic Structures; child day care centers;

congregate housing; domestic violence shelters; homeless shelters with less than fifty-five beds; market rate apartment and condominium buildings where twenty-five percent of the residential units are three-bedroom or larger, sixty-six percent of the remaining residential units are two bedrooms or larger, and the project is registered with the USGBC to receive a LEED rating of silver or higher level; mixed use commercial-residential projects where at least ninety percent of the floor area at the second floor and above is dedicated toward residential uses, twenty-five percent of the residential units are three-bedroom or larger, sixty-six percent of the remaining residential units are two bedrooms or larger, and the project is registered with the USGBC to receive a LEED rating of silver or higher level; places of worship; senior group housing; senior housing; funeral parlors; and transitional housing.

(5) Subject to the approval of a conditional use permit, a project on a City-owned parcel in the C4 District fronting on Pico Boulevard between 21st Street and 31st Street shall be permitted a FAR bonus and a height of three stories, forty-five feet, if the project contains a full service grocery store having at least five thousand square feet of gross floor area.

(b) **Minimum Lot Size.** Seven thousand five hundred square feet. Each parcel shall contain a minimum depth of one hundred fifty feet and a minimum width of fifty feet except that parcels existing on the effective date of the ordinance codified in this Chapter shall not be subject to these requirements.

(c) **Front Yard Setback.** Landscaping as required pursuant to the provisions of Part 9.04.10.04.

(d) **Rear Yard Setback.** None, except:

(1) Where rear parcel line abuts a residential district, a rear yard equal to:

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

The required rear yard may be used for parking or loading to within five feet of the rear parcel line provided the parking or loading does not extend above the first floor level and provided that a wall not less than five feet or more than six feet in height is erected and maintained along the rear commercial parcel line. Access driveways shall be permitted to perpendicularly cross the required rear yard provided the driveway does not exceed the minimum width permitted for the parking area. A required rear yard shall not be used for commercial purposes.

(2) That needed to accommodate landscaping and screening for a rear yard buffer required pursuant to the provisions of Part 9.04.10.04.

(e) **Side Yard Setback.** None, except:

(1) Where the interior side parcel line abuts a residential district, an interior side yard equal to:

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

The interior side yard may be used for parking or loading to within five feet to the interior side property line provided the parking or loading does not extend above the first floor level and provided a wall not less than five feet or more than six feet in height is erected and maintained along the side commercial parcel line. A required interior side yard shall not be used for access or for commercial purposes.

(2) That needed to accommodate landscaping required for a street side yard, landscape buffer and screening pursuant to the provisions of Part 9.04.10.04.

(3) A ten-foot setback from an interior side property line shall be required for portions of buildings that contain windows, doors, or other openings into the interior of the building. An interior side yard less than ten feet shall be permitted if provisions of the Uniform Building Code related to fire-rated openings in side yards are satisfied.

(f) **Development Review.** Except for projects listed in Section 9.04.10.14.050, a development review permit is required for any development of more than seven thousand five hundred square feet of floor area and for any development with rooftop parking. Square footage devoted to residential use shall be reduced by fifty percent when calculating whether a development review permit is required. (Prior code 9020.6; amended by Ord. No. 1687CCS § 6 (part), adopted 6/22/93; Ord. No. 1774CCS § 3, adopted 11/15/94; Ord. No. 1927CCS § 13, adopted 11/10/98; Ord. No. 2102CCS § 4, adopted 12/16/03; Ord. No. 2207CCS § 8, adopted 10/3/06)

9.04.08.22.065 Deed restrictions.

Prior to issuance of a building permit for a project which, pursuant to this Part, has received a density or height bonus, or was not subject to a development review permit because the calculation of the residential square footage of the project was reduced by fifty percent, the applicant shall submit, for City review and approval, deed restrictions or other legal instruments setting forth the obligation of the applicant to maintain the residential use of the project for the life of the project. (Added by Ord. No. 1828CCS § 5, adopted 11/7/95; amended by Ord. No. 1927CCS § 14, adopted 11/10/98)

9.04.08.22.070 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 9.32 of this Article. (Prior code § 9020.7; amended by Ord. No. 1687CCS § 6 (part), adopted 6/22/93)

9.04.08.22.080 Special project design and development standards.

Projects in the C4 District shall comply with the following special project design and development standards: Ground floor street frontage of each structure shall be designed with pedestrian orientation in accordance with Section 9.04.10.02.440 of this Chapter. (Added by Ord. No. 1893CCS § 9, adopted 1/13/98)

Part 9.04.08.24 C5 Special Office Commercial District

9.04.08.24.010 Purpose.

The C5 District is intended to provide for the development of office and advanced technology uses, scientific research, and administration, and for limited manufacturing of related products which require large expanses of floor area on large parcels. Development intensity is intended to encourage the construction of 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. Within the C5 District it is the goal of the City to preserve and protect existing rights-of-way for future transit opportunities. (Prior code § 9021.1; amended by Ord. No. 1687CCS § 7 (part), adopted 6/22/93)

9.04.08.24.020 Permitted uses.

The following uses shall be permitted in the C5 District, if conducted within an enclosed building, except where otherwise permitted:

(a) Affordable rental housing projects of not more than fifty units.

(b) Artist studios.

(c) Child day care centers.

(d) Congregate housing.

(e) Domestic violence shelters.

(f) General offices.

(g) Homeless shelters with less than fifty-five beds.

(h) Laboratories and facilities for scientific research development and testings.

(i) Light manufacturing.

(j) Medical, dental and optometrist clinics and laboratories.

(k) Nonacute, inpatient health care facilities.

(l) Places of worship.

(m) Production of experimental products, and the manufacturing of such products as may be necessary to the development of production or operating systems where such systems are to be installed and operated at another location.

(n) Public or private schools existing prior to adoption of this Chapter.

(o) Public utility service centers and service yards.

(p) Single-room occupancy housing.

(q) Trailer courts or mobilehome parks existing prior to adoption of this Chapter.

(r) Transitional housing.

(s) Accessory uses which are determined by the Zoning Administrator to be necessary and customarily associated with, and are appropriate, incidental, and subordinate to the principal permitted uses and which are consistent and no more disruptive or disturbing than permitted uses.

(t) Other uses determined by the Zoning Administrator to be similar to those listed below which are consistent and no more disruptive or disturbing than permitted uses. (Prior code § 9021.2; amended by Ord. No. 1687CCS § 7 (part), adopted 6/22/93; Ord. No. 2217CCS § 3, adopted 1/23/07)

9.04.08.24.030 Uses subject to performance standards permit.

(a) Automobile rental agencies.

(b) Service stations. (Prior code § 9021.3; amended by Ord. No. 1687CCS § 7 (part), adopted 6/22/93)

9.04.08.24.040 Conditionally permitted uses.

The following uses may be permitted in the C5 District subject to the approval of a Conditional Use Permit:

(a) Art galleries.

(b) Automobile dealerships.

(c) Dwelling units in conjunction with live-in work studios.

(d) Homeless shelters with fifty-five beds or more.

(e) Multifamily dwelling units.

(f) Senior group housing.

(g) Senior housing.

(h) No more than twenty-five percent of the total square footage of a development may be devoted to the following incidental businesses that provide goods and services to employees on the premises:

(1) Banks and savings and loan institutions.

(2) Business machine sales, display and service.

(3) Drafting, blueprinting and reproduction services.

(4) Health clubs and gymnasiums.

(5) Medical appliance sales.

(6) Office furniture and equipment sales.

(7) Pharmacies and drug stores.

(8) Restaurants.

(9) Retail to serve primarily employees working and visitors to businesses on the premises.

(10) Travel and employment offices.

(i) New industrial and manufacturing uses or expansion of existing industrial and manufacturing uses conducted within an enclosed building or an open enclosure screened from public view, provided they are compatible with office and advanced technological uses.

(j) Public or private schools.

(k) Public storage facilities, mini-warehouses.

(l) Service stations.

(m) Any use of a transportation right-of-way for other than transportation purposes.

(n) Off-site hazardous waste facility. (Prior code § 9021.4; amended by Ord. No. 1521CCS, adopted 5/8/90; Ord. No. 1687CCS § 7 (part), adopted 6/22/93)

9.04.08.24.050 Prohibited uses.

(a) Cinemas.

(b) Firearms dealerships.

(c) Drive-in and drive-through restaurants.

(d) Rooftop parking on parcels directly abutting, or separated by an alley from, a residential district.

(e) Any use not specifically authorized. (Prior code § 9021.5; amended by Ord. No. 1687CCS § 7 (part), adopted 6/22/93; Ord. No. 1852CCS § 16, adopted 6/11/96)

9.04.08.24.060 Property development standards.

All property in the C5 District shall be developed in accordance with the following standards:

(a) **Maximum Building Height.** Three stories, not to exceed forty-five feet. There shall be no limitation on the number of stories of any parking structure so long as the height does not exceed the number of feet permitted in this Section.

(b) **Maximum Floor Area Ratio.** The maximum floor area ratio shall be determined as follows:

Parcel Square Footage	Far
0—22,500	1.0
22,501 and up	0.75

(c) **Minimum Lot Size.** Fifteen thousand square feet. Each parcel shall contain a minimum depth of one hundred fifty feet and a minimum width of one hundred feet except that parcels existing on the effective date of this Chapter shall not be subject to this requirement.

(d) **Front Yard Setback.** Twenty feet minimum depth from any public right-of-way or the transportation right-of-way.

(e) **Rear Yard Setback.** None, except:

(1) Where rear parcel line abuts a residential district, a rear yard equal to:

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

The required rear yard may be used for parking or loading within five feet of the rear parcel line provided the parking or loading does not extend above the first floor level and provided that a wall not less than five feet or more than six feet in height is erected and maintained along the rear commercial line. Access driveways shall be permitted to perpendicularly cross the required rear yard provided the driveway does not exceed the minimum width permitted for the parking area. A required rear yard shall not be used for commercial purposes.

(2) That needed to accommodate landscaping and screening for a rear yard buffer required pursuant to the provisions of Part 9.04.10.04.

(f) **Side Yard Setback.** None, except:

(1) Where interior side parcel line abuts a residential district, an interior side yard equal to:

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

The interior side yard may be used for parking or loading no closer than to five feet to the interior side property line provided the parking or loading does not extend above the first floor level and provided a wall not less than five feet or more than six feet in height is erected and maintained along the side commercial parcel line. A required interior side yard shall not be used for access or for commercial or manufacturing purposes.

(2) That needed to accommodate landscaping required for a street side yard, landscape buffer and screening pursuant to the provisions of Part 9.04.10.04.

(3) A ten-foot setback from an interior property line shall be required for portions of buildings that contain windows, doors, or other openings into the interior of the building. An interior side yard less than ten feet shall be permitted if provisions of the Uniform Building Code related to fire-rated openings in side yards are satisfied.

(g) **Development Review.** Except for projects listed in Section 9.04.10.14.050, development review permit is a required for any development of more than seven thousand five hundred square feet of floor area and any development with rooftop parking. Square footage devoted to residential use shall be reduced by fifty percent when calculating whether a development review permit is required. (Prior code § 9021.6; amended by Ord. No. 1687CCS § 7 (part), adopted 6/22/93; Ord. No. 2102CCS § 5, adopted 12/16/03)

9.04.08.24.070 Architectural review.

All construction, 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 9.32 of this Article. (Prior code § 9021.7; amended by Ord. No. 1687CCS § 7 (part), adopted 6/22/93)

Part 9.04.08.26 C6 Boulevard Commercial District

9.04.08.26.010 Purpose.

The C6 District is intended to accommodate a wide range of general retail, office, and financial uses serving regional, community, and local needs and to promote new development that is compatible with the scale and character of adjacent residential neighborhoods, consistent with the goals, objectives, and policies of the General Plan. (Prior code § 9022.1; amended by Ord. No. 1687CCS § 8 (part), adopted 6/22/93)

9.04.08.26.020 Permitted uses.

The following convenience goods and service type uses shall be permitted in the C6 District, if conducted within an enclosed building, except where otherwise permitted:

(a) Appliance repair shops.
(b) Art galleries.
(c) Artist studios above the first floor.
(d) Automatic ice dispensing machines which need not be in an enclosed building.
(e) Bakeries.
(f) Banks and savings and loan institutions.
(g) Barber or beauty shops.
(h) Business colleges.
(i) Child day care centers.
(j) Cleaners.
(k) Clubs and lodges.
(l) Congregate housing.
(m) Cultural facilities.
(n) Dance studios.

(o) Domestic violence shelters.
(p) Electric distribution substations.
(q) Enclosed storage facilities.
(r) Exercise facilities.
(s) Funeral parlors or mortuaries.
(t) General offices.
(u) General retail and specialized retail uses.
(v) Homeless shelters with less than fifty-five beds.
(w) Laundromats.
(x) Medical, dental and optometrist clinics and laboratories.
(y) Medical equipment rentals.
(z) Multifamily dwelling units.
(aa) Party equipment rentals.
(bb) Places of worship.
(cc) Photocopy shops.
(dd) Real estate offices.
(ee) Restaurants.
(ff) Senior group housing.
(gg) Senior housing.
(hh) Sidewalk cafés not more than two hundred square feet in area, subject to the limitations contained in Section 9.04.10.02.460.
(ii) Sign painting shops.
(jj) Single-family dwelling units.
(kk) Single-room occupancy housing.
(ll) Small appliance repair shops.
(mm) Tailors.
(nn) Theaters.
(oo) Trade schools.
(pp) Transitional housing.
(qq) Accessory uses which are determined by the Zoning Administrator to be necessary and customarily associated with, and appropriate, incidental, and subordinate to, the principal permitted uses and which are consistent and are no more disruptive or disturbing than permitted uses.
(rr) Other uses determined by the Zoning Administrator to be similar to those listed above and which are consistent and no more disruptive or disturbing than permitted uses. (Prior code § 9022.2; amended by Ord. No. 1687CCS § 8 (part), adopted 6/22/93; Ord. No. 2193CCS § 15, adopted 7/11/06)

9.04.08.26.030 Uses subject to performance standards permit.

The following uses may be permitted in the C6 District subject to the approval of a performance standards permit:
(a) Automobile rental agencies.
(b) Expansion of existing automobile dealerships indoor or outdoor area of up to ten percent, but not exceeding an additional five thousand square feet.
(c) Sidewalk cafés that exceed two hundred square feet in area. (Prior code § 9022.3; amended by Ord. No. 1687CCS § 8 (part), adopted 6/22/93; Ord. No. 1803CCS § 2 (part), adopted 5/23/95; Ord. No. 2192CCS § 16, adopted 7/11/06)

9.04.08.26.035 Uses subject to a use permit.

(a) Outdoor newsstands. (Added by Ord. No. 1690CCS § 7 (part), adopted 7/13/93)

9.04.08.26.040 Conditionally permitted uses.

The following uses may be permitted in the C6 District subject to the approval of a conditional use permit:
(a) Automobile dealerships in existence on October 1, 1996, provided that such dealerships may not resume operations if converted to another use.
(b) Expansion of existing automobile dealerships indoor or outdoor area by more than ten percent, or more than five thousand square feet, whichever is less.
(c) Auditoriums.
(d) Department stores over fifty thousand square feet.
(e) Homeless shelters with fifty-five beds or more.
(f) Hotels and motels.
(g) Nightclubs.
(h) Service stations.
(i) Take-out and fast-food restaurants.
(j) Theaters. (Prior code § 9022.4; amended by Ord. No. 1687CCS § 8 (part), adopted 6/22/93; Ord. No. 1803CCS § 2 (part), adopted 5/23/95; Ord. No. 1896CCS § 1, adopted 1/27/98)

9.04.08.26.050 Prohibited uses.

(a) Cinemas.
(b) Firearms dealerships.
(c) Rooftop parking on parcels directly abutting, or separated by an alley from, a residential district.
(d) Any use not specifically authorized. (Prior code § 9022.5; amended by Ord. No. 1687CCS § 8 (part), adopted 6/22/93; Ord. No. 1852CCS § 14, adopted 6/11/96)

9.04.08.26.060 Property development standards.

All property in the C6 District shall be developed in accordance with the following standards:
(a) **Maximum Building Height.** Three stories, not to exceed forty-five feet for Preferred Permitted projects*; for all others: two stories, not to exceed thirty feet. There shall be no limitation on the number of stories of any hotel, detached parking structure, or structure containing at least one floor of residential use, so long as the height does not exceed the maximum number of feet permitted in this Section.
(b) **Maximum Floor Area Ratio.** The maximum floor area ratio shall be determined as follows:

Parcel Square Footage	FAR for Preferred Permitted Projects*	FAR for all Other Permitted Projects	FAR if at Least Thirty Percent of Project is Residential, or if at Least Eighty Percent of the Project is a Grocery Store
0—7,500	2.0	1.5	2.0
7,501—15,000	1.4	1.0	2.0
15,001—22,500	1.2	0.90	1.75
22,501 and up	1.0	0.80	1.5

*Preferred permitted projects include: one hundred percent affordable housing projects; auto dealerships; projects that include the retention and preservation of a historic structure

and comply with the Secretary of Interior's Standards for the Treatment of Historic Structures; child day care centers; congregate housing; domestic violence shelters; homeless shelters with less than fifty-five beds; market rate apartment and condominium buildings where twenty-five percent of the residential units are three-bedroom or larger, sixty-six percent of the remaining residential units are two bedrooms or larger, and the project is registered with the USGBC to receive a LEED rating of silver or higher level; mixed use commercial-residential projects where at least ninety percent of the floor area at the second floor and above is dedicated toward residential uses, twenty-five percent of the residential units are three-bedroom or larger, sixty-six percent of the remaining residential units are two bedrooms or larger, and the project is registered with the USGBC to receive a LEED rating of silver or higher level; places of worship; senior group housing; senior housing; funeral parlors; and transitional housing.

(c) **Minimum Lot Size.** Seven thousand five hundred square feet. Each parcel shall contain a minimum depth of one hundred fifty feet and a minimum width of fifty feet, except that parcels existing on the effective date of the ordinance codified in this Chapter shall not be subject to this requirement.

(d) **Front Yard Setback.** Landscaping as required pursuant to the provision of Part 9.04.10.04.

(e) **Rear Yard Setback.** None, except:

(1) Where rear parcel line abuts a residential district, a rear yard equal to:

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

The required rear yard may be used for parking or loading to within five feet of the rear parcel line provided the parking or loading does not extend above the first floor level and provided that a wall not less than five feet or more than six feet in height is erected and maintained along the rear commercial parcel line. Access driveways shall be permitted to cross perpendicularly the required rear yard provided the driveway does not exceed the minimum width permitted for the parking area. A required rear yard shall not be used for commercial purposes.

(2) That needed to accommodate landscaping and screening for a rear yard buffer required pursuant to the provisions of Part 9.04.10.04.

(f) **Side Yard Setback.** None, except:

(1) Where the interior side parcel line abuts a residential district, an interior side yard equal to:

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

The interior side yard may be used for parking or loading to within five feet to the interior side property line provided the parking or loading does not extend above the first floor level and provided a wall not less than five feet or more than six feet is erected and maintained along the side commercial parcel line. A required interior side yard shall not be used for access or for commercial purposes.

(2) That needed to accommodate landscaping required for a street side yard, landscape buffer and screening pursuant to the provisions of Part 9.04.10.04.

(3) A ten-foot setback from an interior property line shall be required for portions of buildings that contain windows, doors, or other openings into the interior of the building. An interior side yard less than ten feet shall be permitted if provisions of the Uniform Building Code related to fire-rated openings in side yards are satisfied.

(g) **Development Review.** Except for projects listed in Section 9.04.10.14.050, a development review permit is required for any development of more than seven thousand five hundred square feet of floor area and any development with rooftop parking. Square footage devoted to residential use shall be reduced by fifty percent when calculating whether a development review permit is required. (Prior code § 9022.6; amended by Ord. No. 1687CCS § 8 (part), adopted 6/22/93; Ord. No. 1774CCS § 4, adopted 11/15/94; Ord. No. 1927CCS § 15, adopted 11/10/98; Ord. No. 2102CCS § 6, adopted 12/16/03; Ord. No. 2207CCS § 9, adopted 10/3/06)

9.04.08.26.065 Deed restrictions.

Prior to issuance of a building permit for a project which, pursuant to this Part, has received a density or height bonus, or was not subject to a development review permit because the calculation of the residential square footage of the project was reduced by fifty percent, the applicant shall submit, for City review and approval, deed restrictions or other legal instruments setting forth the obligation of the applicant to maintain the residential use of the project for the life of the project. (Added by Ord. No. 1828CCS § 6, adopted 11/7/95; amended by Ord. No. 1927CCS § 17, adopted 11/10/98)

9.04.08.26.070 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 9.32 of this Article. (Prior code § 9022.7; amended by Ord. No. 1687CCS § 8 (part), adopted 6/22/93)

9.04.08.26.080 Special project design and development standards.

Projects in the C6 District shall comply with the following special project design and development standards: Ground floor street frontage of each structure shall be designed with pedestrian orientation in accordance with Section 9.04.10.02.440 of this Chapter. (Added by Ord. No. 1893CCS § 10, adopted 1/13/98)

Part 9.04.08.28 CM Main Street Commercial District

9.04.08.28.010 Purpose.

The CM District is intended to protect a special, historic commercial district and adjoining residential neighborhood by recognizing:

(a) The Main Street Commercial District has historically accommodated a variety of uses, including commercial and residential uses, which have provided daily necessities, places of employment, and leisure time opportunities for those living in the surrounding community and the greater Santa Monica area, as well as for the area's large number of tourists. The Main Street Commercial District is established to provide mixed-use development to accommodate housing, retail, commercial, overnight visitor and service uses.

(b) The Main Street Commercial District directly adjoins residential neighborhoods of high density but principally low to moderate scale. Further, as a coastal commercial area it also adjoins popular beach recreation areas which regularly generate a substantial transient influx. The Main Street Commercial District is established to encourage physical improvements of low to moderate scale which will continue to be compatible with nearby commercial and residential uses and which will provide a balanced supply of goods and services consistent with the historical pattern. (Prior code § 9023.1; amended by Ord. No. 1645CCS § 1, adopted 9/22/92; Ord. No. 1884CCS § 1 (part), adopted 9/16/97)

9.04.08.28.020 Permitted uses.

(a) Except for in those areas described in subsection (b), the following uses are permitted in the "CM" Main Street Commercial District, if the use is a single use occupying less than seven thousand five hundred square feet, and is conducted within an enclosed building, the ground floor Main Street frontage of which does not exceed seventy-five linear feet, unless otherwise indicated:

(1) Appliance repair shops.
(2) Art galleries.
(3) Artist studios.
(4) Banks and savings and loan institutions.
(5) Barber and beauty shops.
(6) Bed and breakfast facilities provided that any dining facility shall be limited to use by registered guests only. Only two such facilities may be permitted in the district.
(7) Child day care centers.
(8) Congregate housing.
(9) Domestic violence shelters.
(10) Florists and plant nurseries.
(11) Furniture upholsterer's shops.
(12) General offices.
(13) General retail uses.
(14) Homeless shelters with less than fifty-five beds.
(15) Laundromats, dry cleaners.
(16) Libraries.
(17) Medical, dental and optometrist facilities above the first floor provided the use does not exceed a maximum of three thousand square feet.
(18) Multi-family dwelling units.
(19) Print or publishing shops.
(20) Restaurants with forty-nine or less seats.
(21) Senior housing.
(22) Senior group housing.
(23) Shoe repair stores.
(24) Sidewalk cafés not more than two hundred square feet in area, subject to the limitations contained in Section 9.04.10.02.460.
(25) Single family dwelling units.
(26) Single room occupancy housing.
(27) Tailors.
(28) Theaters with seventy-five or less seats.
(29) Transitional housing.
(30) Wholesale stores where the public is invited.

(b) On parcels with frontage on Second Street, and which abut residentially zoned property on at least one side yard, on that portion of the parcel located within seventy-five feet of Second Street, permitted uses are limited to:

(1) All uses permitted in the OP-2 District.
(2) Artist studios.
(3) Child day care facility.
(4) General office above the first floor, provided the use does not exceed four thousand square feet and all access is from Main Street.
(5) General retail, including art gallery, provided the use does not exceed seven thousand five hundred square feet and all access is from Main Street.
(6) Shoe repair shops, provided all access is from Main Street.
(7) Theaters, provided the use does not exceed seven thousand five hundred square feet and seventy-five seats and all access is from Main Street. (Prior code § 9023.2; amended by Ord. No. 1472CCS, adopted 3/28/89; Ord. No. 1645CCS § 1, adopted 9/22/92; Ord. No. 1750CCS § 12 (part), adopted 6/28/94; Ord. No. 1884CCS § 1 (part), adopted 9/16/97; Ord. No. 2192CCS § 17, adopted 7/11/06)

9.04.08.28.030 Uses subject to performance standards permit.

(a) Except for in those areas described in subsection (b), the following uses may be permitted in the CM District subject to the approval of a performance standards permit:

(1) Sidewalk cafés that exceed two hundred square feet in area.

(b) On parcels with frontage on Second Street, and which abut residentially zoned property on at least one side yard, on that portion of the parcel located within seventy-five feet of Second Street, uses permitted with a performance standards permit are limited to:

(1) All uses permitted subject to a performance standards permit in the OP-2 District. (Prior code § 9023.3; amended by Ord. No. 1645CCS § 1, adopted 9/22/92; Ord. No. 1750CCS § 12 (part), adopted 6/28/94; Ord. No. 1884CCS § 1 (part), adopted 9/16/97; Ord. No. 2192CCS § 18, adopted 7/11/06)

9.04.08.28.035 Uses subject to a use permit.

(a) Except for in those areas described in subsection (b), the following uses are permitted in the CM District subject to the approval of a use permit:

(1) Outdoor newsstands.

(b) On parcels with frontage on Second Street, and which abut residentially zoned property on at least one side yard, on

that portion of the parcel located within seventy-five feet of Second Street, uses permitted with a use permit are limited to:

(1) All uses permitted subject to a use permit in the OP-2 District. (Added by Ord. No. 1690CCS § 8, adopted 7/13/93; amended by Ord. No. 1750CCS § 12 (part), adopted 6/28/94; Ord. No. 1884CCS § 1 (part), adopted 9/16/97)

9.04.08.28.040 Conditionally permitted uses.

The following uses may permitted in the CM District subject to the approval of a conditional use permit:

(a) Bars.
(b) Billiard parlors.
(c) Bowling alleys.
(d) Business colleges.
(e) Catering businesses.
(f) Dance studios.
(g) Exercise facilities.
(h) Fast-food and take-out establishments.
(i) Homeless shelters with fifty-five or more beds.
(j) Medical, dental and optometrist facilities at the first floor or in excess of three thousand square feet.
(k) Meeting rooms for charitable, youth and welfare organizations.
(l) Museums.
(m) Music conservatories and instruction facilities.
(n) Open air farmers markets.
(o) Places of worship.
(p) Restaurants with fifty seats or more.
(q) Existing restaurants that add a private dining facility pursuant to Section 9.04.08.28.070(m).
(r) Retail stores with thirty percent or less of the total linear shelf display area devoted to alcoholic beverages.
(s) Sign painting shops.
(t) Theaters having more than seventy-five seats.
(u) Trade schools.
(v) Wine shops devoted exclusively to sales of wine. There shall be no limit on the total linear shelf display area.
(w) Any otherwise permitted uses in the CM Main Street Commercial District which occupy more than seven thousand five hundred square feet of floor area.
(x) Any otherwise permitted uses in the CM Main Street Commercial District the ground floor Main Street frontage of which exceeds seventy-five linear feet.
(y) All uses other than specifically prohibited uses, that are determined by the Zoning Administrator to be similar and consistent with those uses specifically permitted, subject to performance standards, or conditionally permitted. (Prior code § 9023.4; amended by Ord. No. 1645CCS § 1, adopted 9/22/92; Ord. No. 1750CCS § 12 (part), adopted 6/28/94; Ord. No. 1884CCS § 1 (part), adopted 9/16/97; Ord. No. 1895CCS § 2, adopted 1/27/98; Ord. No. 2104CCS § 1, adopted 12/16/03)

9.04.08.28.050 Prohibited uses.

The following are specifically prohibited in the CM District:

(a) Automobile service facilities.
(b) Bars above the first floor.
(c) Cinemas.
(d) Drive-in or drive-through uses.
(e) Firearms dealerships.
(f) Game arcades.
(g) Hotels.
(h) Liquor stores other than those conditionally permitted.
(i) Motels. (Prior code § 9023.5; amended by Ord. No. 1645CCS § 1, adopted 9/22/92; Ord. No. 1852CCS § 15, adopted 6/11/96; Ord. No. 1884CCS § 1 (part), adopted 9/16/97)

9.04.08.28.060 Property development standards.

For purposes of property development standards, there shall be three zoning classifications within the CM district: CM-2, CM-3 and CM-4. All property in the CM District shall be developed in accordance with the following standards:

(a) **Maximum Building Height and FAR.** Maximum building height, number of stories and floor area ratio shall be determined as follows:

(1) For parcels with frontage on Second Street, and which abut residentially zoned property on at least one side yard, for that area within one hundred feet of Second Street maximum building height, number of stories, and floor area ratio shall be:

Max. Height	Max. No. of Stories	Max. FAR	Max. FAR if 30% of the Project is Residential
27′	2	.8	1.0

(2) For all other parcels in the CM District, maximum building height, number of stories and floor area ratio shall be:

	Max. Height	Max. No. of Stories	Max. FAR
CM-2	27′	2	.8 or 1.5 for preferred projects*
CM-3	27′ or 35′ for preferred permitted projects*	2, or 3 for preferred permitted projects*	1.5, or 2.0 for preferred permitted projects*
CM-4	27′ or 35′ for preferred permitted projects*	2, or 3 for preferred permitted projects*	1.5, or 2.0 for preferred permitted projects*

*Preferred permitted projects include: one hundred percent affordable housing projects; projects that include the retention and preservation of a historic structure and comply with the Secretary of Interior's Standards for the Treatment of Historic Structures; child day care centers; congregate housing; domestic violence shelters; homeless shelters with less than fifty-five beds; mixed use commercial-residential projects

where at least ninety percent of the floor area at the second floor and above is dedicated toward residential uses, twenty-five percent of the residential units are three-bedroom or larger, sixty-six percent of the remaining residential units are two bedrooms or larger, and the project is registered with the USGBC to receive a LEED rating of silver or higher level; places of worship; senior group housing; senior housing; and transitional housing.

(3) Notwithstanding the above, preferred permitted projects on property in the CM-4 District may be developed to a maximum height of forty-seven feet, four stories and a 2.5 FAR, provided the following conditions are met:

(i) The fourth floor does not exceed more than fifty percent of the third floor footprint;

(ii) The fourth floor is set back a minimum of ten feet from the third floor street frontage(s);

(iii) The fourth floor is set back a minimum of five feet from the third floor side and rear yard building frontages;

(iv) The fourth floor setback at the street frontage is devoted to a roof garden or unenclosed terrace;

(v) The development includes residential uses equal to or exceeding the floor area of the fourth floor;

(vi) The front yard setback at the ground floor level is double that required pursuant to subsection (b) of this Section.

(4) There shall be no limitation on the number of stories of any structure whose floor area contains fifty percent or more residential uses as long as the height does not exceed the maximum number of feet permitted in the zoning classification of the CM District in which it is located, or as allowed by Section 9.04.10.14.030(a) of this Chapter. For purposes of calculating the FAR of any structure within the CM District, multi-residential units devoted strictly to apartment residential uses shall be computed at one-half the actual total floor area.

(b) **Front Yard Setback.**

(1) For parcels with frontage on Second Street and which abut residentially zoned property on at least one side yard, on that portion of the parcel located within seventy-five feet of Second Street, the front yard setback shall be twenty feet or fifteen feet if the average setback of adjacent dwelling(s) is fifteen feet or less. A one-story, covered or uncovered porch, open on three sides may encroach six feet into a front yard with a twenty-foot setback, if the roof does not exceed a height of fourteen feet and the porch width does not exceed forty percent of the building width at the front of the building.

(2) For all other parcels in the CM District, a front yard shall be provided in accordance with Part 9.04.10.04 of this Code.

(c) **Rear Yard Setback.** A rear yard shall be provided and maintained. Such yard shall have a minimum depth as follows:

(1) **CM-2 District, East of the Centerline of Main Street.** No rear yard shall be required for one-story structures and for the first floor of a two-story structure, provided that any portion of the first floor which is within five feet of the rear property line is not more than nine feet in height and is fully enclosed, i.e., without windows, doors or ventilation openings permitting visual access to adjoining residential property. Any portion of the first floor that either exceeds nine feet in height or is not fully enclosed shall be at least five feet from the rear property line. The minimum rear yard requirement for the second-story portion of a two-story structure shall be twenty feet.

(i) **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.

(ii) **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.

(iii) **Exception.** There shall be no rear yard setbacks required where existing parking improvements and common ownership extend through to Second Street.

(2) **CM-2 District, West of the Centerline of Main Street.** No rear yard shall be required for a one-story structure, provided that any portion of the first-floor structure which is within five feet of the rear property line does not exceed nine feet in height. Any portion of the first floor that exceeds nine feet in height shall be at least five feet from the rear property line. The minimum rear yard requirement for the second story of a two-story structure shall be five feet.

(3) **CM-3 District.** Rear yard requirements in the CM-3 District shall be the same as those required in the CM-2 District, west of the centerline of Main Street, for one and two story structures. A minimum fifteen-foot rear yard setback for any portion of a third story is required.

(4) **CM-4 District.** No rear yard setback is required except as may be required in subsection (a) of this Section.

(d) **Side Yard Setback.** None, except where the interior side parcel line abuts a residential district. In those cases, an interior side yard shall be provided equal to:

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

On lots of less than fifty feet in width, the side yard shall be ten percent of the parcel width but not less than five feet.

(e) **Development Review.** Except for projects listed in Section 9.04.10.14.050, a development review permit is required for any development of more than seven thousand five hundred square feet of floor area. Square footage devoted to residential use shall be reduced by fifty percent when calculating whether a development review permit is required.

(f) **For parcels in the CM-2 District.** Parcels shall not be consolidated nor shall lots be tied if such consolidation or lot tie results in a parcel that exceeds six thousand square feet in size. Any parcel existing on the effective date of Ordinance Number 2207 (CCS) shall not be subject to this requirement. (Prior code § 9023.6; amended by Ord. No. 1645CCS § 1, adopted 9/22/92; Ord. No. 1750CCS § 13, adopted 6/28/94; Ord. No. 1884CCS § 1 (part), adopted 9/16/97; Ord. No. 1927CCS § 17, adopted 11/10/98; Ord. No. 2102CCS § 7, adopted 12/16/03; Ord. No. 2207CCS § 6, adopted 10/3/06)

9.04.08.28.065 Deed restrictions.

Prior to issuance of a building permit for a project which, pursuant to this Part, has received a density or height bonus, or was not subject to a development review permit because the calculation of the residential square footage of the project was reduced by fifty percent, the applicant shall submit, for City review and approval, deed restrictions or other legal instruments setting forth the residential use requirements for the project. Such restrictions shall be effective for the life of the project the obligation of the applicant to maintain the residential use of the project for the life of the project. (Added by Ord. No. 1828CCS § 7, adopted 11/7/95; amended by Ord. No. 1884CCS § 1 (part), adopted 9/16/97; Ord. No. 1927CCS § 18, adopted 11/10/98)

9.04.08.28.070 Special project design and development standards.

Projects in the CM District shall comply with the following special project design and development standards:

(a) First-floor uses must be pedestrian-oriented uses except as provided in Section 9.04.10.02.111.

(b) Restaurants and bars are limited to a total of two establishments per block unless otherwise specified in this Section. For purposes of this Section, an establishment may be a restaurant, a restaurant with a bar or a bar. A restaurant with a bar shall be considered one establishment. 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 "Block" for the purpose of this Section are:

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;

(c) North of Ocean Park Boulevard restaurants shall be subject to the following requirements:

(1) Only one restaurant on the east side of each block shall be permitted,

(2) 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;

(d) On-sale alcohol outlets may not exceed twelve in number north of Ocean Park Boulevard. Of the twelve total on-sale outlets, no more than five shall have on-sale general licenses;

(e) Bars may not exceed four in number south of Ocean Park Boulevard, nor two in number north of Ocean Park Boulevard;

(f) Existing uses and existing number of seats shall count toward the total number of bars and restaurants and seating requirements permitted within the district;

(g) An existing use shall be considered no longer existing if that use is changed to another type of use or if for a period of six months, such use has not been in regular operation. Regular operation shall be considered being open for business to the general public during such use' s customary business hours;

(h) In structures housing mixed commercial and residential uses, parking above the first floor shall be allowed.

(i) Side yard walls up to ten feet in height may be permitted on parcels with frontage on Second Street and which abut residentially zoned property on at least one side yard on that portion of the parcel located within seventy-five feet of Second Street, subject to Zoning Administrator approval.

(j) For all parcels with frontage on Second Street and which abut residentially zoned property on at least one side yard, pedestrian and vehicular access to all uses located within seventy-five feet of Second Street shall be from Main Street, except for residential uses where access may be from Second Street.

(k) For all parcels with frontage on Second Street, and which abut residentially zoned property on at least one side yard, on that portion of the parcel located within seventy-five feet of Second Street, new development shall incorporate the following design elements:

(1) A landscaped buffer not less than five feet wide shall be provided and maintained along the entire side yard adjacent to the residentially zoned property. Landscaping in this area shall include one tree per every five linear feet planted not less than five feet apart and not less than five feet in height when planted.

(2) Any building courtyards or open public spaces shall incorporate landscaping and building materials designed to minimize potential noise impacts.

(3) Building materials shall be nonreflective and shall complement materials utilized in the adjacent residential neighborhood.

(4) Buildings shall be sited to minimize noise impacts in the adjacent residential neighborhood.

(5) In lieu of the requirements in this subsection (k), the Architectural Review Board may approve other buffering plans, designs, and building materials that satisfy the intent of these requirements.

(l) Notwithstanding any other provision of this Chapter, whenever a parcel in the CM3 Zoning District has street frontage on all four sides including Main Street, the following provisions shall apply:

(1) The Main Street frontage shall be deemed to be the front yard for purposes of determining allowable uses and any

that portion of the parcel located within seventy-five feet of Second Street, uses permitted with a use permit are limited to:

(1) All uses permitted subject to a use permit in the OP-2 District. (Added by Ord. No. 1690CCS § 8, adopted 7/13/93; amended by Ord. No. 1750CCS § 12 (part), adopted 6/28/94; Ord. No. 1884CCS § 1 (part), adopted 9/16/97)

9.04.08.28.040 Conditionally permitted uses.

The following uses may be permitted in the CM District subject to the approval of a conditional use permit:

(a) Bars.
(b) Billiard parlors.
(c) Bowling alleys.
(d) Business colleges.
(e) Catering businesses.
(f) Dance studios.
(g) Exercise facilities.
(h) Fast-food and take-out establishments.
(i) Homeless shelters with fifty-five or more beds.
(j) Medical, dental and optometrist facilities at the first floor or in excess of three thousand square feet.
(k) Meeting rooms for charitable, youth and welfare organizations.
(l) Museums.
(m) Music conservatories and instruction facilities.
(n) Open air farmers markets, which may include the sale of merchandise by individual businesses located on Main Street that have valid business licenses. Such merchandise sales shall be representative of the items offered for sale within the individual business establishments and shall be incidental and subordinate to the open air farmers market use. Both the sale or provision of services, including but not limited to, acupuncture, massage, manicure, hair coloring or haircuts and the sale of alcoholic beverages by the Main Street merchants shall be prohibited.
(o) Places of worship.
(p) Restaurants with fifty seats or more.
(q) Existing restaurants that add a private dining facility pursuant to Section 9.04.08.28.070(m).
(r) Retail stores with thirty percent or less of the total linear shelf display area devoted to alcoholic beverages.
(s) Sign painting shops.
(t) Theaters having more than seventy-five seats.
(u) Trade schools.
(v) Wine shops devoted exclusively to sales of wine. There shall be no limit on the total linear shelf display area.
(w) Except for affordable rental housing projects not more than fifty units, any otherwise permitted uses in the CM Main Street Commercial District which occupy more than seven thousand five hundred square feet of floor area.
(x) Except for affordable rental housing projects not more than fifty units, any otherwise permitted uses in the CM Main Street Commercial District the ground floor Main Street frontage of which exceeds seventy-five linear feet.
(y) All uses other than specifically prohibited uses, that are determined by the Zoning Administrator to be similar and consistent with those uses specifically permitted, subject to performance standards, or conditionally permitted. (Prior code § 9023.4; amended by Ord. No. 1645CCS § 1, adopted 9/22/92; Ord. No. 1750CCS § 12 (part), adopted 6/28/94; Ord. No. 1884CCS § 1 (part), adopted 9/16/97; Ord. No. 1895CCS § 2, adopted 1/27/98; Ord. No. 2104CCS § 1, adopted 12/16/03; Ord. No. 2217CCS § 2, adopted 1/23/07; Ord. No. 2263CCS § 1, adopted 5/27/08)

9.04.08.28.050 Prohibited uses.

The following are specifically prohibited in the CM District:

(a) Automobile service facilities.
(b) Bars above the first floor.
(c) Cinemas.
(d) Drive-in or drive-through uses.
(e) Firearms dealerships.
(f) Game arcades.
(g) Hotels.
(h) Liquor stores other than those conditionally permitted.
(i) Motels. (Prior code § 9023.5; amended by Ord. No. 1645CCS § 1, adopted 9/22/92; Ord. No. 1852CCS § 15, adopted 6/11/96; Ord. No. 1884CCS § 1 (part), adopted 9/16/97)

9.04.08.28.060 Property development standards.

For purposes of property development standards, there shall be three zoning classifications within the CM district: CM-2, CM-3 and CM-4. All property in the CM District shall be developed in accordance with the following standards:

(a) **Maximum Building Height and FAR.** Maximum building height, number of stories and floor area ratio shall be determined as follows:

(1) For parcels with frontage on Second Street, and which abut residentially zoned property on at least one side yard, for that area within one hundred feet of Second Street maximum building height, number of stories, and floor area ratio shall be:

Max. Height	Max. No. of Stories	Max. FAR	Max. FAR if 30% of the Project is Residential
27′	2	.8	1.0

(2) For all other parcels in the CM District, maximum building height, number of stories and floor area ratio shall be:

	Max. Height	Max. No. of Stories	Max. FAR
CM-2	27′	2	.8 or 1.5 for preferred projects*
CM-3	27′ or 35′ for preferred permitted projects*	2, or 3 for preferred permitted projects*	1.5, or 2.0 for preferred permitted projects*

	Max. Height	Max. No. of Stories	Max. FAR
CM-4	27′ or 35′ for preferred permitted projects*	2, or 3 for preferred permitted projects*	1.5, or 2.0 for preferred permitted projects*

*Preferred permitted projects include: one hundred percent affordable housing projects; projects that include the retention and preservation of a historic structure and comply with the Secretary of Interior's Standards for the Treatment of Historic Structures; child day care centers; congregate housing; domestic violence shelters; homeless shelters with less than fifty -five beds; mixed use commercial-residential projects where at least ninety percent of the floor area at the second floor and above is dedicated toward residential uses, twenty-five percent of the residential units are three-bedroom or larger, sixty-six percent of the remaining residential units are two bedrooms or larger, and the project is registered with the USGBC to receive a LEED rating of silver or higher level; places of worship; senior group housing; senior housing; and transitional housing.

(3) Notwithstanding the above, preferred permitted projects on property in the CM-4 District may be developed to a maximum height of forty-seven feet, four stories and a 2.5 FAR, provided the following conditions are met:

(i) The fourth floor does not exceed more than fifty percent of the third floor footprint;

(ii) The fourth floor is set back a minimum of ten feet from the third floor street frontage(s);

(iii) The fourth floor is set back a minimum of five feet from the third floor side and rear yard building frontages;

(iv) The fourth floor setback at the street frontage is devoted to a roof garden or unenclosed terrace;

(v) The development includes residential uses equal to or exceeding the floor area of the fourth floor;

(vi) The front yard setback at the ground floor level is double that required pursuant to subsection (b) of this Section.

(4) There shall be no limitation on the number of stories of any structure whose floor area contains fifty percent or more residential uses as long as the height does not exceed the maximum number of feet permitted in the zoning classification of the CM District in which it is located, or as allowed by Section 9.04.10.14.030(a) of this Chapter. For purposes of calculating the FAR of any structure within the CM District, multi-residential units devoted strictly to apartment residential uses shall be computed at one-half the actual total floor area.

(b) **Front Yard Setback.**

(1) For parcels with frontage on Second Street and which abut residentially zoned property on at least one side yard, on that portion of the parcel located within seventy-five feet of Second Street, the front yard setback shall be twenty feet or fifteen feet if the average setback of adjacent dwelling(s) is fifteen feet or less. A one-story, covered or uncovered porch, open on three sides may encroach six feet into a front yard with a twenty-foot setback, if the roof does not exceed a height of fourteen feet and the porch width does not exceed forty percent of the building width at the front of the building.

(2) For all other parcels in the CM District, a front yard shall be provided in accordance with Part 9.04.10.04 of this Code.

(c) **Rear Yard Setback.** A rear yard shall be provided and maintained. Such yard shall have a minimum depth as follows:

(1) **CM-2 District, East of the Centerline of Main Street.** No rear yard shall be required for one-story structures and for the first floor of a two-story structure, provided that any portion of the first floor which is within five feet of the rear property line is not more than nine feet in height and is fully enclosed, i.e., without windows, doors or ventilation openings permitting visual access to adjoining residential property. Any portion of the first floor that either exceeds nine feet in height or is not fully enclosed shall be at least five feet from the rear property line. The minimum rear yard requirement for the second-story portion of a two-story structure shall be twenty feet.

(i) **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.

(ii) **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.

(iii) **Exception.** There shall be no rear yard setbacks required where existing parking improvements and common ownership extend through to Second Street.

(2) **CM-2 District, West of the Centerline of Main Street.** No rear yard shall be required for a one-story structure, provided that any portion of the first-floor structure which is within five feet of the rear property line does not exceed nine feet in height. Any portion of the first floor that exceeds nine feet in height shall be at least five feet from the rear property line. The minimum rear yard requirement for the second story of a two-story structure shall be five feet.

(3) **CM-3 District.** Rear yard requirements in the CM-3 District shall be the same as those required in the CM-2 District, west of the centerline of Main Street, for one and two story structures. A minimum fifteen-foot rear yard setback for any portion of a third story is required.

(4) **CM-4 District.** No rear yard setback is required except as may be required in subsection (a) of this Section.

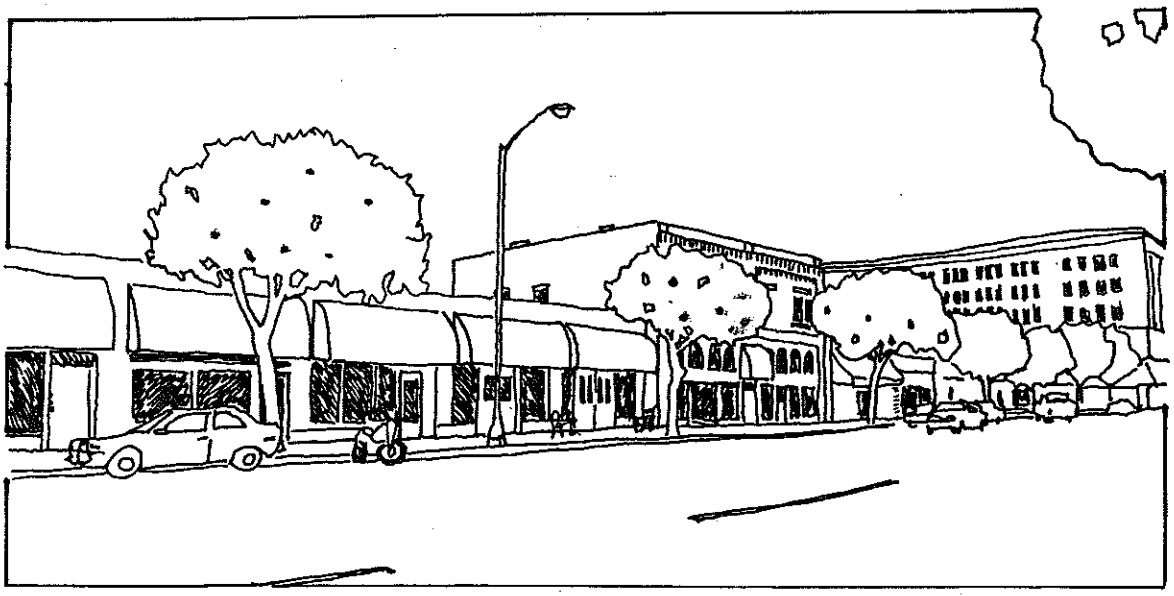
(d) **Side Yard Setback.** None, except where the interior side parcel line abuts a residential district. In those cases, an interior side yard shall be provided equal to:

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

On lots of less than fifty feet in width, the side yard shall be ten percent of the parcel width but not less than five feet.

(e) **Development Review.** Except for projects listed in Section 9.04.10.14.050, a development review permit is required for any development of more than seven thousand five hundred square feet of floor area. Square footage devoted to residential use shall be reduced by fifty percent when calculating whether a development review permit is required.

(f) **For parcels in the CM-2 District.** Parcels shall not be consolidated nor shall lots be tied if such consolidation or lot tie results in a parcel that exceeds six thousand square feet in size. Any parcel existing on the effective date of Ordinance Number 2207 (CCS) shall not be subject to this requirement. (Prior code § 9023.6; amended by Ord. No. 1645CCS § 1, adopted 9/22/92; Ord. No. 1750CCS § 13, adopted 6/28/94; Ord. No. 1884CCS § 1 (part), adopted 9/16/97; Ord. No. 1927CCS § 17, adopted 11/10/98; Ord. No. 2102CCS § 7, adopted 12/16/03; Ord. No. 2207CCS § 6, adopted 10/3/06)



MAIN ST

9.04.08.28.065 Deed restrictions.

Prior to issuance of a building permit for a project which, pursuant to this Part, has received a density or height bonus, or was not subject to a development review permit because the calculation of the residential square footage of the project was reduced by fifty percent, the applicant shall submit, for City review and approval, deed restrictions or other legal instruments setting forth the residential use requirements for the project. Such restrictions shall be effective for the life of the project the obligation of the applicant to maintain the residential use of the project for the life of the project. (Added by Ord. No. 1828CCS § 7, adopted 11/7/95; amended by Ord. No. 1884CCS § 1 (part), adopted 9/16/97; Ord. No. 1927CCS § 18, adopted 11/10/98)

9.04.08.28.070 Special project design and development standards.

Projects in the CM District shall comply with the following special project design and development standards:

(a) First-floor uses must be pedestrian-oriented uses except as provided in Section 9.04.10.02.111.

(b) Restaurants and bars are limited to a total of two establishments per block unless otherwise specified in this Section. For purposes of this Section, an establishment may be a restaurant, a restaurant with a bar or a bar. A restaurant with a bar shall be considered one establishment. 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 "Block" for the purpose of this Section are:

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;

(c) North of Ocean Park Boulevard restaurants shall be subject to the following requirements:

(1) Only one restaurant on the east side of each block shall be permitted,

(2) 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;

(d) On-sale alcohol outlets may not exceed twelve in number north of Ocean Park Boulevard. Of the twelve total on-sale outlets, no more than five shall have on-sale general licenses;

(e) Bars may not exceed four in number south of Ocean Park Boulevard, nor two in number north of Ocean Park Boulevard;

(f) Existing uses and existing number of seats shall count toward the total number of bars and restaurants and seating requirements permitted within the district;

(g) An existing use shall be considered no longer existing if that use is changed to another type of use or if for a period of six months, such use has not been in regular operation. Regular operation shall be considered being open for business to the general public during such use' s customary business hours;

(h) In structures housing mixed commercial and residential uses, parking above the first floor shall be allowed.

(i) Side yard walls up to ten feet in height may be permitted on parcels with frontage on Second Street and which abut residentially zoned property on at least one side yard on that portion of the parcel located within seventy-five feet of Second Street, subject to Zoning Administrator approval.

(j) For all parcels with frontage on Second Street and which abut residentially zoned property on at least one side yard, pedestrian and vehicular access to all uses located within seventy-five feet of Second Street shall be from Main Street, except for residential uses where access may be from Second Street.

(k) For all parcels with frontage on Second Street, and which abut residentially zoned property on at least one side yard, on that portion of the parcel located within seventy-five feet of Second Street, new development shall incorporate the following design elements:

(1) A landscaped buffer not less than five feet wide shall be provided and maintained along the entire side yard adjacent to the residentially zoned property. Landscaping in this area shall include one tree per every five linear feet planted not less than five feet apart and not less than five feet in height when planted.

(2) Any building courtyards or open public spaces shall incorporate landscaping and building materials designed to minimize potential noise impacts.

(3) Building materials shall be nonreflective and shall complement materials utilized in the adjacent residential neighborhood.

(4) Buildings shall be sited to minimize noise impacts in the adjacent residential neighborhood.

(5) In lieu of the requirements in this subsection (k), the Architectural Review Board may approve other buffering plans, designs, and building materials that satisfy the intent of these requirements.

(l) Notwithstanding any other provision of this Chapter, whenever a parcel in the CM3 Zoning District has street frontage on all four sides including Main Street, the following provisions shall apply:

(1) The Main Street frontage shall be deemed to be the front yard for purposes of determining allowable uses and any proposed ground floor residential uses shall be located at least fifty feet from the Main Street parcel line.

(2) All street frontage shall be treated as front yards for purposes of determining the mandatory setback requirements, and accordingly, any project shall be required to comply with the building volume envelope requirements of Section 9.04.10.02.040 with respect to all street frontage.

(m) Subject to a conditional use permit, restaurants in existence as of December 9, 2003 may add a private dining

facility. Any such conditional use permit shall encompass both the existing restaurant and the private dining facility. A private dining facility is a facility that meets all of the following criteria: (a) one or more rooms operated in conjunction with a restaurant on the same or adjacent parcel; (b) meal service is provided at all times the facility is open; (c) no more than three patron groups occupy the facility at one time; (d) service is only available by appointment or reservation; (e) alcohol may be served if a conditional use permit is obtained pursuant to Part 9.04.10.18.

Notwithstanding the granting of a conditional use permit, an existing restaurant which exceeds the limitations of Section 9.04.08.28.070(b) shall remain a legal non conforming use subject to Section 9.04.18.030, except the addition of a private dining facility shall be considered a permissible expansion and intensification of the restaurant, notwithstanding Sections 9.04.18.030(d) and 9.04.18.030(e). As a nonconforming use the restaurant shall be permitted to continue only so long as the basic operational features of the use and its impact on the neighborhood are not altered. (Prior code § 9023.7; amended by Ord. No. 1645CCS § 1, adopted 9/22/92; Ord. No. 1884CCS § 1 (part), adopted 9/16/97; amended by Ord. No. 2038CCS § 1, adopted 3/5/02; Ord. No. 2104CCS § 2, adopted 12/16/03)

Part 9.04.08.30 CP Commercial Professional District

9.04.08.30.010 Purpose.

The CP 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 in a manner consistent with the goals, objectives, and policies of the General Plan. (Prior code § 9024.1)

9.04.08.30.020 Permitted uses.

The following uses shall be permitted in the CP District, if conducted within an enclosed building, except where otherwise permitted:

(a) Adult day care facilities.
(b) Artist studios.
(c) Barber or beauty shops.
(d) Child day care centers.
(e) Confectionary stores.
(f) Congregate housing.
(g) Convent, monasteries and other similar group living quarters.
(h) Delicatessens.
(i) Domestic violence shelters.
(j) Drugstores.
(k) Florists.
(l) Gift or souvenir shops.
(m) Homeless shelters with less than fifty-five beds.
(n) Hospitals.
(o) Ice cream shops.
(p) Medical and dental clinics and laboratories.
(q) Medical and general offices.
(r) Medical supplies and services.
(s) Multi-family dwelling units.
(t) Offices and meeting rooms for charitable, youth, and welfare organizations.
(u) Office supply stores.
(v) Public parks and playgrounds.
(w) Residential uses including residential uses at the ground floor.
(x) Restaurants.
(y) Rest homes.
(z) Sanitariums.
(aa) Schools.
(bb) Senior housing.
(cc) Senior group housing.
(dd) Sidewalk cafés not more than two hundred square feet in area, subject to the limitations contained in Section 9.04.10.02.460.
(ee) Single family dwelling units.
(ff) Single room occupancy housing.
(gg) Stationery stores.
(hh) Transitional housing.
(ii) Accessory uses which are determined by the Zoning Administrator to be necessary and customarily associated with, and appropriate, incidental, and subordinate to the principal permitted uses and which are consistent and not more disturbing or disruptive than permitted uses.
(jj) Other uses determined by the Zoning Administrator to be similar to those listed above and which are consistent and not more disturbing or disruptive than permitted uses. (Prior code § 9024.2; amended by Ord. No. 1476CCS, adopted 4/25/89; Ord. No. 1750CCS § 14 (part), adopted 6/28/94; Ord. No. 2192CCS § 19, adopted 7/11/06)

9.04.08.30.030 Uses subject to performance standards permit.

The following uses may be permitted in the CP District subject to the approval of a performance standards permit:

(a) Sidewalk cafés that exceed two hundred square feet in area. (Prior code § 9024.3; amended by Ord. No. 1750CCS § 14 (part), adopted 6/28/94; Ord. No. 2192CCS § 20, adopted 7/11/06)

9.04.08.30.040 Conditionally permitted uses.

The following uses may be permitted in the CP District subject to the approval of a conditional use permit:

(a) Automobile parking lots and structures.
(b) Banks and savings and loan institutions.
(c) Clubs and lodges.
(d) Credit agencies.
(e) Credit unions.
(f) Dance and exercise studios.
(g) Funeral parlors and mortuaries.
(h) Homeless shelters with fifty-five or more beds.
(i) Libraries.
(j) Places of worship. (Prior code § 9024.4; amended by Ord. No. 1750CCS § 14 (part), adopted 6/28/94)

9.04.08.30.050 Prohibited uses.

(a) Firearms dealerships.

(b) Helicopter landing facilities.

(c) Rooftop parking on parcels directly abutting, or separated by an alley from a residential district.

(d) Any use not specifically authorized. (Prior code § 9024.5; Ord. No. 1852CCS § 17, adopted 6/11/96)

9.04.08.30.060 Property development standards.

All property in the CP District shall be developed in accordance with the following standards unless otherwise provided in the Hospital Area Specific Plan:

(a) Maximum Building Height. Maximum building height, number of stories, and floor area ratio shall be determined as follows:

Table 9.04.08.30.060

				With Approval of a Development Review Permit		
	Max. Height	**Max. No. of Stories**	**Max. FAR**	**Max. Height**	**Max. No. of Stories**	**Max. FAR**
CP3	45′	3	1.5	—	—	—
CP5	45′	3	1.5	70′	5	2.5

There shall be no limitation on the number of stories of any hotel, detached parking structure or Affordable Housing Project as long as the height does not exceed the maximum number of feet permitted in this Section or as allowed by Section 9.04.10.14.030(a) of this Chapter.

(b) The main hospital campus of Saint John' s Hospital and Health Center shall be divided into two parcels for purposes of calculating FAR. Parcel A-Lot 13, Block 3, Orchard Tract; Parcel B-Lots 4-29, Tract No. 4618 and Lots 1, 2 and 3, Tract No. 7764.

(c) Parking structures developed in the CP District in which at least half of the spaces are provided to address an existing parking space deficiency or are replacing existing parking shall not be subject to FAR limitations, but shall be required to meet all other development standards for the area.

(d) **Minimum Lot Size.** Seventy-five hundred square feet. Each parcel shall contain a minimum depth of one hundred fifty feet and a minimum width of fifty feet, except that parcels on the effective date of this Chapter shall not be subject to this requirement.

(e) **Front Yard Setback.** As shown on the Official Districting Map of the City, or, if no setback is specified, twenty feet.

(f) **Rear Yard Setback.** None, except:

(1) Where rear parcel line abuts a residential district, a rear yard equal to:

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

The required rear yard may be used for parking or loading to within five feet of the rear parcel line provided the parking or loading does not extend above the first floor level and provided that a wall not less than five feet or more than six feet in height is erected and maintained along the rear commercial parcel line. Access driveways shall be permitted to cross perpendicularly the required rear yard provided the driveway does not exceed the minimum width permitted for the parking area. A required rear yard shall not be used for commercial purposes.

(2) That needed to accommodate landscaping and screening for a rear yard buffer required pursuant to the provisions of Part 9.04.10.04.

(g) **Side Yard Setback.** None, except:

(1) Where the interior side parcel line abuts a residential district, an interior side yard equal to:

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

The interior side yard may be used for parking or loading no closer than five feet to the interior side property line provided the parking or loading does not extend above the first floor level and provided a wall not less than five feet or more than six feet in height is erected and maintained along the side commercial parcel line. A required interior side yard shall not be used for access or for commercial purposes.

(2) That needed to accommodate landscaping required for a street side yard, landscape buffer and screening pursuant to the provisions of Part 9.04.10.04.

(3) A ten-foot setback from an interior property line shall be required for portions of buildings that contain windows, doors, or other openings into the interior of the building. An interior side yard less than ten feet shall be permitted if provisions of the Uniform Building Code related to fire-rated openings in side yards are satisfied.

(h) **Development Review.** Except for projects listed in Section 9.04.10.14.050, a development review permit is required for any development of more than seven thousand five hundred square feet of floor area, for any development with rooftop parking, and to heights and floor area ratios in Section 9.04.08.30.060(a). Square footage devoted to residential use shall be reduced by fifty percent when calculating whether a development review permit is required.

(i) All new commercial development in this District shall provide free employee parking and a minimum one hour free visitor parking unless a preferential parking zone exists or is

established in the area of the development and the City finds that the preferential parking district will adequately mitigate potential adverse on-street parking impacts of the development, or if otherwise provided in the Hospital Area Specific Plan. (Prior code § 9024.6; amended by Ord. No. 1750CCS § 15, adopted 6/28/94; Ord. No. 1927CCS § 19, adopted 11/10/98; Ord. No. 2102CCS § 8, adopted 12/16/03)

9.04.08.30.065 Deed restrictions.

Prior to issuance of a building permit for a project which, pursuant to this Part, has received a density or height bonus, or was not subject to a development review permit because the calculation of the residential square footage of the project was reduced by fifty percent, the applicant shall submit for City review and approval, deed restrictions or other legal instruments setting forth the obligation of the applicant to maintain the residential use of the project for the life of the project. (Added by Ord. No. 1927CCS § 20, adopted 11/10/98)

9.04.08.30.070 Architectural review.

All construction, 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 9.32 of this Article. (Prior code § 9024.7)

9.04.08.30.080 Non-conforming hospital building.

Notwithstanding other provisions of this Chapter, a hospital building currently used for in-patient overnight accommodations in the CP District which is non-conforming as to height and which is damaged or destroyed may be restored to its existing non-conforming height. (Prior code § 9024.8)

Part 9.04.08.32 CC Civic Center District

9.04.08.32.010 Purpose.

The CC District is intended to provide for the retention of the major concentration of government and cultural facilities at the Santa Monica Civic Center and nonprofit office and educational and research uses. The CC District is designed to allow for additional uses in the area, including expanded and improved government and cultural facilities; the expansion of the City's housing supply, including a significant percentage of affordable housing as part of a mixed-use, urban neighborhood; public recreational facilities; neighborhood and visitor serving retail and restaurant uses; and other compatible uses. The development intensity is intended to accommodate existing and future uses in the area consistent with the goals, objectives, and policies of the General Plan. (Prior code § 9025.1; amended by Ord. No. 2262CCS § 2, adopted 5/27/08)

9.04.08.32.020 Permitted uses.

The following uses shall be permitted in the CC District:

(a) Convention and conference facilities.

(b) Cultural facilities.

(c) Homeless shelters.

(d) Nonprofit office, educational and research facilities.

(e) Public institutions.

(f) Public open space, parks and playgrounds.

(g) Public parking.

(h) Transitional housing.

(i) A mixed use housing project, including neighborhood market, restaurant, dry cleaning, small scale bank and other convenience services, drug store or other uses that provide residents or employees of the immediate area with access to basic goods and services within walking distance of their home or work.

(j) Other compatible public uses.

(k) On-premises, accessory uses for any of the above uses, including cafes, restaurants, and newsstands, which are primarily intended to serve visitors and users of the primary use. Except for the mixed use housing project, there shall be no direct access to any accessory use from the exterior of a building or structure; access shall be permitted only through a foyer, court, lobby, patio, or other similar area. (Prior code § 9025.2; amended by Ord. No. 1750CCS § 16, adopted 6/28/94; Ord. No. 2262CCS § 3, adopted 5/27/08)

9.04.08.32.030 Uses subject to performance standards permit.

(a) None. (Prior code § 9025.3)

9.04.08.32.040 Conditionally permitted uses.

The following uses may be permitted in the CC District subject to the approval of a Conditional Use Permit:

(a) Uses which include public recreational and visitor-serving uses such as hotels and commercial recreational uses.

(b) Private offices.

(c) Restaurants. (Prior code § 9025.4)

9.04.08.32.050 Prohibited uses.

(a) Any use not specifically authorized. (Prior code § 9025.5)

9.04.08.32.060 Property development standards.

All property in the CC District shall be developed in accordance with the standards within a specific plan adopted by the City Council. (Prior code § 9025.6)

Part 9.04.08.34 M1 Industrial Conservation District

9.04.08.34.010 Purpose.

The M1 District is intended to preserve existing industrial uses and to provide a location for industrial uses for small businesses which are engaged in the design, development, manufacturing, fabricating, testing, servicing or assembly of manufactured products and to preserve existing activities, in order to maintain and enhance employment opportunities for workers with various skills and for the entry level segment of the Santa Monica work force. The M1 District is also designed to accommodate small visual and performing arts studios and to provide for the continued use of existing trailer parks and the preservation of existing schools. The M1 District is also

intended to accommodate those general retail uses which do not serve community and neighborhood needs and are not compatible with other commercial land uses allowed in commercial zoning districts elsewhere in the City. Allowable development intensity within this District is intended to be the lowest in the City among the commercial and industrial districts, consistent with the goals, objectives and policies of the General Plan. (Prior code § 9030.1; amended by Ord. No. 1687CCS § 9 (part), adopted 6/22/93; Ord. No. 1852CCS § 18, adopted 6/11/96)

9.04.08.34.020 Permitted uses.

The following uses shall be permitted in the M1 District, if conducted within an enclosed building, except where otherwise permitted.

(a) Administrative and executive offices which are accessory to a primary permitted use on the same site and which do not exceed twenty-five percent of the gross floor area of said primary permitted use.

(b) Affordable rental housing projects of not more than fifty units.

(c) Artist studios and art galleries.

(d) Automobile repair and automobile painting facilities except those abutting any residential district and use.

(e) Congregate housing.

(f) Domestic violence shelters.

(g) Establishments engaged in the manufacturing, fabricating, assembly, testing, repair, servicing, and processing of the following:

(1) Aircraft parts other than engines.

(2) Apparel except leather and fur goods.

(3) Audio products.

(4) Awnings: metal, wood or canvas.

(5) Bakery products.

(6) Coated, plated and engraved metal.

(7) Communication equipment.

(8) Confectionery and related products.

(9) Cut stone and stone products.

(10) Diecut paper and paperboard, and cardboard.

(11) Electric components and accessories.

(12) Electric lighting and wiring equipment.

(13) Fabricated textile products.

(14) Furniture and fixtures.

(15) Glass products.

(16) Jewelry, silverware, and plated ware.

(17) Luggage.

(18) Motor vehicles, parts, and accessories except when abutting residential uses.

(19) Musical instruments and parts.

(20) Office machines.

(21) Paperboard containers and boxes.

(22) Pens, pencils, and other office and artists' materials.

(23) Perfumes, cosmetics, and other toilet preparations.

(24) Pharmaceutical products.

(25) Photographic and optical goods, watches and clocks.

(26) Plumbing fixtures and heating apparatus.

(27) Pottery and related products.

(28) Professional, scientific and controlling instruments.

(29) Toys, amusements, sporting and athletic goods.

(30) Wooden containers.

(h) Establishments engaged in the wholesale distribution of the following:

(1) Dry goods and apparel.

(2) Electrical goods.

(3) Groceries and related products, except unpackaged or unprocessed poultry and poultry products, fish and seafood, and fruit and vegetables.

(4) Hardware, plumbing, heating equipment and supplies.

(5) Machinery, equipment and supplies, except farm machinery and equipment.

(6) Motor vehicles and automotive equipment.

(7) Paper, paper products and kindred supplies.

(8) Pharmaceutical products, chemicals and allied products.

(i) Homeless shelters with less than fifty-five beds.

(j) Public or private schools existing prior to adoption of this Chapter.

(k) Public utility substations.

(l) Single-room occupancy housing.

(m) Transitional housing.

(n) Design studios and offices for architects.

(o) Accessory uses which are determined by the Zoning Administrator to be necessary and customarily associated with, and appropriate, incidental and subordinate to, the principal permitted uses and which are consistent and not more disturbing or disruptive than permitted uses.

(p) Other uses determined by the Zoning Administrator to be similar to those listed above and which are consistent and not more disturbing or disruptive than permitted uses.

(q) Notwithstanding any of the above permitted uses, no use involving the manufacture, processing or treatment of products which by nature of the operation, are likely to be obnoxious or offensive by reason of emission of odor, dust, smoke, noxious gases, noise, vibration, glare, heat or other impacts or hazards by way of materials, process, product wastes or other methods shall be permitted unless mitigation measures are submitted and are acceptable to the Zoning Administrator.

(r) Existing nonconforming office uses may expand by no more than one parcel with development review. (Prior code § 9030.2; amended by Ord. No. 1687CCS § 9 (part), adopted 6/22/93; Ord. No. 2217CCS § 4, adopted 1/23/07)

9.04.08.34.030 Uses subject to performance standards permit.

(a) Accessory automobile rental agencies located within automobile repair or automobile painting facilities.

(b) Shelters for the homeless. (Prior code § 9030.3; amended by Ord. No. 2074CCS § 1, adopted 5-13-03)

9.04.08.34.040 Conditionally permitted uses.

The following uses may be permitted in the M1 District subject to the approval of a conditional use permit:

(a) Any use of the transportation right-of-way for other than transportation purposes.

(b) Automobile repair and automobile painting facilities abutting any residential district or use.

(c) Automobile washing facilities.

(d) Firearms dealerships.

(e) Homeless shelters with fifty-five beds or more.

(f) Live theaters.

(g) Multi-family dwelling units.

(h) New public or private schools or the expansion of existing schools.

(i) Outdoor storage of fleet vehicles if such vehicles are directly related to the primary industrial or manufacturing operation on the site.

(j) Parking and automobile storage lots and structures.

(k) Places of worship.

(l) Retail sales of goods manufactured on the premises; provided, that the floor space devoted to such use does not exceed ten percent of the gross floor area of the primary permitted use.

(m) Self-storage or public mini-warehouses.

(n) Senior group housing.

(o) Senior housing.

(p) Service stations.

(q) Warehouses.

(r) Other uses that are determined by the Zoning Administrator to be similar to those listed above. (Prior code § 9030.4; amended by Ord. No. 1687CCS § 9 (part), adopted 6/22/93; Ord. No. 1803CCS § 3, adopted 5/23/95; Ord. No. 1852CCS § 19, adopted 6/11/96)

9.04.08.34.050 Prohibited uses.

(a) Rooftop parking on parcels directly abutting, or separated by an alley from, a residential district.

(b) Any use not specifically authorized. (Prior code § 9030.5; amended by Ord. No. 1687CCS § 9 (part), adopted 6/22/93)

9.04.08.34.060 Property development standards.

All property in the M1 District shall be developed in accordance with the following standards:

(a) **Maximum Building Height.** Two stories and thirty feet or with approval of a development review permit for one hundred percent affordable artist studios only, three stories and forty-five feet. For recreational facilities associated with public or private primary or secondary schools, two stories and forty-five feet. Existing solid waste transfer stations, material recovery facilities, and public utility service centers, or their improvement thereto, two stories and forty-five feet. These existing public utility service centers, solid waste transfer stations, and material recovery facilities, or their improvement thereto, shall be exempt from the building volume envelope requirements set forth in Section 9.04.10.02.040. Within fifty feet of a residential district, no portion of any structure shall exceed the maximum permitted height of the adjoining residential district. There shall be no limitation on the number of stories of any detached parking structure so long as the height does not exceed the number of feet permitted in this Section.

(b) **Maximum Floor Area Ratio.** 1.0 or 1.5 for development of one hundred percent affordable artist studios with approval of a development review permit.

(c) **Minimum Lot Size.** Fifteen thousand square feet. Each parcel shall contain a minimum depth of one hundred fifty feet and a minimum width of one hundred feet, except that parcels existing on the effective date of the ordinance codified in this Chapter shall not be subject to this requirement.

(d) **Front Yard Setback.** Landscaping as required pursuant to the provision of Part 9.04.10.04.

(e) **Rear Yard Setback.** None, except:

(1) Where the rear parcel line abuts a residential district, a rear yard equal to:

5′ + (stories x lot width)

50′

The required rear yard may be used for parking or loading to within five feet of the rear parcel line provided the parking or loading does not extend above the first floor level and provided that a wall not less than five feet or more than six feet in height is erected and maintained along the rear commercial parcel line. Access driveways shall be permitted to cross perpendicularly the required rear yard provided the driveway does not exceed the minimum width permitted for the parking area. A required rear yard shall not be used for commercial purposes.

(2) That needed to accommodate landscaping and screening for a rear yard buffer required pursuant to the provisions of Part 9.04.10.04.

(f) **Side Yard Setback.** None, except:

(1) Where the interior side parcel line abuts a residential district, an interior side yard equal to:

5′ + (stories x lot width)

50′

The interior side yard may be used for parking or loading no closer than five feet to the interior side property line provided the parking or loading does not extend above the first floor level and provided a wall not less than five feet or more than six feet is erected and maintained along the side commercial parcel line. A required interior side yard shall not be used for access or for commercial purposes.

(2) That needed to accommodate landscaping required for a street side yard, landscape buffer and screening pursuant to the provisions of Part 9.04.10.04.

(3) A ten-foot setback from an interior property line shall be required for portions of buildings that contain windows, doors or other openings into the interior of the building. An interior side yard less than ten feet shall be permitted if provisions of the Uniform Building Code related to fire-rated openings in side yards are satisfied.

(g) **Development Review.** Except for projects listed in Section 9.04.10.14.050, a development review permit is required for development of more than seven thousand five hundred square feet of floor area and any development with rooftop parking. Square footage devoted to residential use shall be reduced by fifty percent calculating whether a development review permit is required. (Prior code § 9030.6; amended by Ord. No. 1687CCS § 9 (part), adopted 6/22/93;

Ord. No. 1923CCS, adopted 9/22/98; Ord. No. 2102CCS § 9, adopted 12/16/03; Ord. No. 2207CCS § 5, adopted 10/3/06; Ord. No. 2312CCS § 2, adopted 5/26/10)

9.04.08.34.070 Architectural review.

All new construction, new additions to existing building, and any other exterior improvements that require issuance of a building permit shall be subject to architectural review pursuant to the provisions of Chapter 9.32 of this Article. (Prior code § 9030.7; amended by Ord. No. 1687CCS § 9 (part), adopted 6/22/93)

Part 9.04.08.35 LMSD Light Manufacturing and Studio District

9.04.08.35.010 Purpose.

The Light Manufacturing and Studio District is intended to preserve existing light industrial uses, provide a location for studio-related uses such as film and music production and post-production facilities uses, and provide opportunities for artist studio live/work residential development. The Light Manufacturing and Studio District is also designed to accommodate visual and performing arts studios and to provide for the preservation and expansion of existing schools. Allowable development intensity with this District is intended to be among the lowest in the City, consistent with the goals, objectives, and policies of the General Plan. (Added by Ord. No. 1800CCS § 1 (part), adopted 5/9/95)

9.04.08.35.020 Permitted uses.

(a) The following primary uses shall be permitted if conducted within an enclosed building (except where otherwise permitted), provided any office space included therewith is directly related to, ancillary to, and supportive of the primary permitted use on the same site and does not exceed fifty percent of the gross floor area of the primary use:

(1) Artist studios and art galleries.

(2) Automobile repair and automobile painting facilities except those within one hundred feet of a residential district.

(3) Dance studios.

(4) Congregate housing.

(5) Domestic violence shelters.

(6) Establishments engaged in research relating to, or the development, manufacturing, fabricating, assembly, testing, repair, servicing, or processing of, the following:

(i) Aircraft parts other than engines.

(ii) Apparel except leather and fur goods.

(iii) Audio products.

(iv) Metal, wood or canvas awnings.

(v) Coated, plated, and engraved metal.

(vi) Communication equipment.

(vii) Cut stone and stone products.

(viii) Diecut paper and paperboard, and cardboard.

(ix) Electric components and accessories.

(x) Electric lighting and wiring equipment.

(xi) Fabricated textile products.

(xii) Furniture and fixtures.

(xiii) Glass products.

(xiv) Jewelry, silverware, and plated ware.

(xv) Luggage.

(xvi) Musical instruments and parts.

(xvii) Office machines.

(xviii) Paperboard containers and boxes.

(xix) Pens, pencils, and other office and artists materials.

(xx) Perfumes, cosmetics, and other toilet preparations.

(xxi) Pharmaceutical products.

(xxii) Photographic and optical goods, watches, and clocks.

(xxiii) Plumbing fixtures and heating apparatus.

(xxiv) Pottery and related products.

(xxv) Professional, scientific, and controlling instruments.

(xxvi) Toys, amusements, sporting and athletic goods.

(xxvii) Wooden containers.

(xxviii) Food products, except that no food consumption by the public or food take-out by the public shall be permitted.

(xxix) Products which are determined by the Zoning Administrator to be similar to those listed above and which are consistent with, and not associated with more disturbance or disruption than, permitted products.

(7) Establishments engaged in the wholesale distribution of the following:

(i) Dry goods and apparel.

(ii) Electrical goods.

(iii) Groceries and related products, except unpackaged or unprocessed poultry and poultry products, fish and seafood, and fruit and vegetables.

(iv) Hardware, plumbing, heating equipment and supplies.

(v) Machinery, equipment, and supplies, except farm machinery and equipment.

(vi) Motor vehicles and automotive equipment.

(vii) Paper, paper products, and kindred supplies.

(viii) Pharmaceutical products and allied products.

(8) Homeless shelters with less than fifty-five beds.

(9) Photography studios.

(10) Public or private schools existing prior to September, 1988.

(11) Public utility service centers and service yards.

(12) Public utility substations.

(13) Self storage or public mini-warehouses.

(14) Single-room occupancy housing.

(15) Transitional housing.

(16) Veterinary clinics.

(17) Warehouses.

(18) Uses which are determined by the Zoning Administrator to be similar to those listed above and which are consistent with, and not more disturbing or disruptive than, permitted uses.

(b) The following primary uses shall be permitted if conducted within an enclosed building (except where otherwise permitted) and may include office space, so long as the office space is directly related, ancillary to, and supportive of the primary use located on the same site:

(1) Broadcasting/communications, telecommunications facilities, and ancillary facilities customarily associated with and incidental to such production facilities, including, without limitation, facilities for broadcasting, transmitting,

distributing, recording, receiving, editing, and creating broadcast/communications and telecommunications.

(2) Design studios and offices for architects.

(3) Drafting, printing, blueprinting and reproduction services.

(4) Laboratories and facilities for medical testing and scientific research development and testing.

(5) Publishing facilities.

(6) Software and other computer-related production facilities.

(7) Studios and offices for graphic designers.

(8) On-site production facilities for advertising purposes.

(9) Outdoor or enclosed entertainment-related facilities including, without limitation, movie 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.

(10) All uses customary or incidental to the production or distribution of motion pictures and other forms of audio/visual products, including, but not limited to, education and entertainment films or tapes.

(11) Uses which are determined by the Zoning Administrator to be similar to those listed above and which are consistent with, and not more disturbing or disruptive than, permitted uses.

(c) General office uses existing as of June 26, 1993, and general office uses in buildings which were granted a planning permit specifically for general office uses between December 1, 1992 and June 26, 1993 and which obtained a Certificate of Occupancy prior to the adoption of this Part, shall be permitted provided that such uses may not expand by more than ten percent in floor area.

(d) Service stations shall be permitted provided that they are not located within one hundred feet of a residential district and they comply with Section 9.04.12.130 of this Code.

(e) Restaurants with five hundred square feet of floor area or less shall be permitted. (Added by Ord. No. 1800CCS § 1 (part), adopted 5/9/95)

9.04.08.35.025 Uses subject to performance standards permit.

(a) Accessory automobile rental agencies located within automobile repair or automobile painting facilities. (Added by Ord. No. 2074CCS § 2, adopted 5-13-03)

9.04.08.35.030 Conditionally permitted uses.

The following uses may be permitted subject to the issuance of a Conditional Use Permit:

(a) Automobile dealerships.

(b) Automobile repair and automobile painting facilities, and expansion of existing facilities within one hundred feet of any residential district.

(c) Child day care centers.

(d) Health clubs and gymnasiums.

(e) Homeless shelters with fifty-five beds or more.

(f) Outdoor storage of fleet vehicles if such vehicles are directly related to the primary industrial or manufacturing operation on the site.

(g) Parking and automobile storage lots and structures.

(h) Places of worship.

(i) Restaurants with over five hundred square feet of floor area.

(j) Retail sales of goods manufactured on the premises, provided that the floor space devoted to such use does not exceed twenty percent of the gross floor area of the primary permitted use or two thousand square feet, whichever is less.

(k) Service stations within one hundred feet of any residential district.

(l) Theaters.

(m) New public or private schools.

(n) Any use of the transportation right-of-way for other than transportation purposes.

(o) Uses which are determined by the Zoning Administrator to be similar to those listed above and which are consistent with, and not more disturbing or disruptive than, conditionally permitted uses. (Added by Ord. No. 1800CCS § 1 (part), adopted 5/9/95)

9.04.08.35.040 Prohibited uses.

The following uses shall be prohibited:

(a) Any use involving the manufacture, processing or treatment of products, which by nature of the operation is likely to be obnoxious or offensive, whether by reason of emission of odor, dust, smoke, noxious gases, noise, vibration, glare, or heat or by reason of other impacts or hazards relating to materials, process, product wastes or by other methods, shall be prohibited unless mitigation measures are submitted and are acceptable to the Zoning Administrator.

(b) Firearms dealerships.

(c) New general office uses.

(d) Rooftop parking on parcels directly abutting, or separated by an alley from, a residential district.

(e) Any use not specifically authorized as a permitted or conditionally permitted use. (Added by Ord. No. 1800CCS § 1 (part), adopted 5/9/95; amended by Ord. No. 1852CCS § 20, adopted 6/11/96)

9.04.08.35.050 Property development standards.

All property in the Light Manufacturing and Studio District shall be developed in accordance with the following standards:

(a) **Maximum Building Height.** The maximum building height shall be two stories, not to exceed thirty feet, except:

(1) The following projects may have a maximum height of four stories, forty-five feet:

(A) Projects involving the expansion of public or private elementary and secondary schools (Grades K through 12) existing prior to September 8, 1988,

(B) Entertainment-related facilities including sound stages, movie studios, editing facilities, post-production facilities, set construction facilities and special effects facilities,

(C) Theaters;

(2) Existing solid waste transfer stations, material recovery facilities, and public utility service centers, or their improvement thereto, may have a maximum height of two stories, thirty-five feet. Such existing structures, or their improvement thereto, shall be exempt from the building volume envelope requirements set forth in Section 9.04.10.02.040;

(3) There shall be no limitation on the number of stories of any detached parking structure so long as the height does not exceed the number of feet permitted in the district.

(b) **Maximum Floor Area Ratio.** Maximum floor area ratio shall be 1.0, except the following projects may have a floor area ratio of 1.5:

(1) Projects involving the expansion of public or private elementary and secondary schools (Grades K through 12) existing prior to September 8, 1988;

(2) With approval of a development review permit, projects including artist studios, provided the additional .5 floor area ratio is devoted to artist studio use, and the commercial square footage does not exceed 1.0 floor area ratio.

(c) **Minimum Lot Size.** The minimum lot size shall be fifteen thousand square feet, each lot shall contain a minimum depth of one hundred fifty feet and a minimum width of one hundred feet, except that lots existing on the effective date of the ordinance codified in this Chapter shall not be subject to this requirement.

(d) **Front Yard Setback.** All landscaping shall be in accordance with the provisions of Part 9.04.10.04 of this Code.

(e) **Rear Yard Setback.** No rear yard setback shall be required except:

(1) Where the rear parcel line abuts a residential district, a rear yard equal to:

5′ + (stories x lot width)
50′

shall be required.

The required rear yard may be used for parking or loading to within five feet of the rear parcel line, provided the parking or loading does not extend above the first floor level and provided that a wall not less than five feet or more than six feet in height is erected and maintained along the rear commercial parcel line. Access shall be permitted to cross perpendicularly the required rear yard, provided the driveway does not exceed the minimum width permitted for the parking area. A required rear yard shall not be used for commercial purposes.

(2) Such rear yard setback as is necessary to accommodate landscaping and screening for a rear yard buffer required pursuant to the provisions of Part 9.04.10.04 of this Code.

(f) **Side Yard Setback.** No side yard setback shall be required except:

(1) Where the interior side parcel line abuts a residential district, an interior side yard equal to:

5′ + (stories x lot width)
50′

shall be required.

The interior side yard may be used for parking or loading no closer than five feet to the interior side property line, provided the parking or loading does not extend above the first floor level and provided a wall not less than five feet or more than six feet in height is erected and maintained along the side commercial parcel line. A required interior side yard shall not be used for access or for commercial purposes.

(2) Such side yard setback as is needed to accommodate landscaping required for a street side yard, landscape buffer and screening pursuant to the provisions of Part 9.04.10.04 of this Code.

(3) For portions of buildings that contain windows, doors, or other openings into the interior of the building, a ten-foot setback from an interior property line shall be required. An interior side yard setback of less than ten feet shall be permitted if provisions of the Uniform Building Code related to fire-rated openings in side yards are satisfied.

(g) **Building Stepback.** Building stepbacks shall be provided pursuant to the requirements of Section 9.04.10.02.040, unless the Architectural Review Board finds that modification or elimination of this requirement will not be detrimental to the property, adjoining properties, or the general area in which the property is located and the objectives of the stepback requirement are satisfied by the provision of alternative stepbacks or other building features which reduce effective mass to a degree comparable to other relevant standards.

(h) **Olympic Boulevard Setback.** Buildings shall be setback a minimum of twenty feet from Olympic Boulevard.

(i) **Development Review.** Except for projects listed in Section 9.04.10.14.050, a development review permit is required for any development of more than seven thousand five hundred square feet of floor area, for any development with rooftop parking, and for projects which include artist studios with a 1.5 floor area ratio, provided the additional 0.5 floor area ratio is devoted to artist studio use, and the commercial square footage does not exceed 1.0 floor area ratio. Square footage devoted to residential use shall be reduced by fifty percent when calculating whether a development review permit is required. (Added by Ord. No. 1800CCS § 1 (part), adopted 5/9/95; amended by Ord. No. 1834CCS § 2, adopted 12/12/95; Ord. No. 1862CCS § 1, adopted 9/24/96; Ord. No. 2102CCS § 10, adopted 12/16/03; Ord. No. 2312CCS § 1, adopted 5/26/10)

9.04.08.35.060 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 9.32 of this Code. For projects that include artist studios, the Architectural Review Board shall refer to the Light Manufacturing/Research and Development Study dated June 15, 1994 prepared by Elizabeth Moule and Stefanos Polyzoides, to ensure the compatibility of the artist studios with other uses in the district. (Added by Ord. No. 1800CCS § 1 (part), adopted 5/9/95)

Part 9.04.08.36 PL Public Lands Overlay District

9.04.08.36.010 Purpose.

The PL Overlay District is intended to provide adequate long term public institutional and open space opportunities for the entire community and to provide for the most efficient use and conservation of all public lands. The PL Overlay District is intended to assure the protection and preservation of natural open space, parks, beaches, and recreation areas, to retain school sites required to meet future educational needs, and to provide land for public parking. The PL Overlay District will allow for the future reuse of public lands so long as the City's and neighborhoods' need for parks and public open space, the neighborhood's recommendations for reuse, and the need for additional public revenue are considered, consistent with the goals, objectives, and policies of the General Plan. Any parcel classified as "PL" shall also be classified in a residential, commercial, or industrial district. (Prior code § 9031.1)

9.04.08.36.020 Permitted uses.

Subject to the provisions of Section 9.04.08.36.060 the following uses shall be permitted in the PL Overlay District:

(a) All uses listed as permitted uses within the district in which the parcel is located.

(b) Beach concessions.

(c) Cemeteries.

(d) Open space, public beaches, parks, playgrounds, and recreation facilities.

(e) Public parking.

(f) Public schools. (Prior code § 9031.2)

9.04.08.36.030 Uses subject to performance standards permit.

Subject to the provisions of Section 9.04.08.36.050, the following uses may be permitted in the PL Overlay District subject to the approval of a performance standards permit:

(a) All uses listed as subject to performance standard permit in the district in which the parcel is located;

(b) Outdoor antique markets. (Prior code § 9031.3; amended by Ord. No. 1961CCS § 1, adopted 11/9/99)

9.04.08.36.040 Conditionally permitted uses.

Subject to the provisions of Section 9.04.08.36.050, the following uses may be permitted in the PL 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. (Prior code § 9031.4)

9.04.08.36.050 Prohibited uses.

(a) Rooftop parking on parcels directly abutting, or separated by an alley from, a residential district.

(b) Any use not specifically authorized in the district in which the parcel is located. (Prior code § 9031.5)

9.04.08.36.060 Property development standards.

Any redevelopment or change of use of property in the PL Overlay District shall require a development review permit. Any proposed development shall comply with the property development standards of the underlying district. (Prior code § 9031.6)

9.04.08.36.070 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 9.32 of this Article. (Prior code § 9031.7)

Part 9.04.08.37 TP Transportation Preservation District

9.04.08.37.010 Purpose.

The TP District is intended to preserve the Los Angeles County Metropolitan Transportation Authority (METRO) Exposition Branch right-of-way for transportation-related uses. The District may allow temporary non-transit uses and limited site improvements, but require all non-transit uses and improvements to be removed at such time as the right-of-way is needed for public transportation-related uses. Consistent with the goals, objectives, and policies of the General Plan, no permanent non-transportation-related structures or other long-term improvements are permitted. (Added by Ord. No. 2182CCS § 1 (part), adopted 4/25/06)

9.04.08.37.020 Permitted uses.

The following uses shall be permitted in TP District:

(a) Public transportation.

(b) Open space and landscaping.

(c) Public parks and recreation. (Added by Ord. No. 2182CCS § 1 (part), adopted 4/25/06)

9.04.08.37.030 Uses subject to performance standards permit.

The following uses may be permitted in the TP District subject to the approval of a performance standards permit and compliance with applicable standards of Part 9.04.12. The uses approved pursuant to this Section shall only be authorized during such time as the right-of-way is not required for transportation uses. All interfering nontransportation uses shall cease operation and all nontransportation improvements shall be removed from the right-of-way within one hundred and eighty of receiving notice from the City.

(a) Surplus parking for businesses that currently meet off-street parking requirements.

(b) Film or video production uses and associated non-permanent structures, including temporary sets.

(c) Commercial nurseries. (Added by Ord. No. 2182CCS § 1 (part), adopted 4/25/06)

9.04.08.37.040 Prohibited uses.

Except for those uses identified in Sections 9.04.08.37.020 and 9.04.08.37.030, the following uses shall be prohibited:

(a) Structures on permanent foundations not associated with a permitted use.

(b) Permanent site improvements such as buildings or walls not associated with a permitted use.

(c) Vehicle impound or junk yard.

(d) Building material storage.

(e) Required parking for an off-site use.

(f) Any use not specifically authorized above. (Added by Ord. No. 2182CCS § 1 (part), adopted 4/25/06)

9.04.08.37.050 Property development standards.

All property in the Transportation Preservation District shall be developed in accordance with the following standards:

(a) **Maximum Building Height.** The maximum building height shall not exceed forty-five feet. Height in the Transportation Preservation District shall be measured from an imaginary line extending between the midpoints of the front property lines at the sidewalk level of the through parcels.

(b) **Floor Area Ratio.** The maximum floor area ratio shall be 1.0.

(c) **Landscaping and Screening.** All areas not needed or used for transit facilities or rights-of-ways should be landscaped. All landscaping plans shall be reviewed and approved by the Architectural Review Board (ARB).

(d) **Lighting.** Lighting shall be screened from the view of residentially zoned or used properties pursuant to the provisions of Section 9.04.10.02.270.

(e) **Parking and Vehicle Access.** Vehicle access, circulation and passenger loading zones shall be designed to minimize traffic congestion and hazards, and provide accessible, attractive and maintainable parking facilities while minimizing the number and size of driveway curb cuts as determined by the Transportation Planning Manager. The required number of parking spaces specified in Section 9.04.10.08.040 shall be provided. A parking demand analysis may be required if it is deemed necessary by the Transportation Planning Manager and the Zoning Administrator. The analysis shall be paid for by the developer. In the event the analysis shows parking requirements greater than required by Section 9.04.10.08.040, the Transportation Planning Manager and Zoning Administrator shall require such additional parking as is determined by the analysis. Parking shall be designed pursuant to Section 9.04.10.08.060. (Added by Ord. No. 2182CCS § 1 (part), adopted 4/25/06)

9.04.08.37.060 Legal nonconforming buildings and uses.

A building which lawfully existed on the effective date of the ordinance codified in this part, but which does not comply with one or more of the property development standards for the Transportation Preservation District, may be maintained in accordance with Section 9.04.18.020. Uses and permanent structures that were lawfully established before the effective date of the ordinance codified in this part and that are not in conformance with the provisions of this Part shall be discontinued and removed, or be altered to conform to the requirements of this Part within five years of the effective date of the ordinance codified in this part, or at such time as the right-of-way is required for a transportation-related use, whichever time period is longer. Temporary structures without permanent foundations shall be discontinued and removed, or be altered to conform to the requirements of this Part at such time that the right-of-way is required for a transportation-related use. (Added by Ord. No. 2182CCS § 1 (part), adopted 4/25/06)

9.04.08.37.070 Architectural review.

Any development of the right-of-way shall be subject to architectural review pursuant to the provisions of Chapter 9.32 of this Article. (Added by Ord. No. 2182CCS § 1 (part), adopted 4/25/06)

Part 9.04.08.38 A Off-Street Parking Overlay District

9.04.08.38.010 Purpose.

The A 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. (Prior code § 9032.1)

9.04.08.38.020 Applicability.

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 the effective date of this Chapter.

(4) The required parking for any new addition or expansion of less that fifty percent of the floor area is not located on the "A" parcel. (Prior code § 9032.2 (part))

9.04.08.38.030 Permitted uses.

The following uses shall be permitted in the A Overlay District:

(a) All uses listed as permitted uses in the residential district in which the parcel is located. (Prior code § 9032.2 (part))

9.04.08.38.040 Uses subject to performance standards permit.

The following uses may be permitted in the A Overlay District subject to the approval of a Performance Standards Permit:

(a) All uses listed as subject to Performance Standards Permit in the residential district in which the parcel is located. (Prior code § 9032.3)

9.04.08.38.050 Conditionally permitted uses.

The following uses may be permitted in the A 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 facility is for the temporary parking of transient motor vehicles and trucks.

(3) The parking structure is accessory to a permitted commercial use.

(4) The surface level of the "A" parcel is developed and maintained as landscaped open space for the life of the commercial project.

(5) The entrance to the subterranean structure is located on the commercially zoned parcel.

(c) Open air farmers markets.

(d) Municipal parking structures, either above grade or below grade, if all of the following conditions are met:

(1) The parking structure replaces a municipal surface parking lot.

(2) The parcel size is a minimum of forty thousand square feet.

(3) The parcel is located in the North of Wilshire Overlay District. (Prior code § 9032.4; amended by Ord. No. 1878CCS § 1, adopted 5/13/97; Ord. No. 1895CCS § 3, adopted 1/27/98)

9.04.08.38.060 Prohibited uses.

(a) Parking structures located above the ground level.

(b) There shall be no use of any parcel in the "A" 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.

(c) Rooftop parking directly abutting, or separated by an alley from, a residential use.

(d) New surface level parking lots. (Prior code § 9032.5)

9.04.08.38.070 Property development standards for non-parking uses.

All nonparking uses developed on property in the A Overlay District shall be developed in accordance with the same property development standards required for the underlying residential district. (Prior code § 9032.6)

9.04.08.38.080 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 Part 9.04.10.04. (Prior code § 9032.7)

9.04.08.38.090 Special design standards for all parking facilities.

(a) **Walls.** Walls shall conform to the provisions of Section 9.04.10.02.080.

(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 Part 9.04.10.04.

(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 9.04.10.02.270. (Prior code § 9032.8; amended by Ord. No. 1878CCS § 2, adopted 5/13/97)

9.04.08.38.100 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 9.32 of this Article. (Prior code § 9032.9)

Part 9.04.08.40 N Neighborhood Commercial Overlay District

9.04.08.40.010 Purpose.

The N Overlay District is intended to protect and enhance concentrations of neighborhood commercial uses that are located in Districts other than the C2 District. The N Overlay District is intended to preserve and enhance the concentration of neighborhood commercial uses at the ground floor street frontage while permitting new development to be built to the development standards for the underlying district, consistent with the goals, objectives, and policies of the General Plan. (Prior code § 9033.1)

9.04.08.40.020 Permitted uses.

The following convenience goods and service type uses shall be permitted in the N Overlay District, if conducted within an enclosed building, except where otherwise permitted:

(a) Artist studios above the first floor.
(b) Barber or beauty shops.
(c) Child day care centers.
(d) Cleaners.
(e) General retail uses.
(f) Laundromats.
(g) Photocopy shops.
(h) Small appliance repair shops.
(i) Small appliance stores.
(j) Restaurants of fifty seats or less.
(k) Tailors.
(l) Accessory uses which are determined by the Zoning Administrator to be necessary and customarily associated with, and appropriate, incidental, and subordinate to, the principal permitted uses and which are consistent and not more disturbing or disruptive than permitted uses.
(m) All uses permitted in the underlying zoning classification shall be permitted in the N District but shall not be located at the ground floor street frontage unless with the use, at least fifty percent of the lineal front footage of buildings, structures, or parcels on the block (on both sides of the street) will contain uses permitted in subdivisions (a) through (l) of this Part.
(n) Other uses determined by the Zoning Administrator to be similar to those listed above which are consistent and not more disruptive or disturbing than permitted uses. (Prior code § 9033.2)

9.04.08.40.030 Uses subject to performance standards permit.

(a) Shelters for the homeless. (Prior code § 9033.3)

9.04.08.40.040 Conditionally permitted uses.

The following uses may be permitted in the N Overlay District subject to the approval of a Conditional Use Permit:

(a) All uses listed as Conditionally Permitted Uses in the C2 District or the underlying District may be permitted subject to the approval of a Conditional Use Permit. (Prior code § 9033.4)

9.04.08.40.050 Prohibited uses.

(a) Rooftop parking on parcels directly abutting, or separated by an alley from, a residential district.
(b) Any use not specifically authorized. (Prior code § 9033.5)

9.04.08.40.060 Property development standards.

All property in the N Overlay District shall be developed in accordance with the same standards as those listed for the underlying zoning district except the following, if different:

(a) **Front Yard.** None, but all new development and new additions to the front portion of existing development must adhere to the build-to line requirements relative to the street's building facade line pursuant to the provisions of Section 9.04.10.02.050. (Prior code § 9033.6)

9.04.08.40.070 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 9.32 of this Article. (Prior code § 9033.7)

Part 9.04.08.42 R-MH Residential Mobile Home Park District

9.04.08.42.010 Purpose.

The R-MH District is intended to implement policies contained within the Land Use Element to preserve and protect existing mobile home parks as developments that offer alternative types of residential units and opportunities for affordable housing. (Prior code § 9034.1)

9.04.08.42.020 Permitted uses.

The following uses are permitted in the R-MH District:

(a) Trailer court or mobile home park.
(b) Small family day care homes.
(c) Yard sales, limited to two per calendar year, for each dwelling unit, for a maximum of two days. (Prior code § 9034.2)

9.04.08.42.030 Uses subject to performance standards permit.

The following uses may be permitted in the R-MH District subject to the approval of a Performance Standards Permit:

(a) Large family day care homes. (Prior code § 9034.3)

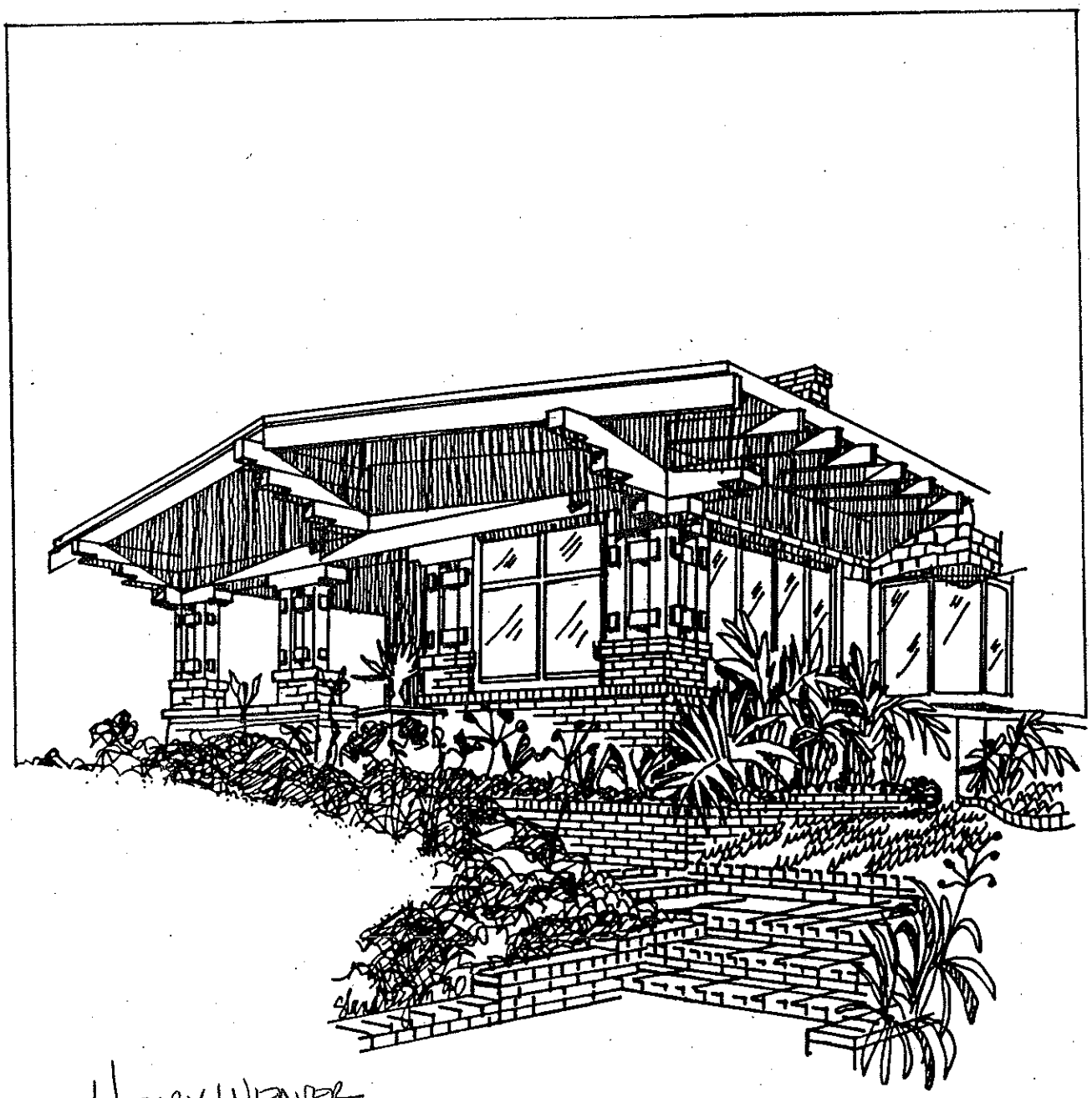
9.04.08.42.040 Conditionally permitted uses.

The following uses may he permitted in the R-MH District subject to the approval of a Conditional Use Permit:

(a) Child day care centers. (Prior code § 9034.4)

9.04.08.42.050 Prohibited uses.

(a) Any use not specifically authorized. (Prior code § 9034.5)



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HOUSE ~ 1910

9.04.08.42.060 Property development standards.

A development review permit shall be required for any new development in the R-MH District. An administrative approval permit shall be required for any remodels or additions to existing facilities so long as the existing density is not increased or the number of spaces reduced. (Prior code § 9034.6)

9.04.08.42.070 Architectural review.

All new construction, new additions to existing buildings, and any other exterior improvement that require issuance of a building permit shall be subject to the provisions of Chapter 9.32 of this Article. (Prior code § 9034.7)

Part 9.04.08.44 OP-1 Ocean Park Single Family Residential District

9.04.08.44.010 Purpose.

The OP-1 District is intended to maintain single-family housing within an area comprised of small lots where single family housing now predominates. The OP-1 District is designed to prevent traffic and on-street parking congestion which more intense development could create. The OP-1 District serves to maintain the existing character and state of the area. (Prior code § 9035.1; added by Ord. No. 1496CCS, adopted 9/26/89)

9.04.08.44.020 Permitted uses.

The following uses may be permitted in the OP-1 District:

(a) Domestic violence shelters.

(b) Hospice facilities.

(c) One-single family dwelling per lot placed on a permanent foundation including Manufactured housing.

(d) One-story accessory buildings and structures up to 14 feet in height.

(e) Public parks and playgrounds.

(f) Small family day care homes.

(g) State authorized, licensed, or certified uses to the extent required to be permitted by State Law.

(h) Yard sales, limited to two per calendar year, for a maximum of two days each. (Prior code § 9035.2; added by Ord. No. 1496CCS, adopted 9/26/89; amended by Ord. No. 1750CCS § 17, adopted 6/28/94)

9.04.08.44.030 Uses subject to performance standards permit.

The following uses may be permitted in the OP-1 District subject to the approval of a performance standards permit:

(a) Large family day care homes.

(b) One-story accessory living quarters, up to fourteen feet in height, on a lot having a minimum area of ten thousand square feet.

(c) Private tennis courts. (Prior code § 9035.3; added by Ord. No. 1496CCS, adopted 9/26/89)

9.04.08.44.035 Uses subject to use permit.

The following use may be permitted in the OP-1 District subject to the approval of a use permit:

Second dwelling units in compliance with the requirements set forth in Section 9.04.13.040. (Added by Ord. No. 1942CCS § 7, adopted 5/11/99)

9.04.08.44.040 Conditionally permitted uses.

The following uses may be permitted in the OP-1 District subject to the approval of a conditional use permit:

(a) One-story accessory buildings over fourteen feet in height or two story accessory buildings up to a maximum height of twenty-four feet.

(b) Schools. (Prior code § 9035.4; added by Ord. No. 1496CCS, adopted 9/26/89)

9.04.08.44.050 Prohibited uses.

(a) Boarding houses.

(b) Rooftop parking.

(c) Any uses not specifically authorized. (Prior code § 9035.5; added by Ord. No. 1496CCS, adopted 9/26/89; amended by Ord. No. 1942CCS § 8, adopted 5/11/99)

9.04.08.44.060 Property development standards.

All property in the OP-1 District shall be developed in accordance with the following standards:

(a) **Maximum Building Height.** Two stories, not to exceed twenty feet for a flat roof, or twenty-seven 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.

(b) **Maximum Unit Density.** One dwelling unit per lot, except where a use permit been approved for a second unit as permitted by Section 9.04.08.44.035.

(c) **Minimum Lot Size.** Four thousand square feet. Each lot shall contain a minimum depth of eighty feet and a minimum width of twenty-five feet except that any lot existing on the effective date of the ordinance codified in this Chapter shall not be subject to this requirement.

(d) **Maximum Lot Coverage.** Fifty percent.

(e) **Front Yard Setback.** Fifteen feet, or ten feet if the average setback of adjacent dwelling(s) is ten feet or less. A one story, covered or uncovered porch open on three sides may encroach six feet into a front yard with a fifteen-foot setback, if the roof does not exceed a height of fourteen feet, and the porch width does not exceed forty percent of the building width at the front of the building.

(f) **Rear Yard Setback.** Ten feet.

(g) **Side Yard Setback.**

(1) The side yard setback for that portion of a building with a secondary window, blank wall, or primary window on a side yard facing the street (i.e., a corner lot) shall be determined in accordance with the following formula, except for lots of less than fifty feet in width for

which the side yard shall be ten percent of the lot width but not less than four feet:

$$5' + \frac{\text{(stories x lot width)}}{50'}$$

(2) The side yard setback for that portion of a building with a primary window shall be as follows:

(a) For lots less than fifty feet in width, a minimum setback of eight feet shall be provided, as long as at all times a twelve-foot separation exists between the primary window and any adjacent structures;

(b) For lots fifty feet or greater in width, a minimum setback of twelve feet shall be provided.

(3) The second floor side yard setback above a primary window shall not project more than two feet into the required side yard setback.

(h) **Landscaping.** All areas not covered by buildings, driveways, and sidewalks are to be covered by appropriate landscaping. All new construction that requires issuance of a building permit shall be subject to the provisions of Part 9.04.10.04 of this Article.

(i) **Parking Access.** Access to all required off-street parking shall be from alleys, except for corner lots where access may be provided from the side street but not from the front street. (Prior code § 9035.6; amended by Ord. No. 1514CCS, adopted 2/27/90; Ord. No. 1942CCS § 9, adopted 5/11/99)

9.04.08.44.070 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 9.32 of this Article. (Prior code § 9035.7; added by Ord. No. 1496CCS, adopted 9/26/89)

Part 9.04.08.46 Beach Overlay District
(Proposition S was approved by the voters November 6, 1990)

9.04.08.46.010 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. (Prior code § 9035.08; adopted at Municipal Election, November 6, 1990; certified by Res. No. 8121CCS)

9.04.08.46.020 Permitted uses.

Subject to the provisions of Section 9.04.08.44.050 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, recreational areas.

(c) Public parking. (Prior code § 9035.2; adopted at Municipal Election, November 6, 1990; certified by Res. No. 8121CCS)

9.04.08.46.030 Uses subject to performance standards permit.

Subject to the provisions of Section 9.04.08.44.050, the following uses may be permitted in the Beach Overlay District subject to the approval of a performance standards permit:

(a) All uses listed as subject to performance standards permits in the district in which the parcel is located. (Prior code § 9035.3; adopted at Municipal Election, November 6, 1990; certified by Res. No. 8121CCS)

9.04.08.46.040 Conditionally permitted uses.

Subject to the provisions of Section 9.04.08.46.050, 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. (Prior code § 9035.4; adopted at Municipal Election, November 6, 1990; certified by Res. No. 8121CCS)

9.04.08.46.050 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 9.04.08.46.020. (Prior code § 9035.5; adopted at Municipal Election, November 6, 1990; certified by Res. No. 8121CCS)

9.04.08.46.060 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. (Prior code § 9035.6; adopted at Municipal Election, November 6, 1990; certified by Res. No. 8121CCS)

Part 9.04.08.48 OP-Duplex Ocean Park Duplex Residential District

9.04.08.48.010 Purpose.

The OP-Duplex District is intended to provide a density appropriate for the Copeland Court walk street. The OP-Duplex District is designed to prevent burden

on the public facilities, including sewer, water, electricity and schools by an influx and increase of people to the degree larger than the City's geographic limits, tax base or financial capabilities can reasonably and responsibly accommodate. The district is designed to preserve the unique character of this street. The OP-Duplex district affords protection from deleterious environmental effects and serves to maintain and protect the existing character and state of the Copeland Court walk street. (Prior code § 9036.1; added by Ord. No. 1496CCS, adopted 9/26/89)

9.04.08.48.020 Permitted uses.

The following uses shall be permitted in the OP-Duplex District:

(a) Domestic violence shelters.

(b) Hospice facilities.

(c) Multi-family dwelling units.

(d) One-story Accessory buildings and structures up to fourteen feet in height.

(e) Public parks and playgrounds.

(f) Single-family dwellings placed on a permanent foundation (including manufactured housing).

(g) Small family day care homes.

(h) Yard sales, limited to two per calendar year, for each dwelling unit, for a maximum of two days. (Prior code § 9036.2; added by Ord. No. 1496CCS, adopted 9/26/89; amended by Ord. No. 1750CCS § 18, adopted 6/28/94)

9.04.08.48.030 Uses subject to performance standards permit.

The following uses may be permitted in the OP-Duplex District subject to the approval of a performance standards permit:

(a) Large family day care homes.

(b) One-story accessory living quarters, up to fourteen feet in height, on a lot having a minimum area of ten thousand square feet.

(c) Private tennis courts.

(d) Senior group housing. (Prior code § 9036.3; added by Ord. No. 1496CCS, adopted 9/26/89)

9.04.08.48.040 Conditionally permitted uses.

The following uses may be permitted in the OP-Duplex District subject to the approval of a conditional use permit:

(a) Bed and breakfast facilities.

(b) Boarding houses.

(c) Child day care centers.

(d) Community care facilities.

(e) Libraries.

(f) Neighborhood grocery stores.

(g) Offices and meeting rooms for charitable, youth, and welfare organizations.

(h) One-story accessory buildings over fourteen feet in height or two story accessory buildings up to a maximum height of twenty-four feet.

(i) Places of worship.

(j) Residential care facilities.

(k) Rest homes.

(l) Schools.

(m) Underground parking structures provided the lot was occupied by a surface parking lot at the time of adoption of this Chapter, the lot is not adjacent to a lot in the C2 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 lot, and the vehicle access to the underground parking is from the commercially zoned lot and as far from the residentially zoned lot as is reasonably possible. (Prior code § 9036.4; added by Ord. No. 1496CCS, adopted 9/26/89)

9.04.08.48.050 Prohibited uses.

(a) Rooftop parking.

(b) Any use not specifically authorized. (Prior code § 9036.5; added by Ord. No. 1496CCS, adopted 9/26/89)

on the public facilities, including sewer, water, electricity and schools by an influx and increase of people to the degree larger than the City's geographic limits, tax base or financial capabilities can reasonably and responsibly accommodate. The district is designed to preserve the unique character of this street. The OP-Duplex district affords protection from deleterious environmental effects and serves to maintain and protect the existing character and state of the Copeland Court walk street. (Prior code § 9036.1; added by Ord. No. 1496CCS, adopted 9/26/89)

9.04.08.48.020 Permitted uses.

The following uses shall be permitted in the OP-Duplex District:

(a) Domestic violence shelters.

(b) Hospice facilities.

(c) Multi-family dwelling units.

(d) One-story Accessory buildings and structures up to fourteen feet in height.

(e) Public parks and playgrounds.

(f) Single-family dwellings placed on a permanent foundation (including manufactured housing).

(g) Small family day care homes.

(h) Yard sales, limited to two per calendar year, for each dwelling unit, for a maximum of two days. (Prior code § 9036.2; added by Ord. No. 1496CCS, adopted 9/26/89; amended by Ord. No. 1750CCS § 18, adopted 6/28/94)

9.04.08.48.030 Uses subject to performance standards permit.

The following uses may be permitted in the OP-Duplex District subject to the approval of a performance standards permit:

(a) Large family day care homes.

(b) One-story accessory living quarters, up to fourteen feet in height, on a lot having a minimum area of ten thousand square feet.

(c) Private tennis courts.

(d) Senior group housing. (Prior code § 9036.3; added by Ord. No. 1496CCS, adopted 9/26/89)

9.04.08.48.040 Conditionally permitted uses.

The following uses may be permitted in the OP-Duplex District subject to the approval of a conditional use permit:

(a) Bed and breakfast facilities.

(b) Boarding houses.

(c) Child day care centers.

(d) Community care facilities.

(e) Libraries.

(f) Neighborhood grocery stores.

(g) Offices and meeting rooms for charitable, youth, and welfare organizations.

(h) One-story accessory buildings over fourteen feet in height or two story accessory buildings up to a maximum height of twenty-four feet.

(i) Places of worship.

(j) Residential care facilities.

(k) Rest homes.

(l) Schools.

(m) Underground parking structures provided the lot was occupied by a surface parking lot at the time of adoption of this Chapter, the lot is not adjacent to a lot in the C2 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 lot, and the vehicle access to the underground parking is from the commercially zoned lot and as far from the residentially zoned lot as is reasonably possible. (Prior code § 9036.4; added by Ord. No. 1496CCS, adopted 9/26/89)

9.04.08.48.050 Prohibited uses.

(a) Rooftop parking.

(b) Any use not specifically authorized. (Prior code § 9036.5; added by Ord. No. 1496CCS, adopted 9/26/89)

9.04.08.48.060 Property development standards.

All property in the OP-Duplex District shall be developed in accordance with the following standards:

(a) **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 housing project, as long as the building height does not exceed the maximum number of feet permitted in this Section.

(b) **Maximum Unit Density.** Two units per lot. No more than one dwelling unit shall be permitted on a lot four thousand square feet or less in size.

(c) **Maximum Lot Coverage.** Fifty percent.

(d) **Minimum Lot Size.** Five thousand square feet. Each lot shall contain a minimum depth of one hundred feet and a minimum width of fifty feet, except that lots existing on the effective date of this Chapter shall not be subject to this requirement.

(e) **Front Yard Setback.** Thirty feet measured from the center line of the walkway.

(f) **Rear Yard Setback.** Fifteen feet.

(g) **Side Yard Setback.**

(1) The side yard setback for that portion of a building with a secondary window, blank wall, or primary window on a side yard facing the street (i.e., on a corner lot) shall be determined in accordance with the following formula, subject to the exceptions set forth below:

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

(a) On lots of less than fifty feet in width, the side yard shall be ten percent of the parcel width but not less than four feet.

(b) On corner lots fifty feet or greater in width, the side yard setback facing a street shall be a minimum of ten feet. Covered or uncovered stairways or porches not exceeding

thirty-five percent of the building frontage on the side street may encroach five feet into the required side yard.

(2) The side yard setback for that portion of a building with a primary window shall be as follows:

(a) For lots less than fifty feet in width, a minimum setback of eight feet shall be provided, as long as at all times a twelve-foot separation exists between the primary window and any adjacent structures.

(b) For lots fifty feet or greater in width, a minimum setback of twelve feet shall be provided.

(3) The second floor side yard setback above a primary window shall not project more than two feet into the required side yard setback.

(h) **Building Spacing.** Buildings that face each other on the same lot shall be separated by the following minimum distances: fifteen feet if one building has primary windows facing the other; twenty-five feet when the windows of primary spaces in both buildings face each other on the ground or second level, except fifteen feet when they are visually separated by a solid wall or opaque fence over five feet six inches in height; ten feet when secondary windows face each other or when a secondary window faces a blank wall.

(i) **Landscaping.** All areas not covered by buildings, driveways, and sidewalks are to be covered by appropriate landscaping. All new construction that requires issuance of a building permit shall be subject to the provisions of Part 9.04.10.04 of this Article.

(j) **Development Review.** Except for projects listed in Section 9.04.10.14.050(b), a Development Review Permit is required for any development of more than fifteen thousand square feet of floor area. (Prior code § 9036.6; amended by Ord. No. 1514CCS, adopted 2/27/90; Ord. No. 1750CCS § 19, adopted 6/28/94; Ord. No. 2217CCS § 8, adopted 1/23/07)

9.04.08.48.070 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 9.32 of this Article. (Prior code § 9036.7; added by Ord. No. 1496CCS, adopted 9/26/89)

Part 9.04.08.50 OP-2 Ocean Park Low Multiple Residential District

9.04.08.50.010 Purpose.

The OP-2 District is intended to provide a low density multiple family residential neighborhood (to twenty-two dwelling units per gross residential acre) free of disturbing noises, excessive traffic, and hazards created by moving automobiles. The OP-2 district is designed to prevent burden on the public facilities, including sewer, water, electricity and schools by an influx and increase of people to the degree larger than the City's geographic limits, tax base or financial capabilities can reasonably and responsibly accommodate. The OP-2 district affords protection from deleterious environmental effects and serves to maintain and protect the existing character and state of the residential neighborhood. (Prior code § 9037.1; added by Ord. No. 1496CCS, adopted 9/26/89)

9.04.08.50.020 Permitted uses.

The following uses shall be permitted in the OP-2 District.

(a) Congregate housing.

(b) Domestic violence shelters.

(c) Hospice facilities.

(d) Multi-family dwelling units.

(e) One-story accessory buildings and structures up to fourteen feet in height.

(f) Public parks and playgrounds.

(g) Single family dwellings placed on a permanent foundation (including manufactured housing).

(h) Single room occupancy housing.

(i) Small family day care homes.

(j) Senior housing.

(k) Senior group housing.

(l) Transitional housing.

(m) Yard sales, limited to two per calendar year, for each dwelling unit, for a maximum of two days. (Prior code § 9037.2; added by Ord. No. 1496CCS, adopted 9/26/89; amended by Ord. No. 1750CCS § 20 (part), adopted 6/28/94)

9.04.08.50.030 Uses subject to performance standards permit.

The following uses may be permitted in the OP-2 District subject to the approval of a Performance Standards Permit:

(a) Large family day care homes.

(b) Private tennis courts. (Prior code § 9037.3; added by Ord. No. 1496CCS, adopted 9/26/89; amended by Ord. No. 1750CCS § 20 (part), adopted 6/28/94)

9.04.08.50.040 Conditionally permitted uses.

The following uses may be permitted in the OP-2 District subject to the approval of a Conditional Use Permit:

(a) Bed and breakfast facilities.

(b) Boarding houses.

(c) Child day care centers.

(d) Community care facilities.

(e) Homeless shelters.

(f) Libraries.

(g) Neighborhood grocery stores.

(h) Offices and meeting rooms for charitable, youth, and welfare organizations.

(i) One-story accessory buildings over fourteen feet in height or two story accessory buildings up to a maximum height of twenty-four feet.

(j) Places of worship.

(k) Residential care facilities.

(l) Rest homes.

(m) Schools.

(n) 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 lot in the C2 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. (Prior code § 9037.4; added by Ord. No. 1496CCS, adopted 9/26/89; amended by Ord. No. 1750CCS § 20 (part), adopted 6/28/94)

9.04.08.50.050 Prohibited uses.

(a) Rooftop parking.

(b) Any use not specifically authorized. (Prior code § 9037.5; added by Ord. No. 1496CCS, adopted 9/26/89)

9.04.08.50.060 Property development standards.

All property in the OP-2 District shall be developed in accordance with the following standards:

(a) **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 housing project, as long as the building height does not exceed the maximum number of feet permitted in this Section. However, on upsloping parcels where the change in elevation is ten feet or greater from the finished surface of the sidewalk adjacent to the property line to the building line at the required rear yard setback, maximum allowable height for structures shall conform to the following:

(1) One story fourteen feet in height (including parapets and rails) for the first fifteen feet of horizontal distance on the parcel measured from the front parcel line. Maximum permitted height shall be measured vertically from the edge of the existing sidewalk closest to the front parcel line and then running horizontally along a line parallel to the theoretical grade of the parcel;

(2) Two stories eighteen feet for a flat roof and twenty-three feet for a pitched roof (including parapets and railings) for that portion of the structure located between 15.1 feet and thirty feet measured back from the front parcel line. Maximum permitted height shall be measured vertically from the edge of the existing sidewalk closest to the front parcel line and then running horizontally along a line parallel to the theoretical grade of the parcel to a distance of thirty feet from the front parcel line;

(3) The maximum permitted height for structures beyond thirty feet from the front parcel line shall be two stories twenty-three feet for a flat roof or thirty feet for structures with a pitched roof. Maximum permitted height shall be measured vertically from the edge of the existing sidewalk closest to the front parcel line and then running horizontally along a line parallel to the theoretical grade of the parcel to the rear property line;

(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;

(5) Any portion of a building more than three feet above the theoretical grade shall be counted as a story. The first story of a structure shall be determined as the portion of the structure closest to the front property line that extends more than three feet above the theoretical grade;

(6) No portion of any structure shall exceed the maximum allowable height or permitted number of stories.

(b) **Maximum Unit Density.** One dwelling unit for each two thousand square feet of lot area. An additional unit shall be allowed if excess lot area equals or exceeds one thousand square feet, after calculating the allowed number of units at two thousand square feet of lot area per unit. The density on lots consolidated after the effective date of this Chapter with a total square footage greater than ten thousand square feet or exceeding a combined street frontage of one hundred feet shall be one dwelling unit for each twenty-five hundred square feet of combined lot area, except where one hundred 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 two thousand square feet of lot area. No more than one dwelling unit shall be permitted on a lot four thousand square feet or less in size.

(c) **Maximum Lot Coverage.** Fifty percent. Sixty percent for development projects which comply with the density of bonus provisions of prior code Section 9047.3.

(d) **Minimum Lot Size.** Five thousand square feet. Each lot shall contain a minimum depth of one hundred feet and a minimum width of fifty feet, except that lots existing on the effective date of this Chapter shall not be subject to this requirement.

(e) **Front Yard Setback.** Twenty feet or fifteen feet if the average setback of adjacent dwelling(s) is fifteen feet or less. A one-story, covered or uncovered porch, open on three sides may encroach six feet into a front yard with a twenty-foot setback, if the roof does not exceed a height of fourteen feet and the porch width does not exceed forty percent of the building width at the front of the building.

(f) **Rear Yard Setback.** Fifteen feet.

(g) **Side Yard Setback.**

(1) The side yard setback for that portion of a building with a secondary window, blank wall, or primary window on a side yard facing the street (i.e., on a corner lot) shall be determined in accordance with tie following formula, subject to the exceptions set forth below:

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

(a) On lots of less than fifty feet in width, the side yard shall be ten percent of the parcel width but not less than four feet.

(b) On corner lots fifty feet or greater in width, the side yard setback facing a street shall be a minimum of ten feet. Covered or uncovered stairways or porches not exceeding thirty-five percent of the building frontage on the side street may encroach five feet into the required side yard.

(2) The side yard setback for that portion of a building with a primary window shall be as follows:

(a) For lots less than fifty feet in width, a minimum setback of eight feet shall be provided, as long as at all times a twelve-foot separation exists between the primary window and any adjacent structures;

(b) For lots fifty feet or greater in width, a minimum setback of twelve feet shall be provided.

(3) The second floor side yard setback above a primary window shall not project more than two feet into the required side yard setback.

(h) **Building Spacing.** Buildings that face each other on the same lot shall be separated by the following minimum distances: fifteen feet if one building has primary windows facing the other; twenty-five feet when the windows of primary spaces in both buildings face each other on the ground or second level, except fifteen feet when they are visually separated by a solid wall or opaque fence over five feet six inches in height; ten feet when secondary windows face each other or when a secondary window faces a blank wall.

(i) **Landscaping.** All areas not covered by buildings, driveways, and sidewalks are to be covered by appropriate landscaping. All new construction that requires issuance of a building permit shall be subject to the provisions of Part 9.04.10.04 of this Chapter.

(j) **Usable Private Open Space.** All ground-level units shall have the following minimum amounts of usable private open space per unit: one hundred square feet for projects consisting of at least two but not more than seven dwelling units, and fifty square feet for projects of eight units or more. Private open space shall include a deck, yard, patio or combination thereof, which is adjacent to, accessible from, and at the same or approximate elevation as one or more primary spaces. The minimum dimension of at least one such private open space shall be no less than seven feet in any dimension. Private open space shall be screened from common open space, driveways and adjacent properties by a substantially opaque wall or fence a minimum of three feet six inches and a maximum of six feet in height, except in the front yard setback area.

Required private open space may be reduced by one square foot for each additional square foot of common open space added but in no case leaving less than fifty feet of required private space.

All second floor units shall have a balcony or deck of fifty square feet or more, with a minimum dimension of no less than seven feet in any dimension, which is adjacent to, accessible from, and at the same or approximate elevation as one or more primary spaces of the unit to be served. Roof decks do not meet this requirement. The railing of the balcony or deck shall be substantially opaque to protect the privacy of occupants.

First floor private open space may project into the entire width of the side yard, and ten feet into the required depth of the rear yard. Private open space may project six feet into the required front yard as long as its width does not exceed thirty percent of the building width at the front of the building.

(k) **Usable Common Open Space.** Projects of four or more units shall include a minimum of one hundred square feet per unit of usable common open space, accessible and available to all project residents for outdoor activities. Courtyards, entry areas for two or more units, lawns and play spaces which are physically separated from private open space, and active recreation spaces such as swimming pools and sports courts, shall count toward fulfillment of this requirement. The rear yard may count toward fulfillment of the common open space requirement, provided it is usable and accessible. Side yards and portions of driveways which are decorated or interspersed with lawn or other acceptable groundcover may meet a portion of the requirement, subject to architectural review, pursuant to Part 9.04.10. The minimum dimension of at least one area of common open space shall be ten feet in any direction.

Any practical combination of lawn, paving, decking, concrete or other serviceable dust free material shall be used to surface common open space areas, with a slope of not more than five percent. A minimum of thirty percent of the common open space area shall include lawn or other acceptable groundcover.

Required open space may not include public or private streets, driveways, or utility easements where the ground surface cannot be used appropriately for open space or front yards.

Required common open space may be reduced by one square foot for each additional square foot of private open space added beyond the required private open space.

(l) **Development Review.** Except for projects listed in Section 9.04.10.14.050(b), a development review permit is required for any development of more than fifteen thousand square feet of floor area. (Prior code § 9037.6; amended by Ord. No. 1514CCS, adopted 2/27/90; Ord. No. 1699CCS § 1, adopted 8/10/93; Ord. No. 1750CCS § 21, adopted 6/28/94; Ord. No. 2217CCS § 9, adopted 1/23/07)

9.04.08.50.070 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 9.32 of this Article. (Prior code § 9037.7; added by Ord. No. 1496CCS, adopted 9/26/89)

Part 9.04.08.52 OP-3 Ocean Park Medium Multiple Residential District

9.04.08.52.010 Purpose.

The OP-3 District is intended to provide a medium density multiple family residential neighborhood (to twenty-nine dwelling units per gross residential acre) free of disturbing noises, excessive traffic, and hazards created by moving automobiles. The OP-3 district is designed to prevent burden on the public facilities, including sewer, water, electricity and schools by an influx and increase of people to the degree larger than the City's geographic limits, tax base or financial capabilities can reasonably and responsibly accommodate. The OP-3 district affords protection from deleterious environmental effects and serves to maintain and protect the

existing character and state of the residential neighborhood. (Prior code § 9038.1; added by Ord. No. 1496CCS, adopted 9/26/89)

9.04.08.52.020 Permitted uses.

The following uses shall be permitted in the OP-3 District.

(a) Congregate housing.

(b) Domestic violence shelters.

(c) Hospice facilities.

(d) Multi-family dwelling units.

(e) One-story accessory buildings and structures up to fourteen feet in height.

(f) Public parks and playgrounds.

(g) Residential care facilities.

(h) Senior housing.

(i) Senior group housing.

(j) Single family dwellings placed on a permanent foundation (including manufactured housing).

(k) Single room occupancy housing.

(l) Small family day care homes.

(m) Transitional housing.

(n) Yard sales, limited to two per calendar year, for each dwelling unit, for a maximum of two days. (Prior code § 9038.2; added by Ord. No. 1496CCS, adopted 9/26/89; amended by Ord. No. 1750CCS § 22 (part), adopted 6/28/94)

9.04.08.52.030 Uses subject to performance standards permit.

The following uses may be permitted in the OP-3 District subject to the approval of a Performance Standards Permit:

(a) Large family day care homes.

(b) One-story accessory living quarters, up to fourteen feet in height, on a lot having a minimum area of ten thousand square feet.

(c) Private tennis courts. (Prior code § 9038.3; added by Ord. No. 1496CCS, adopted 9/26/89; amended by Ord. No. 1750CCS § 22 (part), adopted 6/28/94)

9.04.08.52.040 Conditionally permitted uses.

The following uses may be permitted in the OP-3 District subject to the approval of a Conditional Use Permit:

(a) Bed and breakfast facilities.

(b) Boarding houses.

(c) Child day care centers.

(d) Community care facilities.

(e) Homeless shelters.

(f) Places of worship.

(g) Neighborhood grocery stores.

(h) Offices and meeting rooms for charitable, youth, and welfare organizations.

(i) One-story accessory buildings over fourteen feet in height or two story accessory buildings up to a maximum height of twenty-four feet.

(j) Residential care facilities.

(k) Rest homes.

(l) Schools.

(m) 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 C2 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. (Prior code § 9038.4; added by Ord. No. 1496CCS, adopted 9/26/89; amended by Ord. No. 1750CCS § 22 (part), adopted 6/28/94)

9.04.08.52.050 Prohibited uses.

(a) Rooftop parking.

(b) Any use not specifically authorized. (Prior code § 9038.5; added by Ord. No. 1496CCS, adopted 9/26/89)

9.04.08.52.060 Property development standards.

All property on the OP-3 District shall be developed in accordance with the following standards:

(a) **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 housing project, as long as the building height does not exceed the maximum number of feet permitted in this Section.

(b) **Maximum Unit Density.** One dwelling unit for each fifteen hundred square feet of lot area. An additional unit shall be allowed if excess lot area equals or exceeds seven hundred fifty square feet, after calculating the allowed number of units at fifteen hundred square feet of lot area per unit.

The density on lots consolidated after the effective date of this Chapter with a total square footage greater than fifteen thousand square feet or exceeding a combined street frontage of one hundred fifty feet shall be one dwelling unit for each two thousand square feet of combined lot area, except where one hundred 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 fifteen hundred square feet of lot area.

No more than one dwelling unit shall be permitted on a lot four thousand square feet or less in size.

(c) **Maximum Lot Coverage.** Fifty percent. Sixty percent for development projects of six units or more which comply with the density bonus provisions of prior code Section 9047.3.

(d) **Minimum Lot Size.** Five thousand square feet. Each lot shall contain a minimum depth of one hundred feet and a minimum width of fifty feet, except that lots existing on the effective date of this Chapter shall not be subject to this requirement.

(e) **Front Yard Setback.** Twenty feet or fifteen feet if the average setback of adjacent dwelling(s) is fifteen feet or less. A one-story, covered or uncovered porch open on three sides may encroach six feet into a front yard with a twenty-foot setback, if the roof does not exceed a height of fourteen feet

and the porch width does not exceed forty percent of the building width at the front of the building.

(f) **Rear Yard Setback.** Fifteen feet.

(g) **Side Yard Setback.**

(1) The side yard setback for that portion of a building with a secondary window, blank wall, or primary window on a side yard facing the street (i.e., on a corner lot) shall be determined in accordance with the following formula, subject to the exceptions set forth below:

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

(a) On lots of less than fifty feet in width, the side yard shall be ten percent of the parcel width but not less than four feet.

(b) On corner lots fifty feet or greater in width, the side yard setback facing a street shall be a minimum of ten feet. Covered or uncovered stairways or porches not exceeding thirty-five percent of the building frontage on the side street may encroach five feet into the required side yard.

(2) The side yard setback for that portion of a building with a primary window shall be as follows:

(a) For lots less than fifty feet in width, a minimum setback of eight feet shall be provided, as long as at all times a twelve-foot separation exists between the primary window and any adjacent structures;

(b) For lots fifty feet or greater in width, a minimum setback of twelve feet shall be provided.

(3) The second floor side yard setback above a primary window shall not project more than two feet into the required side yard setback.

(h) **Building Spacing.** Buildings that face each other on the same lot shall be separated by the following minimum distances: fifteen feet if one building has primary windows facing the other; twenty-five feet when the windows of primary spaces in both buildings face each other on the ground or second level, except fifteen feet when they are visually separated by a solid wall or opaque fence over five feet six inches in height; ten feet when secondary windows face each other or when a secondary window faces a blank wall.

(i) **Landscaping.** All areas not covered by buildings, driveways, and sidewalks are to be covered by appropriate landscaping. All new construction that requires issuance of a building permit shall be subject to the provisions of Part 9.04.10.04 of this Chapter.

(j) **Usable Private Open Space.** All ground-level units shall have the following minimum amounts of usable private open space per unit: one hundred square feet for projects consisting of at least two but not more than seven dwelling units, and fifty square feet for projects of eight units or more. Private open space shall include a deck, yard, patio or combination thereof, which is adjacent to, accessible from, and at the same or approximate elevation as one or more primary spaces. The minimum dimension of at least one such private open space shall be no less than seven feet in any dimension. Private open space shall be screened from common open space, driveways and adjacent properties by a substantially opaque wall or fence a minimum of three feet six inches and a maximum of six feet in height, except in the front yard setback area.

Required private open space may be reduced by one square foot for each additional square foot of common open space added but in no case leaving less than fifty feet of required private space.

All second floor units shall have a balcony or deck of fifty square feet or more, with a minimum dimension of no less than seven feet in any dimension, which is adjacent to, accessible from, and at the same or approximate elevation as one or more primary spaces of the unit to be served. Roof decks do not meet this requirement. The railing of the balcony or deck shall be substantially opaque to protect the privacy of occupants.

First floor private open space may project into the entire width of the side yard, and ten feet into the required depth of the rear yard. Private open space may project six feet into the required front yard as long as its width does not exceed thirty percent of the building width at the front of the building.

(k) **Usable Common Open Space.** Projects of four or more units shall include a minimum of one hundred square feet per unit of usable common open space, accessible and available to all project residents for outdoor activities. Courtyards, entry areas for two or more units, lawns and play spaces which are physically separated from private open space, and active recreation spaces such as swimming pools and sports courts, shall count toward fulfillment of this requirement. The rear yard may count toward fulfillment of the common open space requirement, provided it is usable and accessible. Side yards and portions of driveways which are decorated or interspersed with lawn or other acceptable groundcover may meet a portion of the requirement, subject to architectural review, pursuant to Part 9.04.10. The minimum dimension of at least one such space shall be ten feet in any direction.

Any practical combination of lawn, paving, decking, concrete or other serviceable dust-free material shall be used to surface common open space areas, with a slope of not more than five percent. A minimum of thirty percent of the common open space area shall include lawn or other acceptable groundcover.

Required open space may not include public or private streets, driveways, or utility easements where the ground surface cannot be used appropriately for open space or front yards.

Required common open space may be reduced by one square foot for each additional square foot of private open space added beyond the required private open space.

(l) **Development Review.** Except for projects listed in Section 9.04.10.14.050(b), a development review permit is required for any development of more than fifteen thousand square feet of floor area. (Prior code § 9038.6; amended by Ord. No. 1514CCS, adopted 2/27/90; Ord. No. 1750CCS § 23, adopted 6/28/94; Ord. No. 2217CCS § 10, adopted 1/23/07)

9.04.08.52.070 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 9.32 of this Article. (Prior code § 9038.7; added by Ord. No. 1496CCS, adopted 9/26/89)

Part 9.04.08.54 OP-4 Ocean Park Multiple Residential District

9.04.08.54.010 Purpose.

The OP-4 District is intended to provide a medium density multiple family residential neighborhood (to thirty-five dwelling units per gross residential acre) free of disturbing noises, excessive traffic, and hazards created by moving automobiles. The OP-4 district is designed to prevent burden on the public facilities, including sewer, water, electricity and schools by an influx and increase of people to the degree larger than the City's geographic limits, tax base or financial capabilities can reasonably and responsibly accommodate. The OP-4 district affords protection from deleterious environmental effects and serves to maintain and protect the existing character and state of the residential neighborhood. (Prior code § 9039.1; added by Ord. No. 1496CCS, adopted 9/26/89)

9.04.08.54.020 Permitted uses.

The following uses shall be permitted in the OP-4 District.

(a) Congregate housing.

(b) Domestic violence shelters.

(c) Hospice facilities.

(d) Multi-family dwelling units.

(e) One-story accessory buildings and structures up to fourteen feet in height.

(f) Public parks and playgrounds.

(g) Senior housing.

(h) Senior group housing.

(i) Single room occupancy housing.

(j) Single family dwellings placed on a permanent foundation (including manufactured housing).

(k) Small family day care homes.

(l) Transitional housing.

(m) Yard sales, limited to two per calendar year, for each dwelling unit, for a maximum of two days. (Prior code § 9039.2; added by Ord. No. 1496CCS, adopted 9/26/89; amended by Ord. No. 1750CCS § 24 (part), adopted 6/28/94)

9.04.08.54.030 Uses subject to performance standards permit.

The following uses may be permitted in the OP-4 District subject to the approval of a Performance Standards Permit:

(a) Large family day care homes.

(b) One-story accessory living quarters, up to fourteen feet in height, on a lot having a minimum area of ten thousand square feet.

(c) Private tennis courts. (Prior code § 9039.3; added by Ord. No. 1496CCS, adopted 9/26/89; amended by Ord. No. 1750CCS § 24 (part), adopted 6/28/94)

9.04.08.54.040 Conditionally permitted uses.

The following uses may be permitted in the OP-4 District subject to the approval of a Conditional Use Permit:

(a) Bed and breakfast facilities.

(b) Boarding houses.

(c) Child day care centers.

(d) Club or lodges.

(e) Community care facilities.

(f) Libraries.

(g) Municipal parking structures.

(h) Neighborhood grocery stores.

(i) Offices and meeting rooms for charitable, youth, and welfare organizations.

(j) One-story accessory buildings over fourteen feet in height or two story accessory buildings up to a maximum height of twenty-four feet.

(k) Places of worship.

(l) Residential care facilities.

(m) Rest homes.

(n) Schools.

(o) Shelters for the homeless.

(p) Underground parking structures provided the lot was occupied by a surface parking lot at the time of adoption of this Chapter, the lot is not adjacent to a lot in the C2 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 lot, and the vehicle access to the underground parking is from the commercially zoned lot and as far from the residentially zoned lot as is reasonably possible. (Prior code § 9039.4; added by Ord. No. 1496CCS, adopted 9/26/89)

9.04.08.54.050 Prohibited uses.

(a) Rooftop parking.

(b) Any use not specifically authorized. (Prior code § 9039.5; added by Ord. No. 1496CCS, adopted 9/26/89)

9.04.08.54.060 Property development standards.

All property on the OP-4 Ocean Park High Multiple Residential District shall be developed in accordance with the following standards:

(a) **Maximum Building Height.** Three stories, not to exceed thirty-five feet as measured from theoretical grade. There shall be no limit on the number of stories of any affordable housing project, as long as the building height does not exceed the maximum number of feet permitted in this Section.

(b) **Maximum Unit Density.** One dwelling unit for each twelve hundred fifty square feet of lot area. An additional unit shall be allowed if excess lot area equals or exceeds six hundred twenty-five square feet, after calculating the allowed number of units at twelve-hundred fifty square feet of lot area per unit.

(c) **Maximum Lot Coverage.** Fifty percent. Sixty percent for development projects which comply with the density bonus provisions of prior code Section 9047.3.

(d) **Minimum Lot Size.** Five thousand square feet. Each lot shall contain a minimum depth of one hundred feet and a minimum width of fifty feet, except that lots existing on the effective date the ordinance codified in this Chapter shall not be subject to this requirement.

(e) **Front Yard Setback.** Fifteen feet minimum, or ten feet minimum if the average setback of adjacent dwelling(s) is ten feet or less. An open one-story, covered or uncovered porch open on three sides may encroach six feet into a front yard with a fifteen-foot setback, if the roof does not exceed a height of fourteen feet and the porch width does not exceed forty percent of the building width at the front of the building.

(f) **Rear Yard Setback.** Fifteen feet.

(g) **Side Yard Setback.**

(1) The side yard setback for that portion of a building with a secondary window, blank wall, or primary window on a side yard facing the street (i.e., on a corner lot) shall be determined in accordance with the following formula, subject to the exceptions set forth below:

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

(A) On lots of less than fifty feet in width, the side yard shall be ten percent of the parcel width but not less than four feet.

(B) On corner lots fifty feet or greater in width, the side yard setback facing a street shall be a minimum of ten feet. Covered or uncovered stairways or porches not exceeding thirty-five percent of the building frontage on the side street may encroach five feet into the required side yard.

(2) The side yard setback for that portion of a building with a primary window shall be as follows:

(A) For lots less than fifty feet in width, a minimum setback of eight feet shall be provided, as long as at all times a twelve-foot separation exists between the primary window and any adjacent structures;

(B) For lots fifty feet or greater in width, a minimum setback of twelve feet shall be provided.

(3) The second floor side yard setback above a primary window shall not project more than two feet into the required side yard setback.

(h) **Building Spacing.** Buildings that face each other on the same lot shall be separated by the following minimum distances: fifteen feet if one building has primary windows facing the other; twenty-five feet when the windows of primary spaces in both buildings face each other on the ground or second level, except fifteen feet when they are visually separated by a solid wall or opaque fence over five feet six inches in height; ten feet when secondary windows face each other or when a secondary window faces a blank wall.

(i) **Landscaping.** All areas not covered by buildings, driveways and sidewalks are to be covered by appropriate landscaping. All new construction that requires issuance of a building permit shall be subject to the provisions of Part 9.04.10.04 of this Chapter.

(j) **Usable Private Open Space.** All ground-level units shall have the following minimum amounts of usable private open space per unit: one hundred square feet for projects consisting of at least two but not more than seven dwelling units, and fifty square feet for projects of eight units or more. Private open space shall include a deck, yard, patio or combination thereof, which is adjacent to, accessible from,. and at the same or approximate elevation as one or more primary spaces. The minimum dimension of at least one such private open space shall be no less than seven feet in any dimension. Private open space shall be screened from common open space, driveways and adjacent properties by a substantially opaque wall or fence a minimum of three feet six inches and a maximum of six feet in height, except in the front yard setback area. Required private open space may be reduced by one square foot for each additional square foot of common open space added but in no case leaving less than fifty feet of required private space. All second floor units shall have a balcony or deck of fifty square feet or more, with a minimum dimension of no less than seven feet in any dimension, which is adjacent to, accessible from, and at the same or approximate elevation as one or more primary spaces of the unit to be served. Roof decks do not meet this requirement. The railing of the balcony or deck shall be substantially opaque to protect the privacy of occupants. First floor private open space may project into the entire width of the side yard, and ten feet into the required depth of the rear yard. Private open space may project six feet into the required front yard as long as its width does not exceed thirty percent of the building width at the front of the building.

(k) **Usable Common Open Space.** Projects of four or more units shall include a minimum of one hundred square feet per unit of usable common open space, accessible and available to all project residents for outdoor activities. Courtyards, entry areas for two or more units, lawns and play spaces which are physically separated from private open space, and active recreation spaces such as swimming pools and sports courts, shall count toward fulfillment of this requirement. The rear yard may count toward fulfillment of the common open space requirement, provided it is usable and accessible. Side yards and portions of driveways which are decorated or interspersed with lawn or other acceptable groundcover may meet a portion of the requirement, subject to architectural review, pursuant to Part 9.04.10. The minimum dimension of at least one such space shall be ten feet in any direction.

Any practical combination of lawn, paving, decking, concrete or other serviceable dust free material shall be used to surface common open space areas, with a slope of not more than five percent. A minimum of thirty percent of the common open space area shall include lawn or other acceptable groundcover.

Required open space may not include public or private streets, driveways or utility easements where the ground surface cannot be used appropriately for open space or front yards.

Required common open space may be reduced by one square foot for each additional square foot of private open space added beyond the required private open space.

(l) **Development Review.** Except for projects listed in Section 9.04.10.14.050(b), a development review permit is required for any development of more than fifteen thousand square feet of floor area. (Prior code § 9039.6; amended by Ord. No. 1514CCS, adopted 2/27/90; Ord. No. 1750CCS § 25, adopted 6/28/94; Ord. No. 2217CCS § 11, adopted 1/23/07)

9.04.08.54.070 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 9.32 of this Article. (Prior code § 9039.7; added by Ord. No. 1496CCS, adopted 9/26/89)

Part 9.04.08.58 DP Designated Parks District

9.04.08.58.010 Purpose.

The DP Designated Parks District is designed to protect and preserve parks and recreational facilities in the City. (Added by Ord. No. 1659CCS § 1 (part), adopted 12/8/92)

9.04.08.58.020 Permitted uses.

The following uses shall be permitted in the DP District:

(a) Public parks, playgrounds, recreational buildings and facilities.

(b) Public athletic fields and facilities including, but not limited to baseball/softball diamonds, basketball courts, volleyball courts, swimming pools, and gymnasia.

(c) Public community centers and auditoriums.

(d) Public parking for park use.

(e) Concession stands.

(f) Special events as approved by the City of Santa Monica. (Added by Ord. No. 1659CCS § 1 (part), adopted 12/8/92)

9.04.08.58.030 Uses subject to performance standards permit.

None. (Added by Ord. No. 1659CCS § 1 (part), adopted 12/8/92)

9.04.08.58.040 Conditionally permitted uses.

The following uses may be permitted in the DP District subject to the approval of a conditional use permit:

(a) Civic theaters.

(b) Open air farmers market.

(c) All uses other than specifically prohibited uses, that are determined by the Zoning Administrator to be similar and consistent with those uses specifically permitted or conditionally permitted. (Added by Ord. No. 1659CCS § 1 (part), adopted 12/8/92)

9.04.08.58.050 Prohibited uses.

(a) Residential uses.

(b) Commercial uses other than concession stands.

(c) Industrial uses.

(d) Any use not listed as a permitted or conditionally permitted use. (Added by Ord. No. 1659CCS § 1 (part), adopted 12/8/92)

9.04.08.58.060 Property development standards.

Construction of any structure over one thousand square feet shall require a development review permit. (Added by Ord. No. 1659CCS § 1 (part), adopted 12/8/92)

9.04.08.58.070 Architectural review.

All new construction, new additions to existing buildings, and any other exterior improvement that requires issuance of a building permit shall be subject to architectural review pursuant to the provisions of Chapter 9.32 of this Article. (Added by Ord. No. 1659CCS § 1 (part), adopted 12/8/92)

Part 9.04.08.60 BP Beach Parking District.

9.04.08.60.010 Purpose.

The Beach Parking District is designed to protect and preserve existing public beach parking within the Coastal Zone. (Added by Ord. No. 1659CCS § 1 (part), adopted 12/8/92)

9.04.08.60.020 Permitted uses.

The following uses shall be permitted in the BPD District:

(a) Public surface parking.

(b) Open space.

(c) Concession stands.

(d) Special events as approved by the City of Santa Monica. (Added by Ord. No. 1659CCS § 1 (part), adopted 12/8/92)

9.04.08.60.030 Uses subject to performance standards permit.

None. (Added by Ord. No. 1659CCS § 1 (part), adopted 12/8/92)

9.04.08.60.040 Conditionally permitted uses.

(a) Open air farmers market.

(b) All uses other than specifically prohibited uses, that are determined by the Zoning Administrator to be similar and consistent with those uses specifically permitted or conditionally permitted. (Added by Ord. No. 1659CCS § 1 (part), adopted 12/8/92)

9.04.08.60.050 Prohibited uses.

(a) Residential uses.

(b) Commercial uses other than concession stands.

(c) Industrial uses.

(d) Any use not listed as a permitted or conditionally permitted use. (Added by Ord. No. 1659CCS § 1 (part), adopted 12/8/92)

9.04.08.60.060 Property development standards.

Construction of any structure shall require a development review permit. Development standards shall be the same as

the RVC development standards for Pacific Coast Highway. (Added by Ord. No. 1659CCS § 1 (part), adopted 12/8/92)

9.04.08.60.070 Architectural review.

All new construction, new additions to existing buildings, and any other exterior improvement that requires issuance of a building permit shall be subject to architectural review pursuant to the provisions of Chapter 9.32 of this Article. (Added by Ord. No. 1659CCS § 1 (part), adopted 12/8/92)

Part 9.04.08.62 R2B Low Density Multiple Residential Beach District

9.04.08.62.010 Purpose.

The R2B Beach District is intended to provide a low density multiple family residential neighborhood (0-29 dwelling units per net residential acre). The R2B Beach District is designed to prevent burdens on public facilities, including sewer, water, electricity and schools, caused by an increase in population, from exceeding that which the City's geographic limits, tax base or financial capabilities can reasonably and responsibly accommodate. The R2B Beach District is designed to prevent deleterious environmental effects and to maintain and protect the existing character and state of the residential neighborhood in the beach area. (Added by Ord. No. 1659CCS § 1 (part), adopted 12/8/92)

9.04.08.62.020 Permitted uses.

The following uses shall be permitted in the R2B District:

(a) Congregate housing.

(b) Domestic violence shelters.

(c) Hospice facilities.

(d) One single family dwelling per lot placed on a permanent foundation including manufactured housing.

(e) One-story accessory buildings and structures up to fourteen feet in height.

(f) Public parks and playgrounds.

(g) Second dwelling unit.

(h) Senior housing.

(i) Senior group housing.

(j) Single room occupancy housing.

(k) Small family day care homes.

(l) State authorized, licensed, or certified uses to the extent required to be permitted by State Law.

(m) Transitional housing.

(n) Yard sales, limited to two per calendar year, for a maximum of two days. (Added by Ord. No. 1659CCS § 1 (part), adopted 12/8/92; amended by Ord. No. 1750CCS § 26 (part), adopted 6/28/94; amended by Ord. No. 1942CCS § 10, adopted 5/11/99)

9.04.08.62.030 Uses subject to performance standards permit.

The following uses may be permitted in the R2B Beach District subject to the approval of a performance standards permit:

(a) Large family day care homes.

(b) One-story accessory living quarters, up to fourteen feet in height, on a parcel having a minimum area of ten thousand square feet.

(c) Private tennis courts. (Added by Ord. No. 1659CCS § 1 (part), adopted 12/8/92; amended by Ord. No. 1750CCS § 26 (part), adopted 6/28/94)

9.04.08.62.040 Conditionally permitted uses.

The following uses may be permitted in the R2B Beach District subject to the approval of a conditional use permit:

(a) Bed and breakfast facilities.

(b) Boarding houses.

(c) Child day care centers.

(d) Community care facilities.

(e) Offices and meeting rooms for charitable, youth, and welfare organizations.

(f) One-story accessory building over fourteen feet in height or two story accessory building up to a maximum of twenty-four feet.

(g) Schools. (Added by Ord. No. 1659CCS § 1 (part), adopted 12/8/92)

9.04.08.62.050 Prohibited uses.

(a) Rooftop parking.

(b) Any use not specifically authorized. (Added by Ord. No. 1659CCS § 1 (part), adopted 12/8/92)

9.04.08.62.060 Property development standards.

All property in the R2B Beach District shall be developed in accordance with the following standards:

(a) **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.

(b) **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. 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.

(c) **Maximum Parcel Coverage.** Fifty percent of the parcel area.

(d) **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.

(e) **Beach Rear Yard Setback.** Fifteen feet for parcels one hundred feet or less in depth and fifty-five feet for parcels over one hundred feet in depth.

(f) **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:

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

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.

(g) **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.

(h) **Development Review.** Except for projects listed in Section 9.04.10.14.050(b), a development review permit shall be required for any development of fifteen thousand square feet or more in floor area.

(i) **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.

(j) **Parking.** Notwithstanding Section 9.04.10.08.190, uncovered parking may be located in the front half of the parcel and within the minimum required front yard setback.

(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. (Added by Ord. No. 1659CCS § 1 (part), adopted 12/8/92; amended by Ord. No. 1767CCS § 7, adopted 9/13/94; Ord. No. 1839CCS § 1, adopted 2/13/96; Ord. No. 2217CCS § 6, adopted 1/23/07)

9.04.08.62.070 Architectural review.

All new construction, new additions to existing buildings, and any other exterior improvement that requires issuance of a building permit shall be subject to architectural review pursuant to the provisions of Chapter 9.32 of this Article. (Added by Ord. No. 1659CCS § 1 (part), adopted 12/8/92)

Part 9.04.08.64 R3R Medium Density Multiple Family Coastal Residential District

9.04.08.64.010 Purpose.

The R3R District is intended to provide a broad range of housing within medium density multiple family residential neighborhoods (zero to thirty-five dwelling units per net residential acre) free of disturbing noises, excessive traffic and hazards created by moving automobiles. The R3R District is designed to prevent burdens on public facilities, including sewer, water, electricity and schools, caused by an increase in population, from exceeding that which the City's geographic limits, tax base or financial capabilities can reasonably and responsibly accommodate. The R3R District is designed to prevent deleterious environmental effects and to maintain and protect the existing character and state of the residential neighborhood adjacent to the beach. (Added by Ord. No. 1659CCS § 1 (part), adopted 12/8/92)

9.04.08.64.020 Permitted uses.

The following uses shall be permitted in the R3R District:

(a) Congregate housing.

(b) Domestic violence shelters.

(c) Hospice facilities.

(d) Multi-family dwellings.

(e) One-story accessory buildings and structures up to fourteen feet in height.

(f) Public parks and playgrounds.

(g) Senior housing.

(h) Senior group housing.

(i) Single family dwellings placed on a permanent foundation (including manufactured housing).

(j) Single room occupancy housing.

(k) Small family day care homes.

(l) Transitional housing.

(m) Yard sales, limited to two per calendar year, for each dwelling unit, for a maximum of two days. (Added by Ord. No. 1659CCS § 1 (part), adopted 12/8/92; amended by Ord. No. 1750CCS § 27 (part), adopted 6/28/94)

9.04.08.64.030 Uses subject to performance standards permit.

The following uses may be permitted in the R3R Beach District subject to the approval of a performance standards permit:

(a) Large family day care homes.

(b) One-story accessory living quarters, up to fourteen feet in height, on a parcel having a minimum area of ten thousand square feet.

(c) Private tennis courts. (Added by Ord. No. 1659CCS § 1 (part), adopted 12/8/92; amended by Ord. No. 1750CCS § 27 (part), adopted 6/28/94)

9.04.08.64.040 Conditionally permitted uses.

The following uses may be permitted in the R3R District subject to the approval of a conditional use permit:

(a) Bed and breakfast facilities.

(b) Boarding houses.

(c) Child day care centers.

(d) Community care facilities.

(e) Places of worship.

(f) Homeless shelters.

(g) Neighborhood grocery stores.

(h) Offices and meeting rooms for charitable, youth, and welfare organizations.

(i) One-story accessory buildings over fourteen feet in height or two-story accessory buildings up to a maximum height of twenty-four feet.

(j) Residential care facilities.

(k) Rest homes.

(l) Schools.

(m) 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 C2 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.

(n) Bicycle and skate rental facilities. (Ord. 1659CCS § 1 (part), adopted 12/8/92; amended by Ord. No. 1750CCS § 27 (part), adopted 6/28/94; Ord. No. 1815CCS § 1, adopted 9/26/95)

9.04.08.64.050 Prohibited uses.

(a) Rooftop parking.

(b) Any use not specifically authorized. (Ord. 1659CCS § 1 (part), adopted 12/8/92)

9.04.08.64.060 Property development standards.

All property in the R3R District shall be developed in accordance with the following standards:

(a) **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.

(b) **Maximum Floor Area Ratio.** 1.0.

(c) **Maximum Unit Density.** For parcels of four thousand square feet or more, one dwelling unit for each one thousand two hundred fifty square feet of parcel area shall be permitted for the following preferred permitted projects: one hundred percent affordable housing projects; projects that include the retention and preservation of a historic structure and that comply with the Secretary of Interior's Standards for the Treatment of Historic Properties; multi-family apartment units where twenty-five percent of the units are three bedrooms or larger, sixty-six percent of the remaining units are two bedrooms or larger and the project is registered with the USGBC to receive a LEED rating of silver or higher level; child day care centers; community care facilities; homeless shelters; congregate housing; domestic violence shelters; hospice facilities; large family day care homes; residential care facilities; senior group housing; senior housing; single family dwellings; and transitional housing. For all other 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. 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 family dwelling existed on the parcel on September 8, 1988.

(d) **Maximum Parcel Coverage.** Fifty percent of the parcel area.

(e) **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.

(f) **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.

(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:

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

(i) **Development Review.** Except for projects listed in Section 9.04.10.14.050(b), a development review permit shall be required for any development of twenty-two thousand five hundred square feet or more in floor area.

(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.

(k) **Upper-Level Stepback Requirements.**

(1) **Additional Front Stepback 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 stepback 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.

(2) **Additional Side Stepback 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 stepback greater than ten feet.

(3) The upper-level stepback 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 stepback requirements are satisfied by the provision of alternative stepbacks or other features which reduce effective mass to a degree comparable to the relevant standard requirement. (Ord. 1659CCS § 1 (part), adopted 12/8/92; amended by Ord. No. 1750CCS § 27 (part), adopted 6/28/94; Ord. No. 1767CCS § 8, adopted 9/13/94; Ord. No. 1791CCS § 4, adopted 3/21/95; Ord. No. 2207CCS § 3, adopted 10/3/06; Ord. No. 2217CCS § 7, adopted 1/23/07)

9.04.08.64.070 Architectural review.

All new construction, new additions to existing buildings, and any other exterior improvement that requires issuance of a building permit shall be subject to architectural review pursuant to the provisions of Chapter 9.32 of this Article. (Ord. 1659CCS § 1 (part), adopted 12/8/92)

Part 9.04.08.65 BR Boulevard Residential R-3 Overlay District

9.04.08.65.010 Purpose.

The BR Boulevard Residential R-3 Overlay District is intended to protect the existing neighborhood character and ensure that new development is compatible with the surrounding residential areas along Ocean Park Boulevard from Lincoln Boulevard to 25th Street by limiting the scale of development to ensure compatibility with the existing neighborhood character. (Added by Ord. No. 1700CCS § 1 (part), adopted 8/10/93)

9.04.08.65.020 Permitted uses.

The following uses shall be permitted in the BR Overlay District:

(a) All uses listed as permitted uses within the residential district in which the parcel is located. (Added by Ord. No. 1700CCS § 1 (part), adopted 8/10/93)

9.04.08.65.030 Uses subject to performance standards.

The following uses shall be permitted in the BR Overlay District subject to the approval of a Performance Standards Permit:

(a) All uses listed as subject to a Performance Standards Permit in the residential district in which the parcel located. (Added by Ord. No. 1700CCS § 1 (part), adopted 8/10/93)

9.04.08.65.040 Conditionally permitted uses.

The following uses shall be permitted in the BR Overlay District subject to the approval of a Conditional Use Permit:

(a) All uses listed as Conditionally Permitted Uses in the residential district in which the parcel is located. (Added by Ord. No. 1700CCS § 1 (part), adopted 8/10/93)

9.04.08.65.050 Prohibited uses.

(a) Any use not specifically authorized. (Added by Ord. No. 1700CCS § 1 (part), adopted 8/10/93)

9.04.08.65.060 Property development standards.

All property in the BR Overlay District shall be developed in accordance with the same standards as those listed for the underlying zoning district except for the following, if different:

(a) **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 allowed building height is not exceeded.

(b) **Maximum Unit Density.** One dwelling unit for each one thousand two hundred fifty square feet of parcel area. No more than one dwelling unit shall be permitted on a parcel of less than four thousand square feet if a single family dwelling existed on the parcel on September 8, 1988.

(c) **Maximum Parcel Coverage.** Fifty percent.

(d) **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.

(e) **Front Yard Setback.** Twenty feet, or as shown on the Official Districting Map, whichever is greater.

(f) **Upper-Level Stepback Requirements.**

(1) **Additional Front Stepback 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 stepback 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.

(2) **Additional Side Stepback 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 stepback greater than ten feet.

(3) The upper-level stepback 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 stepback requirements are satisfied by the provision of alternative stepbacks or other features which reduce effective mass to a degree comparable to the relevant standard requirement.

(g) **Side Yard Setback.**

(1) The side yard setback for lots of less than fifty feet shall be ten percent of the parcel width but not less than four feet.

(2) For lots fifty feet in width or greater, the side yard setback shall be determined in accordance with the following formula:

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

(h) **Usable Private Open Space.** All units shall have the following minimum amounts of usable private open space per unit: one hundred square feet for projects with four or five units, and fifty square feet for projects of six units or more. Private open space shall include a deck, yard, patio or combination thereof, which is adjacent to, accessible from, and at the same or approximate elevation as the primary space. (Added by Ord. No. 1700CCS § 1 (part), adopted 8/10/93; amended by Ord. No. 1791CCS § 5, adopted 3/21/95; Ord. No. 1834CCS § 4, adopted 12/12/95)

Subchapter 9.04.10 Project Design and Development Standards

Part 9.04.10.02 General Requirements

9.04.10.02.010 Roof decks in the OP-Districts.

In the OP-Districts, 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. (Prior code § 9040.1; amended by Ord. No. 1514CCS, adopted 2/27/90)

9.04.10.02.020 Applicability.

Any permit which authorizes new construction or substantial remodeling to an existing structure shall be subject to all applicable property development standards for the zoning district in which the project is to be located in addition to the project design and development standards in this Subchapter. (Prior code § 9040.2)

9.04.10.02.030 Building height and exceptions to height limit.

(a) The maximum allowable height shall be measured vertically from the average natural grade elevation to the highest point of the roof. However, in connection with development projects in the Ocean Park, R2, R3, and R4 Districts, building height shall be measured vertically from the theoretical grade to the highest point of the roof.

(b) The following shall he permitted to exceed the height limit in all zoning districts except the R1 District:

(1) Vents, stacks, ducts, skylights and steeples provided such projections do not extend more than five feet above the permitted height in the district.

(2) Legally required parapets, fire separation walls, and open work safety guard rails that do not exceed forty-two inches in height.

(3) Elevator shafts, stairwells, or mechanical room enclosures above the roofline if:

(A) The enclosure is used exclusively for housing the elevator, mechanical equipment, or stairs.

(B) The elevator shaft does not exceed fourteen feet in height above the roofline and the stairwell enclosure does not exceed fourteen feet in height above the height permitted in the district.

(C) The area of all enclosures and other structures identified in Section 9.04.10.02.030(b)(1) that extend above the roofline shall not exceed twenty-five percent of the roof area. This limitation shall not apply to solar energy systems.

(D) The mechanical equipment is screened in conformance with Section 9.04.10.02.140.

(E) The mechanical equipment enclosure does not exceed twelve feet in height above the height permitted in the district.

(4) The screening required pursuant to the provisions of Section 9.04.10.02.140 of tanks, ventilating fans, or other mechanical equipment required to operate and maintain the building provided the total area enclosed by all screening does not exceed thirty percent of the roof area.

(c) The following shall be permitted to exceed the height limit in all zoning districts:

(1) Chimneys may extend no more than five feet above the permitted height in the district;

(2) Solar energy systems pursuant to Section 9.04.10.02.220;

(3) One standard television receive-only nonparabolic antenna and one vertical whip antenna may extend no more than twenty-five feet above the roofline, provided that they are not located between the face of the main building and any public street or in any required front or side yard setback. All other antennas shall be subject to the provisions of Part 9.04.10.06. (Prior code § 9040.3; amended by Ord. No. 1476CCS, adopted 4/25/89; amended by Ord. No. 1496CCS, adopted 9/26/89; Ord. No. 1757CCS § 1, adopted 7/26/94; Ord. No. 2291CCS § 2, adopted 7/14/09)

9.04.10.02.040 Building volume envelope.

All new buildings and additions to existing buildings except as specified below shall not project beyond the building volume envelope. The building volume envelope shall consist of a theoretical plane beginning at the street frontage extending to a height of thirty feet. Buildings above two stories or thirty feet shall comply with the following setbacks at the street frontage:

(a) Any portion of a structure between thirty-one to forty-five feet: Nine-foot average setback;

(b) Any portion of a structure between forty-six to fifty-six feet: Eighteen-foot average setback;

(c) Any portion of a structure between fifty-seven to eighty-four feet: Twenty-seven-foot average setback.

Notwithstanding the above, City-owned public parking structures shall instead be required to step back above the second floor a minimum of thirteen feet measured from the property line to the guard rail, with architectural treatments and stairs permitted to encroach into this stepback: (a) up to the property from grade to the fourth floor; (b) up to ten feet from the fifth floor to sixth floor; and (c) up to seven feet from the seventh floor and above. (Prior code § 9040.4; amended by Ord. No. 2351CCS § 3, adopted 3/22/11)

9.04.10.02.050 Build-to-line.

Notwithstanding other provisions of this Chapter, for all new buildings or additions to the front or street side of existing buildings in the C2 and C3C Districts, up to fifty percent of the front or street side façade area of the first floor, or first and second floors in buildings with more than one floor, may extend to the front or side street property line so that the building visually reinforces the building façade line of the street. The building may be set back from the front or street side property line to accommodate shop entrances, arcades, plazas, sidewalk cafés, other approved urban design amenities, or landscaping required pursuant to the provisions of Part 9.04.10.04. (Prior code § 9040.5; amended by Ord. No. 1476CCS, adopted 4/25/89)

9.04.10.02.060 Floor setbacks in commercial and industrial buildings.

This Section shall apply to all new commercial and industrial buildings, or additions to such buildings, located on parcels which abut directly or are located across an alley from a residentially zoned parcel not used for commercial parking purposes. In addition to all other setbacks required in the property development standards for the district in which the project is located, the following floors shall be set back from the property line that abuts or is located across the alley from the residentially zoned parcel in order to provide a transition in scale between the commercial and residential development:

(a) For commercial projects adjacent to an R2 District, the third and fourth floors shall be set back a minimum of ten feet from the required rear yard or side yard setback and the fifth and sixth floors shall be set back a minimum of twenty feet from the required rear yard or side yard setback.

(b) For commercial projects adjacent to an R3 District, the fourth floor shall be set back a minimum of ten feet from the required rear yard or side yard setback and the fifth and sixth floors shall be set back a minimum of twenty feet from the required rear yard or side yard setback.

(c) For commercial projects adjacent to an R4 District, the fifth and sixth floors shall be set back a minimum of ten feet from the required rear yard or side yard setback. (Prior code § 9040.6)

9.04.10.02.061 Homeless shelters.

Homeless shelters located in any district shall comply with the following development standards:

(a) **Lighting.** Adequate external lighting shall be provided for security purposes. The lighting shall be stationary, directed away from adjacent properties and public rights-of-way, and of an intensity compatible with the neighborhood.

(b) **Laundry Facilities.** The development 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 eight a.m. and ten p.m.

(f) **Refuse.** Homeless shelters shall provide a refuse storage area that is completely enclosed with masonry walls not less than five feet high with a solid-gated opening and that is large enough to accommodate a standard-sized trash bin adequate for use on the parcel, or other enclosures as approved by the Director of General Services and the Architectural Review Board. The refuse enclosure shall be accessible to refuse collection vehicles.

(g) **Homeless Shelter Provider.** 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 six months.

(2) Staff and services shall be provided to assist residents to obtain permanent shelter and income.

(3) 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.

(h) **Maximum Unit Density.** Homeless shelters 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 three times the maximum number of dwelling units which would otherwise be permitted. (Ord. No. 1687CCS § 10, adopted 6/22/93; amended by Ord. No. 1750CCS § 28, adopted 6/28/94)

9.04.10.02.070 Reflective materials.

No more than twenty-five 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 nonreflective 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 9.04.10.02.220. At least fifty percent of the ground floor façade on the primary street frontage in the C2, C3, N, and C3-C Districts shall provide visibility to the interior of the building. Glazing on the ground floor street frontage façade shall be clear glass. (Prior code § 9040.7; amended by Ord. No. 2291CCS § 3, adopted 7/14/09)

9.04.10.02.080 Fence, wall, hedge, flagpole.

Subject to the hazardous visual obstruction requirements of Section 9.04.10.02.090, any fence, wall, hedge or flagpole shall comply with the following standards:

(a) **Maximum Heights in Front Yard Area.**

(1) Hedges, fences and walls shall not exceed forty-two inches in height.

(2) One pergola or similar feature limited to eight feet in height and width, and three feet in depth shall be permitted. Gates or doors shall be permitted within the frame of pergolas or similar features.

(3) Ornamental attachments atop a fence, wall, or hedge shall be permitted up to twelve inches above the maximum height limit with a maximum width of twelve inches for each attachment and a minimum distance of five feet between each attachment.

(4) 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 fifty percent visually transparent above the fence or wall height limit.

For the purpose of regulating the height of fences, walls, and hedges, the front yard area shall be considered to be the area between the front property line and the nearest building wall or front setback line, whichever is the shorter distance.

(b) **Maximum Heights in Side and Rear Yards.**

(1) A hedge shall not exceed twelve feet in height, except that there shall be no height limit for hedges adjacent to and located within ten feet of an alley, measured perpendicularly from the side or rear property line that is adjacent to the alley.

(2) Fences and walls shall not exceed eight feet in height.

(3) 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 fifty percent visually transparent above fence height limit.

(c) **Measuring Heights.** The height of a fence, wall, or hedge shall be measured from the lowest finished grade directly adjacent to either side of the fence, wall, or hedge. Each terraced fence, wall or hedge, or combination thereof, shall be set back a minimum distance from each other equal to the height of the nearest fence, wall or hedge.

(d) **Height Modifications—Administrative Process.** A property owner may request that the Zoning Administrator administratively grant a modification to the height limit of a proposed side or rear fence, wall, or hedge provided the height modification does not extend more than four feet above the height limit established in subsection (b) of this Section. The Zoning Administrator may grant this modification request if the following findings of fact are made:

(1) The adjacent property owner(s) that share a common property line nearest to the fence, wall or hedge have agreed to the proposed increase in height.

(2) The adjacent property owner(s) have provided verification of ownership in the adjacent property, 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 property with the Los Angeles County Recorder's Office.

The Zoning Administrator modification determination is not appealable and shall be recorded with the Los Angeles County Recorder's Office on each property.

(e) **Height Modification—Discretionary Process.** If an adjacent affected owner does not agree to a proposed fence, wall, or hedge height modification in accordance with subsection (d) of this Section or if a property owner requests a height modification in excess of four feet in the side or rear yards or any modification to the height limits in the front yard area, the owner may request that the Zoning Administrator grant a height modification to allow greater fence, wall, or hedge height in the front, side, or rear yard of the subject property based on 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.

(3) The modification will not impair the integrity and character of the neighborhood in which the fence, wall, or hedge is located.

This modification process shall be conducted in accordance with Santa Monica Municipal Code Section 9.04.20.10.040. However, the variance application findings set forth in Section 9.04.20.10.050 shall not be required. The decision of the Zoning Administrator may be appealed to the Planning Commission within fourteen consecutive calendar days of the date the decision is made in the manner provided in Part 9.04.20.24, Sections 9.04.20.24.010 through 9.04.20.24.050.

(f) **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, adopted thereto, shall be grandparented at 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).

(g) **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 grandparented 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 five years after the grandparented fence, wall or hedge has been removed. Additionally, properly registered hedges may be trimmed to any height and still retain their grandparented right to their August 26, 2005 height.

(h) **Flagpoles.** Freestanding flagpoles may not exceed the height restrictions of the district in which they are located.

(i) **Encroaching Hedges.** The owner of a hedge shall maintain the hedge so that it does not encroach onto the property of an adjoining property owner. If any portion of a hedge, including its roots, encroaches onto the property of an adjoining property owner, the adjoining property owner shall, after giving thirty days notice and opportunity to cure, have the right to remove those portions of the hedge that encroach on his or her property back to the property line so long as he or she acts reasonably and the removal does not cause unnecessary injury. The adjoining property owner shall have the right to file a civil action to recover all costs reasonably incurred in removing the encroaching portions of the hedge.

(j) **Hazardous Visual Obstructions.** To the extent of any conflict between this Section and the hazardous visual obstruction requirements of Santa Monica Municipal Code Section 9.04.10.02.090, the hazardous visual obstruction requirements shall control. (Prior code § 9040.8; amended by Ord. No. 1476CCS, adopted 4/25/89; Ord. No. 1732CCS § 3, adopted 3/8/94; Ord. No. 2036CCS § 1, adopted 2/26/02; and Ord. No. 2276CCS § 3, adopted 10/28/08)

9.04.10.02.090 Hazardous visual obstructions.

(a) Notwithstanding Section 9.04.10.02.080, 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 five feet from the intersection of the 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 twenty-four inches above the adjacent vehicle right-of-way or is authorized pursuant to subsection (b) of this Section. No development shall be allowed if it would otherwise cause an existing obstruction to be in violation of this subsection (a) unless the obstruction is either less than twenty-four inches above the adjacent vehicle right-of-way or the obstruction or development is authorized pursuant to subsections (b) or (c) of this Section.

(b) The Zoning Administrator and Transportation Planning Manager may approve encroachments into the five foot hazardous visual area in addition to those specified in subsection (a) of this Section when the property owner submits a written request and satisfactory evidence that:

(1) Characteristics applicable to the property, 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) of this Section; 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 speed bumps and will not constitute a hazard to persons lawfully using an adjacent sidewalk, alley, street or other right-of-way; and

(3) The strict application of the provisions of this Chapter 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 property; and

(4) The granting of the encroachment will not be contrary to or in conflict with the general purposes and intent of this Chapter, nor to the goals, objectives, and policies of the General Plan.

(c) The Zoning Administrator and Transportation Manager may during the plan check process approve a detached garage located in the 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 speed bumps and will not constitute a hazard to persons lawfully using an adjacent sidewalk, alley, street or other right-of-way. (Prior code § 9040.9; amended by Ord. No. 1496CCS, adopted 9/26/89; and Ord. No. 2036CCS § 2, adopted 2/26/02)

9.04.10.02.100 One-story accessory building (fourteen feet maximum height).

No accessory building in a residential district shall be erected, structurally altered, converted, enlarged, moved, or maintained unless such accessory building is located on the lot in conformance with the following regulations. Accessory buildings shall include greenhouses, storage sheds, workshops, garages, and other structures that are detached from the main building.

(a) The accessory building shall be located on the rear half of the lot and shall not extend into the required side yards.

(b) The accessory building may be located in a required rear yard, but shall be at least five feet from the rear lot line. A garage or garage portion of an accessory building may extend up to one interior side property line on the rear thirty-five feet of a lot. A garage or garage portion of an accessory building may extend to the rear property line abutting an alley, provided vehicle access is not taken from the alley.

(c) The accessory building shall be located not less than fifteen feet from the center line of a rear alley.

(d) On a reversed corner lot, the accessory building shall not be located nearer to the street side lot line of such corner lot than one-half of the front yard depth required on the key lot, nor be located nearer than five feet to the side lot line of any key lot.

(e) Any accessory building on a through lot shall not project into any front yard and shall not be located in any required side yard.

(f) Where the elevation of the ground at a point fifty feet from the front lot line of a lot and midway between the side lot lines differs twelve feet or more for the curb level, a private garage, not exceeding one story nor fourteen feet in height, may be located within the required front yard, provided every portion of the garage building is at least five feet from the front property line and does not occupy more than fifty percent of the width of the front yard.

(g) In all OP-Districts, a garage or garage entrance on a lot with a theoretical grade change of ten feet or more may be set back a distance equal to the average garage setback of adjacent garage(s) but not less than five feet, when the garage width does not exceed twenty feet and the height does not exceed eleven feet for a flat roof and fourteen feet for a pitched roof.

(h) Accessory living quarters shall be permitted only on R1 lots of ten thousand square feet or more pursuant to the provisions of Section 9.04.12.080. No kitchen or full bath containing a shower or tub enclosure shall be permitted.

(i) A shower which is outside and unenclosed may be permitted.

(j) No accessory building, including accessory living quarters, shall have kitchen facilities or be rented or otherwise used as a separate dwelling. (Prior code § 9040.10; amended by Ord. No. 1496CCS, adopted 9/26/89; Ord. No. 1803CCS § 4, adopted 5/23/95)

9.04.10.02.110 Accessory buildings over one story or fourteen feet.

No accessory building more than one story or fourteen feet in height shall be erected, structurally altered, converted, enlarged, or moved in any residential district unless a Conditional Use Permit for the building is approved and the accessory building is located on the parcel in conformance with the following regulations:

(a) The accessory building shall not occupy any part of a required rear yard.

(b) The accessory building shall not extend into a required side yard, which in this case shall include that portion of the rear yard abutting the side property lines.

(c) The portion of any accessory building which contains only a garage not over sixteen feet in height may extend into a required rear or interior side yard as otherwise permitted in this Chapter.

(d) The accessory building shall not exceed two stories or twenty-four feet in height.

(e) Accessory buildings in other zoning districts shall be subject to the same regulations as main buildings.

(f) A shower which is outside and unenclosed may be permitted. (Prior code § 9040.11; amended by Ord. No. 1803CCS § 5, adopted 5/23/95)

9.04.10.02.111 Residential uses in commercial districts.

Single family dwelling units, multi-family dwelling units, congregate housing, transitional housing, single-room occupancy housing, and senior housing, located in non-residential districts, including but not limited to the BCD, C2, C3, C3C, C4, C5, C6, CC, CM, CP, M1, and RVC Districts, shall comply with the following development standards:

(a) **Location.** Residential units may be located on the ground floor provided they are at least fifty feet from the front property line. This requirement may be modified subject to the approval of a variance. This requirement shall not apply to developments in the BCD, C5, CP or M1 Districts or to Affordable Housing Projects.

(b) **Access.** Any residential development on a parcel zoned for a non-residential use shall have both a separate and secured entrance and exit that are directly accessible to on-site parking.

(c) **Refuse Storage and Location.** Residential units on a parcel zoned for non-residential uses shall be provided with refuse and recycling storage containers separate from those used by any non-residential uses on the same parcel. The containers shall be clearly marked for residential use only, and their use by any non-residential use shall be prohibited.

(d) **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. (Ord. No. 1687CCS § 11, adopted 6/22/93; amended by Ord. No. 1750CCS § 29, adopted 6/28/94; Ord. No. 1767CCS § 9, adopted 9/13/94)

9.04.10.02.120 Screening of commercial uses.

Wherever any building or structure is erected or enlarged on any property zoned for commercial or industrial purposes which abuts a residentially zoned parcel not used for commercial parking, there shall be erected and maintained along the property line abutting the residential zone a solid decorative wall in conformance with the provisions of Section 9.04.10.02.080. (Prior code § 9040.12)

9.04.10.02.130 Screening storage areas.

All storage of materials, wares, crates, bottles, or similar items necessary to or part of a business or commercial operation shall be screened from view on at least three sides by a solid opaque impact-resistant wall not less than five feet and not more than eight feet in height and on the fourth side by a solid opaque impact-resistant gate not less than five feet or more than eight feet in height, or of such other material or design approved by the Architectural Review Board. (Prior code § 9040.13)

9.04.10.02.140 Screening mechanical equipment.

Other than solar energy systems as defined in Section 9.04.10.02.220, all mechanical equipment that extends more than twelve inches above the roof parapet shall be screened from view. Equipment shall be screened from a horizontal plane on all sides with an impact resistant wall. (Prior code § 9040.14; amended by Ord. No. 2291CCS § 4, adopted 7/14/09)

9.04.10.02.141 Senior group housing.

Senior group housing located in any district shall comply with the following development standards:

(a) **Maximum Number of Dwelling Units.** The number of dwelling units may exceed that which is permitted in the underlying zoning district if the dwelling units consist of individual rooms that contain full bathrooms and small, efficiency kitchens and if the dwelling units are located in a building that also contains a common kitchen, dining and living space, adequate to serve all residents.

(b) **Lighting.** Adequate external lighting shall be provided for security purposes. The lighting shall be stationary, directed away from adjacent properties and public rights-of-way, and of an intensity compatible with any residential neighborhood.

(c) **Laundry Facilities.** The development shall provide laundry facilities or services adequate for the residents.

(d) **Common Facilities.** The development may provide one or more of the following specific common facilities for the exclusive use of the senior citizen residents:

(1) Central cooking and dining room.

(2) Beauty salon and barber shop.

(3) Small pharmacy.

(4) Recreation room.

(5) Library.

(e) **Security.** Parking and outdoor facilities shall be designed to provide security for residents, guests and employees.

(f) **Minimum age.** Residential occupancy shall be limited to single persons sixty years of age or older, or to couples in which one person is sixty years of age or older.

(g) **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. (Ord. No. 1687CCS § 12, adopted 6/22/93; amended by Ord. No. 1767CCS § 10, adopted 9/13/94)

9.04.10.02.142 Transitional and congregate housing.

Transitional and congregate housing located in any district shall be subject to the following standards:

(a) The transitional housing or congregate housing 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.

(b) **Maximum Unit Density.** In residential districts, congregate housing, when not developed in an individual dwelling unit format, and transitional housing, shall not be subject to the underlying zoning district's maximum unit density standard, but the number of beds shall be limited to three times the maximum number of dwelling units which would otherwise be permitted. (Ord. No. 1687CCS § 13, adopted 6/22/93; amended by Ord. No. 1750CCS § 30, adopted 6/28/94)

9.04.10.02.150 Refuse and recycling storage areas.

(a) Except as otherwise provided in this Section, each parcel in commercial and industrial districts containing a building or structure shall provide and maintain one or more refuse containers and recycling containers on the premises. The 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 Department of General Services. 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 three sides by a solid opaque impact-resistant wall not less than five feet or more than eight feet in height, and on the fourth side by a solid opaque impact-resistant gate not less than five feet or more than eight 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. All refuse and recyclable materials which are stored and collected from the same location out of doors shall be stored not more than ten feet from the property line which is closest to the refuse collection point.

(b) In all zoning districts, any new construction for which an application for a building permit is required to be submitted on or after the effective date of the ordinance codified in this Section shall include adequate, accessible and convenient areas for collecting and loading refuse and recyclable materials consistent with the design standards of Section 9.04.10.02.151.

(c) After the effective date of the ordinance codified in this Section, any improvement of the areas used for collecting and loading solid waste of a publicly owned facility shall include adequate, accessible and convenient areas for collecting and loading refuse and recyclable materials in compliance with the design standards of Section 9.04.10.02.151. Improvements shall consist of those alterations which add value, prolong the useful life of a facility, or adapt it to a new use or uses. Improvements do

not include repairs which merely keep a facility in good operating condition, do not materially add to its value, and do not substantially extend its useful life.

(d) In all zoning districts, any improvement(s) to an existing building, including a building with multiple tenants, for which one or more building permits is required to be submitted after the effective date of the ordinance codified in this Section and which meets the threshold requirements of this subsection shall include adequate, accessible and convenient areas for storing and collecting refuse and recyclable materials in compliance with the design standards of Section 9.04.10.02.151. Improvements to an existing building shall consist of those alterations which add value, prolong its useful life, or adapt it to a new use or uses. Improvements do not include repairs which merely keep a building in good operating condition, do not materially add to its value, and do not substantially extend its useful life. This subsection shall apply where the Department of General Services determines that the sum total of all improvements to the existing building within a twelve-month period either add thirty percent or more to the existing floor area or have an aggregate permit valuation cost of one hundred thousand dollars or more. However, for single-family residences, this subsection shall apply only where improvements within a twelve-month period constitute a substantial remodeling of the existing building as defined in Section 9000.3 of the Comprehensive Land Use and Zoning Ordinance.

Effective July 1, 1994, the permit valuation cost threshold shall be increased annually at the commencement of the City fiscal year by an amount equal to the percentage increase in the "cost of living" index as measured by the Consumer Price Index (1982-1984=100) for Los Angeles-Riverside-Anaheim, California, published by the U.S. Department of Labor, Bureau of Labor Statistics for the preceding base period of April to April.

(e) Refuse and recycling rooms or outdoor enclosures shall be adequate in capacity, number, and distribution to serve the uses on the parcel or parcels. 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. The design and construction of refuse and recycling rooms or outdoor enclosures shall be compatible with surrounding land uses. 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. 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 General Services. In mixed use and non-residential developments, refuse and recycling rooms or outdoor enclosures shall be at the same grade as and adjacent to an existing alley, if any. (Prior code § 9040.15; amended by Ord. No. 1714CCS § 3, adopted 12/14/93)

9.04.10.02.151 Design standards for refuse and recycling rooms and outdoor enclosures.

A refuse and recycling room or outdoor enclosure shall comply with all the requirements of the zoning district in which it is located and shall conform to the following minimum design standards:

(a) **Non-Residential Development.**

(1) Non-residential building or buildings with less than one thousand square feet in aggregate floor area shall include a refuse and recycling room four feet in width, four feet in length, and six feet in height or an equivalent space available in a centralized area or an outdoor enclosure which shall conform to the same dimensions.

(2) Non-residential building or buildings with an aggregate floor area between one thousand and five thousand square feet shall include a refuse and recycling room five feet in width, nine feet in length, and eight feet in height or equivalent space available in a centralized area or an outdoor enclosure which shall conform to the same dimensions.

(3) Non-residential building or buildings with an aggregate floor area above five thousand square feet but equal to or less than ten thousand square feet shall include a refuse and recycling room nine feet, six inches in width, thirteen feet, six inches in length, and eight feet in height in a centralized area or an outdoor enclosure which shall conform to the same dimensions.

(4) Non-residential building or buildings with an aggregate floor area above ten thousand square feet but less than or equal to twenty thousand square feet shall include a two hundred forty-eight square foot refuse and recycling room or outdoor enclosure with eight-foot-high walls.

(5) Non-residential building or buildings with an aggregate floor area above twenty thousand square feet but less than or equal to forty thousand square feet shall include a four hundred fifty square foot refuse and recycling room or outdoor enclosure with eight-foot-high walls.

(b) **Residential Development.**

(1) Single-family residences shall include a designated area to store refuse and recycling materials screened from public view or a designated area in a garage or accessory structure.

(2) Multi-family residential developments containing less than five units shall include a refuse and recycling room four feet in width, six feet in length, and six feet in height, or an outdoor enclosure which shall conform to the same dimensions.

(3) Multi-family residential developments containing five to ten units shall include a refuse and recycling room five feet in width, nine in length, and eight feet in height, or an outdoor enclosure which shall conform to the same dimensions except that it shall not exceed six feet in height.

(4) Residential developments containing eleven units to twenty units shall include a refuse and recycling room one hundred twenty-nine square feet in area with eight-foot-high

walls or an outdoor enclosure of equal area with six-foot-high walls.

(5) Residential developments containing twenty-one units to forty units shall include a refuse and recycling room two hundred forty-eight square feet in area with eight-foot-high walls or an outdoor enclosure of equal area with six-foot-high walls.

(c) **Mixed Use Development.** Except as required in subsection (d) of this Section, mixed use developments in all zoning districts shall comply with the design standards for non-residential developments in subsection (a) of this Section.

(d) **Large Residential, Non-Residential and Mixed Use Development.**

Any development, whether residential, non-residential, or mixed use with more than forty residential units, or with more than forty thousand square feet of floor area shall be reviewed by the Director of General Services, 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.

(e) The Director of General Services shall have the authority to modify the requirements for existing buildings subject to the design standards of this Section when, upon a written application for a modification, the Director 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 do 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 of which is in substantial compliance with the design standards of this Section as determined by the Director of General Services, and provided that each room or outdoor enclosure furnishes convenient access for disposal and collection of both refuse and recyclable materials. In the event that the location of the refuse and recyclable room or outdoor enclosure is not convenient for collection, the Director of General Services 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. (Added by Ord. No. 1714CCS § 4, adopted 12/14/93)

9.04.10.02.160 Drainage.

All properties must drain to the street or alley or directly into a public storm drainage system in a manner approved by the Department of General Services. No surface drainage may be discharged onto abutting properties. (Prior code § 9040.16)

9.04.10.02.170 Unexcavated area in yard areas.

(a)(1) On any parcel having a width of fifty feet or greater in a residential district or in RVC or BCD 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 pursuant to Sections 9.04.10.08.080 and 9.04.10.08.090.

(2) 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.

(b) For parcels in excess of seventy feet in width, in residential districts, or in RVC or BCD 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.

(c) At least fifty percent of the surface areas of the required unexcavated areas shall be landscaped pursuant to the provisions of Part 9.04.10.04.

(d) Subterranean, semisubterranean parking structures, basements and other subterranean facilities may not project into any portion of the required unexcavated areas. (Prior code § 9040.17; amended by Ord. No. 1496CCS, adopted 9/26/89; Ord. No. 1706CCS § 1, adopted 9/28/93)

9.04.10.02.180 Projections permitted into required yards.

Except as provided in Sections 9.04.08.02.075 and 9.04.08.02.076, the following chart sets forth the allowances for various projections permitted into the required yards in residential, industrial, and commercial districts. Projections shall not be permitted closer than four feet to any property line. Projections permitted for solar energy systems shall comply with Section 9.04.10.02.220(d).

Projections as listed below into existing, non-conforming yard areas shall be permitted only if the projection does not extend closer to the property line than would be permitted if the yard area conformed to current standards. The various types of projections and the limitations on such projections into required yards are as follows:

Projections	Front Yard	Street Side Yard	Interior Side Yard	Rear Yard
Eaves, awnings, canopies, sun shades, sills, cornices, belt courses, trellises, arbors, and other similar architectural features	30″	30″	18″	4′
Flues, chimneys, water heater enclosures, and similar vertical architectural projects not more than 5′ wide parallel to the side yard and that do not exceed 20% of the façade width	18″	18″	18″	18″
	For structures with conforming setbacks			
	12″	12″	12″	12″
	For structures with non-conforming set-backs			
Patios, porches, platforms, decks, unexcavated side yard area, and other unenclosed areas not covered by a roof or canopy and that may be raised above the level of the adjacent grade but do not extend more than 3′ above the average natural grade	6′	6′	No Limit	6′
Balconies, and stairways that are open, unenclosed on at least two sides	30″	30″	0′	4′
Greenhouse windows and bay windows that are not greater than 6′ wide parallel to the side yard	18″	18″	18″	18″
	Provided the structure has a conforming setback			
Required fire escapes	Not permitted		12″ or 2″ per 1′ of required side yard whichever is greater	4′
Porte cochere not more than 20′ long and open on three sides except for necessary structural supports and not more than 16 feet in height.	Not permitted in front yard. Permitted in side and rear yard.			
Mail box canopy not more than 10′ long.	30″	30″	30″	4′
Recreational vehicle storage, central air conditioning, swimming pool, spa equipment.	Not permitted in front or side yard areas. Permitted anywhere in rear yard area.			
Second floor decks, patios, or balconies, covered or uncovered, adjacent to primary living spaces in OP-Districts.	30″	30″	30″	4′

(Prior code § 9040.18; amended by Ord. No. 1496CCS, adopted 9/26/89; Ord. No. 2205CCS § 5, adopted 9/26/06; Ord. No. 2291CCS § 5, adopted 7/14/09)

9.04.10.02.190 Building additions extending into required side yard.

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

(a) The addition does not exceed one-story and fourteen feet in height.

(b) The addition continues the façade setback line of the existing structure.

(c) The addition does not extend closer than four feet to the side property line.

(d) The addition does not exceed fifteen feet in length parallel to the side property line.

(e) The addition does not extend into both side yards.

(f) There has been no prior addition under this Section.

(Prior code § 9040.19; amended by Ord. No. 1612CCS § 6, adopted 1/14/92)

9.04.10.02.200 Manufactured dwellings.

In addition to complying with all property development standards for the zoning district in which the manufactured dwelling units are to be located, each manufactured dwelling unit fabricated off-site and installed on a parcel shall incorporate all of the following design features:

(a) A roof constructed of wood shake permitted by the Uniform Building Code, asphalt composition, shingle, tile, crushed rock, or similar roofing material (except metal).

(b) Exterior siding of brick, wood, stucco, plaster, concrete, or other material which is finished in a non-glossy and non-reflective manner.

(c) Each structure shall be placed on a permanent foundation.

(d) A predominant shape and form that is compatible with the surrounding neighborhood.

(e) 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.

(f) Formaldehyde-based or asbestos insulation shall not be permitted. (Prior code § 9040.20)

9.04.10.02.210 Relocated buildings.

Residential structures may be relocated if the following requirements are met:

(a) The relocated structure shall comply with all regulations of this Chapter 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.

(b) Construction or rehabilitation related to the residential structure proposed to be relocated shall commence within thirty days and shall be completed within three hundred sixty-five 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. (Prior code § 9040.21)

9.04.10.02.220 Solar energy design standards.

This Section establishes ministerial development standards for solar energy systems applicable to all solar energy system installations. Notwithstanding Section 9.32.120, 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.

(a) As used in this Section, "solar energy system" means either of the following:

(1) 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.

(2) 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.

(b) 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.

(c) The height of solar energy systems is subject to the following standards:

(1) On single-family properties: Photovoltaic solar energy systems may extend up to five feet above the height limit in the zoning district. Solar water or swimming pool heating systems may extend up to seven feet above the height limit in the zoning district;

(2) On all other properties: Photovoltaic solar energy systems may extend up to five 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 seven 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.

(d) Excluding solar collector panels, solar energy system equipment may be installed within the required side and rear yard but shall not be closer than two feet to any property line.

(e) Except on single-family properties, solar collector panels, their necessary support structure, and conduit, 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.

(1) For energy performance, "significantly decrease" shall be defined as decreasing the expected annual energy production by more than ten percent.

(2) 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 two thousand dollars or the cost of a solar water or swimming pool heating system by more than twenty percent.

(3) 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 Architectural Review Board liaison.

(f) On a property containing a designated landmark or contributing structure to a designated Historic District as defined in Section 9.36.030, solar energy systems that meet the criteria established in this section shall be permitted provided that a Certificate of Appropriateness is approved by the Landmarks Commission liaison.

(g) 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 9.32 prior to issuance of a building permit, except that such installations shall be approved by the Landmarks Commission in accordance with Chapter 9.36 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 zoning district by a maximum of fourteen feet. (Prior code § 9040.22; amended by Ord. No. 2291CCS § 1, adopted 7/14/09)

9.04.10.02.230 Parcel area for residential density calculations and rear yard depth includes one-half alley dimension.

In computing the number of dwelling units permitted on a parcel and the rear yard depth of a parcel, one-half the width of a rear alley which abuts the parcel may be counted as a portion of the parcel area and required rear yard setback. No portion of the rear alley may be counted as required open space. (Prior code § 9040.23)

9.04.10.02.240 Dwelling unit density calculation.

The number of dwelling units permitted on any parcel in a district which permits multi-family dwellings shall be determined by dividing the area of the parcel, including one-half the area of the rear alley, if any, by the minimum number of square feet for each dwelling unit as required in the district in which the parcel is located. (Prior code § 9040.24)

9.04.10.02.250 Parcel coverage calculation.

The area of a parcel considered to be covered by a building or structure shall include the following:

(a) The area of the parcel directly covered by the footprint of all buildings or structures on the parcel.

(b) The area of the 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 those projections otherwise permitted by this Chapter.

(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.

No portion of a rear or side alley may be counted as required open space. (Prior code § 9040.25)

9.04.10.02.260 Through parcel may be two parcels.

Through parcels 200 feet in depth and fronting on parallel streets may be improved as two separate parcels provided:

(a) The rear property line of each parcel is approximately equidistant from the two front property lines and no less than the applicable minimum dimension for such a parcel.

(b) Each parcel has an area of not less than 5,000 square feet and complies with the property development standards of the district in which each lot is located.

(c) A site plan showing the division is approved by the Zoning Administrator. (Prior code § 9040.26)

9.04.10.02.270 Lighting.

All outdoor lighting associated with commercial uses shall be shielded and directed away from surrounding residential uses. Such lighting shall not exceed 0.5 footcandles of illumination beyond the property containing the commercial use and shall not blink, flash, oscillate or be of unusually high intensity of brightness, with the exception of amusement rides located on the Pier, which may have lights that blink, flash and oscillate. (Prior code § 9040.27; amended by Ord. No. 1625CCS § 1, adopted 5/12/92)

9.04.10.02.280 Glare.

Every use shall be so operated that any significant, direct glare incidental to the operation of the use shall not be visible beyond the boundaries of the property. (Prior code § 9040.28)

9.04.10.02.290 Signs.

All signs on the premises shall comply with the provisions of Chapter 9.52 of this Article. (Prior code § 9040.29)

9.04.10.02.300 Humidity, heat, and cold.

All commercial and industrial uses shall be so operated as not to produce humidity, heat, or cold which is readily detectable by persons without instruments on adjacent parcels or rights-of-way. (Prior code § 9040.30)

9.04.10.02.310 Sound.

All commercial and industrial uses shall be so operated that no loudspeakers, bells, gongs, buzzers, or other noise attention or attracting devices exceed 45 decibels at any one time beyond the boundaries of the property. (Prior code § 9040.31)

9.04.10.02.320 Storage.

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 required 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. (Prior code § 9040.32)

9.04.10.02.330 Vibration.

No commercial or industrial use shall cause a steady-state earth-borne oscillation which is continuous and occurring more frequently than 100 times per minute. The ground vibration caused by moving vehicles, trains, aircraft, or temporary construction or demolition is exempted from these limits. (Prior code § 9040.33)

9.04.10.02.340 Permitted outdoor uses.

The following uses, if identified as a permitted use in the district, shall be permitted outside of an enclosed building provided they are entirely on private property, or on public property when otherwise permitted by this Code:

(a) Drive-in and drive-through restaurants;

(b) Patio tables, chairs, umbrellas, and similar outdoor accessories used in connection with a restaurant;

(c) Vending machines, including weighing scales, when accessory to a business conducted within a building;

(d) Border materials, flower pots, trellises and the like, provided they are accessory to a retail plant nursery and do not exceed fifteen percent of the inventory of the nursery business;

(e) Automobile dealership display and storage lots;

(f) Outdoor vending or display when otherwise permitted by this Code;

(g) Outdoor newsstands when otherwise permitted by this Code;

(h) The following additional uses shall be permitted outside of an enclosed building on a public sidewalk:

(1) Seating accessory to a legally established restaurant or other eating and drinking establishment that is located immediately in front of the business and is not used for customer dining or drinking,

(2) Portable landscape and cigarette disposal receptacles accessory to a legally established retail establishment, restaurant, or other eating and drinking establishment that are located immediately in front of the business,

(3) Seating, portable landscape, and cigarette disposal receptacles may only be placed on a public sidewalk pursuant to this subsection (h)(1) or (h)(2) if either a license agreement is obtained in accordance with administrative guidelines adopted by the City which ensure the City receives adequate compensation, public safety is maintained, and the City's aesthetic interest is preserved or a sidewalk use permit is issued in accordance with the following standards:

(A) Seating must be regularly cleaned, maintained in good condition, and not exceed twenty-four inches in depth or thirty-six inches in height,

(B) Landscaping planters must not exceed twenty-four inches in width or diameter, must prevent water drainage onto

the sidewalk, must be elevated at least two inches off the ground, and must be maintained in good condition,

(C) Cigarette refuse receptacles must comply with City design standards, be regularly cleaned, and be maintained in good condition,

(D) A four-foot contiguous sidewalk width must be kept clear for pedestrian passage at all times and pedestrian access to building entrances must not be impeded,

(E) All items placed on the public sidewalk must be removed when the business establishment is closed,

(F) The business establishment must assume all liability associated with the placement of these items on the public sidewalk,

(G) The business establishment must pay the reasonable processing costs for the sidewalk use permit;

(i) In the CM District or the C2 District, a single outdoor display of merchandise entirely within the covered vestibule, arcade or colonnade area of a retail establishment provided that the single display does not exceed sixty inches in height, thirty-six inches in width and thirty-six inches in depth, or forty-two inches in height, forty-eight inches in width and thirty-six inches in depth, and provided that the single display is removed from the vestibule, arcade or colonnade when the business is closed. However, garment racks shall be prohibited;

(j) Fees for license agreements and use permits shall be established by resolution of the City Council. (Prior code § 9040.34; amended by Ord. No. 1690CCS § 9, adopted 7/13/93; Ord. No. 2255CCS § 1, adopted 2/26/08)

9.04.10.02.350 Calculating floor area.

For parcels containing one or more zoning designation, only that portion zoned for commercial or industrial use shall be used as parcel area when calculating floor area ratio. (Prior code § 9040.35)

9.04.10.02.360 Rear yard setbacks.

For purposes of determining the rear yard setback, the rear yard shall be measured from the center line of the rear alley. In the event no rear alley exists, the rear yard shall be measured from the rear parcel line. (Prior code § 9040.36)

9.04.10.02.370 Front yard setback on walkstreets.

The front yard setback on Copeland Court, Arcadia Terrace, and Seaview Terrace shall be 30 feet measured from the center line of the walkway. (Prior code § 9040.37)

9.04.10.02.380 Ventilation in restaurants.

In any new restaurant or any restaurant which is substantially remodeled an air filtration and ventilation system shall be provided. For purposes of this Section, a new restaurant includes a restaurant existing on the date of adoption of this Chapter for which a new business license is acquired by a new operator at some later date. Mechanical equipment to meet this requirement shall be

set back a minimum of four feet from any residential property and shall be insulated to prevent any noise disturbance. (Prior code § 9040.38)

9.04.10.02.390 Pipelines.

(a) No pipeline shall be built, laid, or maintained in any Zoning District without a conditional use permit having been issued in accordance with this Chapter.

(b) No conditional use permit shall be issued for a pipeline in any residential district or on any portion of a street directly abutting any residential district.

(c) For purposes of this Section, "pipeline" includes all real estate, fixtures, and personal property owned, controlled, operated, or managed in connection with or to facilitate the transmission, storage, distribution, or delivery of crude oil or other fluid substance through pipelines.

(d) This Section does not apply to:

(1) Any pipeline in existence on the date of adoption of this Section.

(2) Any pipeline used for the delivery of water or the removal of sewage.

(3) Any pipeline used for the delivery of natural gas to any property in the City.

(4) Any pipeline located exclusively on private property and used in connection with any lawful activity on such property. (Prior code § 9040.39; amended by Ord. No. 1475CCS, adopted 4/25/89)

9.04.10.02.420 Posting of seating requirements in restaurants.

All restaurants which have fifty or more seats shall post a sign stating the maximum number of seats allowed in the establishment by the conditional use permit. The sign shall be a minimum of twelve inches by eighteen inches, and shall be posted by the entrance of the restaurant, or such other location as required by the Zoning Administrator. (Prior code § 9040.42; added by Ord. No. 1645CCS § 2, adopted 9/22/92)

9.04.10.02.430 Development spanning zoning districts.

Where a single project is proposed to be developed in different zoning districts, all relevant development standards for the respective zoning districts shall apply, including, but not limited to height, floor area ratio, use, parcel coverage, landscaping and setbacks, except that any required setbacks between structures located in each zoning district shall not be required; provided, that the land area involved consists or will consist of a single parcel. (Added by Ord. No. 1803CCS § 8, adopted 5/23/95)

9.04.10.02.440 Pedestrian-oriented design.

(a) Each structure required by this Code to be designed with pedestrian orientation shall incorporate the following design elements in a minimum of seventy percent of the building façade at the street frontage 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) A minimum of fifty percent of the façade to a height of eight feet shall be visually transparent into the building or provide a minimum depth of three feet for window merchandise display. A building may have no more than twenty feet of continuous linear street-level frontage that is opaque. No merchandise storage shall be allowed in the storefront windows which blocks the view of the interior of the building;

(3) Signage oriented and scaled to the pedestrian;

(4) 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;

(5) Structures that contain commercial or other pedestrian-oriented uses shall have a minimum of one public entrance at the ground floor address frontage and shall minimize the number and the width of driveways from the street frontage. Public entrances at the street frontage shall be accessible to the public during all hours the business is open. Security conscious businesses such as jewelry stores may employ electronically operated or manually operated security devices on all pedestrian-oriented entrances required by this Code;

(6) Security grates or grilles which recess into pockets or overhead cylinders and are completely concealed when retracted are permitted only when located inside exterior windows;

(7) 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.

(b) 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.

(c) In order to encourage quality, creativity and compatibility, the Architectural Review Board may approve an exception from the requirements of Subsection (a) of this Section, according to the procedures for sign permit applications, if all of the following findings of fact can be made in an affirmative manner:

(1) That the strict application of the provisions of this Chapter would result in practical difficulties or unnecessary hardships inconsistent with the general purpose and intent of this Chapter or that there are exceptional circumstances or conditions applicable to the proposed development that do not apply generally to other developments covered by this Chapter;

(2) That the granting of an exception would not adversely affect surrounding properties or be detrimental to the district's pedestrian-oriented environment. (Added by Ord. No. 1893 § 2, adopted 1/13/98)

9.04.10.02.450 Construction rate program.

(a) For projects involving the new construction or substantial remodel of two or more dwelling units in all multi-family residential districts in the City for which a development application was deemed complete on or after March 7, 2000, only one such construction project shall be allowed within a five hundred foot radius of another construction project subject to this Section. Except as provided in subsection (c) of this Section, this restriction shall apply for fifteen months after issuance of a building permit, after which time another project may begin construction in the defined area. The multi-family residential districts in the City are: R2R, R2, R3, R4, RVC, RMH, OP-Duplex, OP2, OP3, OP4, NW-Overlay, BR Boulevard Residential R3 Overlay, R2B, and R3R.

(b) Building permits shall be provided on a first-come first-served basis in accordance with the terms of this Section. No application for a building permit shall be accepted for filing or otherwise processed by the Building and Safety Division unless the applicant provides documentation on forms provided by the City that the project has received all other City or State approvals or permits necessary to commence the project, with the exception of building and sewer allocation permits.

(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 fifteen months for any other project within a five hundred 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 fifteen 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) The following projects shall be exempt from this Section:

(1) Affordable housing projects in which one hundred percent of the units will be deed-restricted for 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 either: (i) 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 (ii) the current use of the property is not otherwise economically viable. 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 subdivision within ninety days after the owner's exemption application for the project is deemed complete.

(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 Section. (Added by Ord. No. 2053CCS § 1, adopted 10/8/02; amended by Ord. No. 2206CCS § 2, adopted 10/3/06)

9.04.10.02.460 Small sidewalk cafés.

A sidewalk café that is two hundred square feet in area or less shall be a permitted use in all commercial districts and in the Residential Visitor Commercial (RVC) District if it complies with the following standards except in the Special Office Commercial (C5) District where this use is not authorized and in the BSC-1 portion of the BSC District where this use is permitted if it complies with the provisions of the Outdoor Dining Standards for the Third Street Promenade:

(a) The sidewalk café shall comply with the property development standards set forth in this Section and the property development standards for the district in which it is to be located as set forth in the Zoning Ordinance except to the extent inconsistent with this Section.

(b) The sidewalk café shall be conducted as an accessory use to a legally established restaurant or other eating and drinking establishment. The sidewalk café shall be located on a contiguous adjacent parcel.

(c) A sidewalk café on the Transit Mall shall comply with the adopted Outdoor Dining Standards for Santa Monica Boulevard and Broadway. A sidewalk café on Ocean Avenue shall comply with the adopted Outdoor Dining Standards for Ocean Avenue.

(d) If barriers are provided, they shall be in the manner required by the City including any applicable design guideline.

(e) Awnings or umbrellas may be used in conjunction with a sidewalk café, but there shall be no permanent roof or shelter over the sidewalk café area. Awnings shall be adequately secured, retractable, and shall comply with the provisions of the Uniform Building Code adopted by the City and any applicable design guideline.

(f) The furnishings of the interior of the sidewalk café shall consist only of movable tables, chairs and umbrellas. Lighting fixtures may be permanently affixed onto the exterior front of the principal building. Fixtures shall also comply with any applicable design guideline.

(g) 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. Sidewalk cafés shall remain clear of litter at all times.

(h) The hours of operation of the sidewalk café shall not exceed the hours of operation of the associated restaurant or other eating and drinking establishment.

(i) The sidewalk café shall obtain a minor outdoor dining permit.

(j) The sidewalk café shall not be required to provide any additional parking. (Added by Ord. No. 2192CCS § 21, adopted 7/11/06)

Part 9.04.10.04 Landscaping Standards

9.04.10.04.010 Purpose.

These regulations are intended to enhance the aesthetic appearance of development in all areas of the City by providing standards for quality, quantity, and functional aspects of landscaping and landscape screening consistent with Architectural Review Board Guidelines, and the goals, objectives, and policies of the General Plan. (Prior code § 9041.1)

9.04.10.04.020 Applicability.

In all districts except the R1 and R2R residential districts, but including the R1A lots developed for parking uses, no building, structure, parking lot, storage yard, or other site improvements shall be erected, constructed, converted, established, altered, remodeled, enlarged, or otherwise modified, nor shall any lot or premises be used or occupied until such time as the premises are suitably landscaped in accordance with this Subchapter. In the R1A, OP-1A, OP-2A, OP-3A, and OP-4A Districts, lots developed for parking uses, prior to issuance of a building permit, landscaping and irrigation plans shall be submitted to the Architectural Review Board for review and approval in a manner prescribed by the Zoning Administrator. An existing building non-conforming as to site landscape standards may be modified without complying with these standards provided that the building is not substantially remodeled. (Prior code § 9041.2; added by Ord. No. 1496CCS, adopted 9/26/89)

9.04.10.04.030 Reserved.

9.04.10.04.040 Reserved.

9.04.10.04.050 Reserved.

9.04.10.04.060 Required landscape area for building sites.

(a) In all residential districts, including the RVC District, a minimum of fifty percent of the required front and side yard setback shall be landscaped, except that for parcels less than fifty feet in width, fifty percent of one side yard shall be landscaped. In OP-1, OP-2, OP-3, and OP-4 Districts, all areas

not covered by sidewalks, driveways, porches, garages or buildings, shall be treated as landscaped areas, as defined in this Chapter.

(b) In the C2, C4, C6 and BCD Districts, a landscape area equal in square footage to one and one-half times the street frontage of the parcel shall be provided adjacent to each public street right-of-way. The required area may be provided in any configuration except that no portion of the building shall be located between the landscape area and the public right-of-way and only areas within ten feet of the parcel line shall count toward this requirement. For purposes of this Section, landscape areas shall be considered to be in-ground planters and shall not include hardscape. The landscape requirements for the C2, C4, C6 and BCD Districts may be modified subject to the review and approval of the Architectural Review Board if the Board determines that an alternative landscape configuration would meet the objectives of this requirement. The Architectural Review Board may require either more or less landscaping than would otherwise be required by this Chapter if the following findings are made:

(1) That the strict application of the provisions of Section 9.04.10.04.060(b) 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;

(2) That the granting of a landscape setback adjustment would not adversely affect public welfare, and would not be detrimental or injurious to property and improvements in the surrounding area;

(c) For all new construction or major remodeling in the C5 Special Office District, a landscaped area at least fifteen feet wide shall be provided and maintained immediately adjacent to all property lines adjacent to streets or rights-of-way except in required driveway or other access areas. (Prior code § 9041.6; amended by Ord. No. 1553CCS, adopted 10/23/90; Ord. No. 1706CCS § 2, adopted 9/28/93; Ord. No. 2187CCS § 8, adopted 5/25/06)

9.04.10.04.070 Required landscape area and lighting for surface parking lots and other vehicular use areas.

(a) A minimum of ten percent of the total exterior paved area that accommodates vehicular traffic including surface parking lots, accessways, driveways (including those serving drive-in and drive-through restaurants, banks, and grocery stores), loading areas, service areas, and parking stalls shall be devoted to landscaped islands, peninsulas, or medians distributed throughout the paved area. A minimum of one tree for each one thousand two hundred square feet of paved area that accommodates vehicular traffic shall be provided and maintained. However, the Architectural Review Board may modify these requirements for exterior paved areas which predominantly provide parking and circulation for buses and other similar oversized fleet vehicles provided that the following findings can be made:

(1) That the strict application of the provisions of this subsection (a) would result in practical difficulties or unnecessary hardships inconsistent with the general purpose and intent of the Santa Monica Municipal Code and the General Plan 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;

(2) That the modification of these requirements would not adversely affect the public welfare, and would not be detrimental or injurious to property and improvements in the surrounding area.

(b) The landscape area required for parking lots and vehicular use areas shall be in addition to the landscape area required for building sites pursuant to the provisions of Section 9.04.10.04.060.

(c) Lighting shall be provided and maintained in accordance with Section 9.04.10.02.270. (Prior code § 9041.7; amended by Ord. No. 2001CCS § 1, adopted 3/6/01)

9.04.10.04.080 Landscape screening and buffering of commercial, industrial, and parking uses from residential uses.

(a) In all commercial districts, the RVC District, and BCD District, all areas devoted to vehicle parking, storage, service, repair, equipment replacement, washing, polishing, painting, and similar uses that are visible from a public right-of-way shall be screened according to the standards set forth in this Section. The provisions of this Section shall not apply to areas devoted to the display of automobiles for sale, lease, or rental where the sale, lease, or rental is the principal commercial business.

(1) A landscaped strip shall be provided and maintained, except in a required driveway or other access area, that is not less than two feet in depth measured horizontally from the property line adjacent to the public right-of-way.

(2) Permanent, opaque landscaping, berming, fencing, or walls shall be provided and maintained at a height of not less than three feet above the average adjacent grade at a distance of not less than two feet measured horizontally from the property line adjacent to the public right-of-way. In no case shall the screening, fence or wall exceed eight feet in height above the adjacent grade. Plant material may exceed eight feet in height.

(3) Grading should be used as much as possible to screen parking lots by lowering the parking area or by providing landscaped earth mounds or berms.

(4) In lieu of the requirements of subsections (1), (2), and (3) above, the Architectural Review Board may approve other screening plans, designs, and materials of equal area and screening which satisfy the intent of the screening standards.

(5) No screen required to be erected and maintained by these standards shall be constructed within five feet measured horizontally on either side of a driveway entrance or vehicular accessway opening onto a street or alley, which would impair an unobstructed cross view of pedestrians on walk, alley, or elsewhere by motorists entering or leaving. The unobstructed areas shall not exceed five feet on either side of a driveway,

entrance, or vehicular accessway, unless required for safety reasons.

(b) A landscaped buffer shall be provided and maintained on a commercial, industrial, or "A" zoned parcel when the side or rear yard of the parcel abuts a residentially zoned or used parcel. The landscaped buffer to be provided and maintained on the commercial, industrial, or "A" parcel shall contain a solid decorative masonry wall along all parcel lines adjoining residentially zoned or used parcels which shall be not less than five feet and not more than eight feet in height measured from the ground level of the residential parcel. A five-foot-wide landscape area between the wall and the commercial, industrial, or parking use shall be provided consisting of one tree per every five linear feet of frontage planted not less than five feet apart and not less than five feet in height when planted. In lieu of the requirements in this subsection, the Architectural Review Board may approve other buffering plans, designs, and materials of equal area and screening which satisfy the intent of the buffering standards.

(c) The landscape area required for screening and buffering shall be in addition to the landscape area required for building sites pursuant to the provisions of Section 9.04.10.04.060. (Prior code § 9041.8; amended by Ord. No. 1803CCS § 9, adopted 5/23/95)

9.04.10.04.090 Screening of automobile dealerships.

(a) In all commercial districts, all areas visible from the public right-of-way devoted display of automobiles for sale, lease, or rental where the sale, lease, or rental is the principal commercial business shall be screened according to the following standards:

(1) A landscaped strip shall be provided and maintained, except in a required driveway or other access area, that is not less than two feet in depth measured horizontally from the property line adjacent to the public right-of-way. There shall be provided in the landscaped strip a minimum of three shrubs per ten feet of linear frontage or portion thereof and adequate groundcover to provide complete coverage within two years.

(2) Permanent, opaque landscaping, fencing, or walls shall be provided and maintained at a height of not less than two feet above the average adjacent grade at a distance of not less than two feet measured horizontally from the property line adjacent to the public right-of-way. Plant material may exceed twenty-one feet in height.

(3) In lieu of compliance with subsections (1) and (2), the Architectural Review Board may approve other screening plans, designs, and materials of equal area and screening which satisfy meet the intent of the screening standards.

(b) The landscape area required for screening shall be in addition to the landscape area required for building sites pursuant to the provisions of Section 9.04.10.04.060. (Prior code § 9041.9)

9.04.10.04.100 Landscape maintenance and protection.

(a) All landscaped areas shall be maintained in accordance with the requirements set forth in Chapter 8.108 of this Code.

(b) All landscaped areas shall be permanently maintained and kept free of weeds, debris, and litter. 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 thirty 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 Species published by the California Department of Water Resources, or equivalent documentation. (Prior code § 9041.10; amended by Ord. No. 2261CCS § 2, adopted 4/22/08)

9.04.10.04.110 Water conservation landscaping.

All landscaped areas shall be maintained in accordance with the requirements set forth in Chapter 8.108 of this Code. (Prior code § 9041.11; Amended by Ord. No. 2261CCS § 3, adopted 4/22/08)

Part 9.04.10.06 Antennas*

* Editor's Note: Part 9.04.10.06, "Parabolic Antenna Regulations," as added by Prior Code Sections 9043.1 through 9043.6, has been amended in its entirety by Ordinance No. 1757 CCS, adopted July 26, 1994.

9.04.10.06.010 Nonparabolic antenna definitions.

Antenna Array. A group of antenna elements on the same geometric plane.

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 the Zoning-ordinance, cable television operations or television broadcast stations, but excluding FCC licensed amateur radio stations and standard television receive only nonparabolic antennas.

Antenna Element. Individual components of an individual antenna.

Antenna Height. The distance from the grade of the property at the base of the antenna or, in the case of a roofmounted 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.

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.

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 Federal Communications Commission (FCC) and microwaves related to cellular telephone communications.

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.

Antenna Structure, Freestanding. An antenna structure that is not attached to a building, fence or other such structure.

Antenna, TVRO Nonparabolic. A television receive only nonparabolic antenna. A standard roofmounted antenna array and its associated support structure, that is used solely to receive broadcast television signals.

Antenna, Vertical Whip. A pole or single element vertical antenna no more than three inches in diameter, and its associated support structure. (Added by Ord. No. 1757CCS § 2 (part), adopted 7/26/94)

9.04.10.06.020 Nonparabolic antennas—Applicability.

(a) A nonparabolic antenna that is in existence as of the effective date of the ordinance codified in this Part, as amended, may continue in existence at the current height and location and need not comply with the design standards stated herein unless the following occurs:

(1) If, in the case of a roofmounted antenna, 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) If, in the case of a noncommercial freestanding antenna structure, 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 9.04.10.06.040.

(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. (Added by Ord. No. 1757CCS § 2 (part), adopted 7/26/94)

9.04.10.06.030 Nonparabolic noncommercial antennas—Purpose.

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.

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.

The City Council recognizes that because of the important public service provided by amateur radio operators, the Federal Communications Commission (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.

The City Council finds that the regulations and design standards set forth in this Part reasonably accommodate FCC licensed amateur radio communications and constitute the minimum practicable regulation necessary to protect the public health, safety and aesthetic interests. (Added by Ord. No. 1757CCS § 2 (part), adopted 7/26/94)

9.04.10.06.040 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 roofmounted TVRO nonparabolic antenna per residential unit and up to four roofmounted nonparabolic antennas related to a FCC licensed amateur radio station shall be permitted for each parcel. One of the roofmounted TVRO nonparabolic antennas per parcel may extend up to twenty-five feet above the roofline, but all other additional TVRO nonparabolic antennas shall extend no more than fifteen feet above the roofline. One roofmounted vertical whip antenna related to a FCC licensed amateur radio station may extend up to twenty-five feet above the roofline; however, all other roofmounted antennas related to a FCC licensed amateur radio station shall extend no more than fifteen feet above the roofline.

(2) One freestanding antenna structure related to a FCC licensed amateur radio station measuring up to sixty-six feet in height or fifteen feet above the height limit of the distric. 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 fifty feet in height shall be retractable to thirty-five feet. A single vertical element may extend fifteen 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 yard setback.

(4) The support structure shall be located a minimum of ten 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) Roofmounted 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 eight 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 Zoning Administrator, 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 thirty-five feet. In cases where topographical conditions surrounding the antenna structure or the presence of nearby tall structures physically impede retracting an antenna to thirty-five feet, the Zoning Administrator, or the Planning Commission on appeal, may allow an antenna structure to be retracted to a height greater than thirty-five feet. (Added by Ord. No. 1757CCS § 2 (part), adopted 7/26/94)

9.04.10.06.100 Nonparabolic commercial antennas—Purpose.

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.

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.

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. (Added by Ord. No. 1757CCS § 2 (part), adopted 7/26/94)

9.04.10.06.110 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 Main Street Commercial (CM), Neighborhood Commercial (C2), Residential-Visitor Commercial (RVC) and Neighborhood Commercial Overlay (N) Districts.

(3) One roofmounted TVRO nonparabolic antenna structure and one freestanding antenna structure for each seven thousand five hundred 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 fifteen 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 yard.

(6) One roofmounted TVRO nonparabolic antenna and one vertical whip antenna of up to twenty-five feet above the roofline shall be permitted per parcel. Additional TVRO nonparabolic antennas or other nonparabolic antennas shall not extend beyond fifteen 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 eight 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 Zoning Administrator, or the Planning Commission on appeal may approve a 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. (Added by Ord. No. 1757CCS § 2 (part), adopted 7/26/94; amended by Ord. No. 1834CCS § 5, adopted 12/12/95)

9.04.10.06.120 Parabolic antennas—Purpose.

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.

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.

The City Council recognizes, however, that the Federal Communications Commission (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.

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.

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. (Added by Ord. No. 1757CCS § 2 (part), adopted 7/26/94)

9.04.10.06.130 Parabolic antennas—Applicability.

This Part shall apply to any parabolic antenna installed or modified on or after the effective date of the ordinance codified in this Part, as amended, and to any parabolic antenna previously installed without undergoing review and approval by the Planning and Zoning Division 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 six months after the effective date of said ordinance. (Added by Ord. No. 1757CCS § 2 (part), adopted 7/26/94)

9.04.10.06.140 Parabolic antenna definitions.

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 the Zoning Ordinance, cable television operations or television broadcast stations, but excluding TVRO parabolic antennas.

Antenna, Groundmounted 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.

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 groundmounted parabolic antenna, and to the roof below for a rooftop parabolic antenna.

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.

Antenna, Noncommercial. A television receive only parabolic antenna in any district.

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.

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.

Antenna, Satellite Uplink. A commercial parabolic antenna which receives and transmits electromagnetic waves by line of sight with geosynchronous orbiting satellites.

Antenna, TVRO Parabolic. Television receive only parabolic antenna.

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. (Added by Ord. No. 1757CCS § 2 (part), adopted 7/26/94)

9.04.10.06.150 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 seven thousand five hundred square feet shall be permitted an additional antenna for each additional seven thousand five hundred square feet of parcel area.

(2) The diameter of a TVRO antenna shall not exceed twelve feet.

(3) The antenna shall not be located in the front half of the parcel.

(4) The antenna height shall not exceed fifteen feet for groundmounted antennas, nor, in the case of rooftop antennas, extend beyond fifteen feet above the roofline.

(5) Groundmounted 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 subsection (a) paragraph (4) of this Section.

(6) If located in the R1, OP1, OP Duplex, R2R, or R2B Districts the antenna shall be groundmounted; rooftop antennas may be permitted in other residential districts; however, antennas shall not be closer than ten 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 9.04.10.06.140(i); 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 twenty-four inches in diameter and extending no more than five feet above the roofline may be permitted per parcel, or in the case of multi-family residential 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-family residential developments, one such antenna per residential dwelling unit, may be located in any rear yard provided the height above grade does not exceed six feet. Antennas permitted per this subsection must comply with the regulations and design standards of subsection (a) paragraphs (3), (7), (8), (9), (10) and (11) of this Section; however, public safety warning signs must be placed no higher than four feet above the base of the antenna. (Added by Ord. No. 1757CCS § 2 (part), adopted 7/26/94)

9.04.10.06.151 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 Zoning Administrator, or the Planning Commission on appeal, shall have the authority as set forth in subsection (b) of this Section to grant a Use Permit to modify the regulations and design standards of Section 9.04.10.06.150. 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.

(b) An application for a 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 9.04.10-.06.150:

(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. (Added by Ord. No. 1757CCS § 2 (part), adopted 7/26/94)

9.04.10.06.160 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 two microwave antennas shall be permitted per parcel, except that parcels in excess of seven thousand five hundred square feet shall be permitted an additional antenna of each type for each additional seven thousand five hundred square feet of parcel area.

(2) The diameter of a TVRO parabolic antenna shall not exceed twelve feet and the diameter of a microwave relay parabolic antenna shall not exceed four and one-half feet.

(3) Groundmounted 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 fifteen feet for groundmounted antennas, nor, in the case of rooftop antennas, extend beyond fifteen feet above the roofline.

(5) The antenna shall be screened in a manner consistent with Section 9.04.10.06.140(i); 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 twenty-four inches in diameter and extending no more than five 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 yard, provided the height above grade does not exceed six 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 four feet above the base of the antenna. (Added by Ord. No. 1757CCS § 2 (part), adopted 7/26/94)

9.04.10.06.161 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 Zoning Administrator, or the Planning Commission on appeal, shall have the authority as set forth in subsection (b) of this Section to grant a Use Permit to modify the regulations and design standards of Section 9.04.10.06-.160. 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.

(b) An application for a 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 9.04.10.06.160:

(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.(Added by Ord. No. 1757CCS § 2 (part), adopted 7/26/94)

9.04.10.06.170 Satellite uplink antennas.

The installation of any satellite uplink antenna shall be subject to review and approval of a Use Permit as set forth in Section 9.04.10.06.161. (Added by Ord. No. 1757CCS § 2 (part), adopted 7/26/94)

Part 9.04.10.08 Off-Street Parking Requirements

9.04.10.08.010 Purpose.

Off-street parking requirements are intended to achieve the following:

(a) To provide parking in proportion to the needs generated by varying types of land use.

(b) To reduce traffic congestion and hazards.

(c) To protect neighborhoods from the effects of vehicular noise and traffic generated by uses in adjacent non-residential districts.

(d) To assure the maneuverability of emergency vehicles.

(e) To provide accessible, attractive, and well-maintained off-street parking facilities. (Prior code § 9044.1;

amended by Ord. No. 1705CCS § 1, adopted 9/21/93)

9.04.10.08.020 Applicability.

Every change of use and every building or structure erected or substantially remodeled after adoption of this Chapter shall provide off-street parking pursuant to the provisions of this Part. (Prior code § 9044.2; amended by Ord. No. 1705CCS § 1, approved 9/21/93)

9.04.10.08.030 General provisions.

No use permitted by this Chapter occupying all or part of a parcel or building site shall be permitted unless off-street parking spaces are provided in an amount and under the conditions designated by the provisions of this Part.

(a) In this Part, the word "use" shall refer to the type of use, the extent of the use, and a change in use either in type or extent.

(b) Any existing lawful use may continue so long as the number of off-street parking spaces provided for the use is not reduced below the requirements of this Part or below the number of off-street parking spaces required at the time the use was legally established, whichever is less.

(c) No building or structure shall be constructed or moved onto a site unless off-street parking spaces in an amount and under the conditions set forth in this Part are provided for the use proposed for the building or structure.

(d) Additional parking spaces in the number specified in Section 9.04.10.08.040 shall be provided for any new floor area added to an existing structure which results in a greater parking requirement.

(e) Every change of use in an existing building or structure shall conform to the following requirements:

(1) For any new use of an existing non-residential building or structure such that the new use will require a greater number of parking spaces as compared to the previous use, parking spaces in the number specified in Section 9.04.10.08.040 shall be provided for the new use. If there has been no legal use of the existing commercial or industrial building or structure for over twelve months, no additional parking shall be required for any permitted new use which requires a parking standard no more intense than one space per three hundred square feet in commercial districts, or one space per four hundred square feet in industrial districts;

(2) For any new commercial, cultural, health, industrial, or commercial entertainment and recreation use of an existing residential building or structure, parking spaces in the number specified in Section 9.04.10.08.040 shall be provided for the entire parcel;

(3) 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 9.04.10.08.040 shall be provided for the new use. If there has been no legal use of the existing residential building or structure for over six months, no additional parking shall be required for any permitted new residential or educational use provided that the number of required parking spaces does not exceed the number of spaces required for the last legal use.

(f) Requirements for uses not specifically listed in this Part shall be determined by the Zoning Administrator and the City Parking and Traffic Engineer based upon the requirements for comparable uses and upon the particular characteristics of the use.

(g) Required guest parking in residential districts shall be designated as such and restricted to the use of guests.

(h) Walls, hedges, fences, and landscaping within parking areas shall comply with the provisions of Part 9.04.10.04.

(i) Fractional space requirements totaling one-half or above shall be rounded up to the next whole space.

(j) 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 one hundred 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 seven-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 seven feet.

(k) Unless otherwise specified, the floor areas used to calculate the number of off-street parking spaces required for non-residential uses pursuant to the provisions of Section 9.04.10.08.040 shall include:

(1) All floor area located 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;

(2) All outdoor patio, deck, balcony, terrace, or other outdoor area 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;

(3) Floor area devoted to parking shall not be included when determining required parking.

(l) A parking demand analysis may be required if it is deemed necessary by the Parking and Traffic Engineer and Zoning Administrator. The analysis shall be paid for by the developer. In the event the analysis shows parking requirements greater than required by this Part, the Parking and Traffic Engineer and Zoning Administrator shall require such additional parking as is required by the analysis.

(m) The provisions of Section 9.04.10.08.230 of this Chapter shall apply if the subject property is located within the City's Parking Assessment District.

(n) If a project contains more than one use, the parking requirement for each use shall be calculated separately based on the standards contained in Section 9.04.10.08.040 of this Chapter, unless otherwise permitted by this Chapter. (Prior code § 9044.3; amended by Ord. No. 1705CCS § 11, adopted 9/21/93; Ord. No. 2442CCS § 1, adopted 10/22/13)

9.04.10.08.040 Number of parking spaces required.
Parking space requirements are indicated in Table 9.04.10.08.040.

Table 9.04.10.08.040

RESIDENTIAL

(FA = floor area)

Use	Minimum Off-Street Parking Requirement	Maximum Percent Compact Spaces Allowed
Artist studio	1 space for each 750 sq. ft. of residential area, minimum of 1 space.	None
	1 space for each 400 sq. ft. of manufacturing space.	40
	1 space for each 300 sq. ft. of retail gallery space.	40
Visitor spaces	1 space per 5 residential units (applies to projects of 5 or more residential units).	40
Boarding homes	0.5 space per unit plus one guest space per 5 units.	40
Boarding homes deed restricted to low and moderate income	0.25 space per unit plus one guest space per 5 units.	40
Condominiums:		
Studio, no bedrooms	1 covered space.	None
1 or more bedrooms	2 covered spaces per unit.	None
Visitor spaces	1 space per 5 units (applies to projects of 5 or more units).	40
Congregate housing	1 space per 5 beds.	40
Detached single family units	2 spaces in a garage per dwelling unit.	None
Detached single family units on lots of 30 feet or less in width	2 spaces in a garage which may be in a tandem arrangement.	None
Detached single family units on Pacific Coast Highway north of Santa Monica Pier (LCP Subarea 1a)	2 spaces in a garage per dwelling unit.	None
Visitor spaces	2 per dwelling unit (may be tandem).	None

Table 9.04.10.08.040 (Continued)

Use	Minimum Off-Street Parking Requirement	Maximum Percent Compact Spaces Allowed
Domestic violence shelters	0.5 space per bedroom.	40
Fraternity-type housing with sleeping facilities	1 space per bed.	40
Homeless shelters	1 space per 10 beds.	40
Multi-family residential:		
Studio, no bedrooms	1 covered space.	None
1 bedroom	1.5 space per unit.	None
2 or more bedrooms	2 spaces per unit.	None
Visitor spaces	1 space per 5 units (applies to projects of 5 or more units).	40
	Any surface parking shall be provided in the rear half of the residential lot.	
Multi-family housing deed-restricted for occupancy by low and moderate income households:		
Studio, no bedrooms	1 space per unit.	40
1 bedroom	1 space per unit.	40
2 bedroom or larger	1.5 spaces per unit.	40
Visitor	1 space per 5 units (applies to projects of 5 or more units).	40
Senior group housing and senior housing	0.5 space per unit plus 1 guest space per 5 units.	40
Senior group housing and senior housing that is deed restricted or restricted by an agreement approved by the City for low and moderate income	0.25 space per unit plus 1 guest space per 5 units.	40
Single-room occupancy	0.5 space per unit plus 1 guest space per 5 units.	40
Single-room occupancy deed restricted to low and moderate income	0.25 space per unit plus 1 guest space per 5 units.	40

Table 9.04.10.08.040 (Continued)

Use	Minimum Off-Street Parking Requirement	Maximum Percent Compact Spaces Allowed
Transitional housing	0.5 space per bedroom plus 1 guest space per 5 units.	40

COMMERCIAL

(FA = floor area)

Use	Minimum Off-Street Parking Requirement	Maximum Percent Compact Spaces Allowed
Automobile rental agency	1 space per 500 sq. ft. of FA plus 1 space per 1,000 sq. ft. of outdoor rental storage area.*	40
Automobile repair	1 space per 500 sq. ft. of non-service bay FA plus 2 spaces per service bay.*	40
* No required off-street parking space shall be used for sale, rental or repair of autos.		
Automobile service station with or without mini-mart	3 spaces if for full service station, 1 space if for self service station, plus 1 space for each 100 sq. ft. of retail, and requirements for automobile repair where applicable	40
Automobile sales	1 space per 400 sq. ft. of floor area for showroom and office, plus 1 space per 2,000 sq. ft. of exterior display area and requirements for automobile repair where applicable, plus 1 space per 300 sq. ft. for the parts department.	
Auto washing (self-service or coin operated)	2 spaces for each washing stall, not including the stall.	None
General office	1 space per 300 sq. ft. of FA.	40
Hotels, motels	1 space per guest room plus 1 space for each 200 sq. ft. used for meetings and banquets. Other uses such as bars and restaurants which are open to the general public shall provide parking as required by this Section.	40
Lumber yards, plant nurseries	1 space per 300 sq. ft. of FA for interior retail plus 1 space per 1,000 sq. ft. of outdoor area devoted to display and storage.	40
Market of less than 5,000 square feet, liquor store	1 space per 225 sq. ft.	40
Markets 2,500 square feet or less in the BSCD, C3 and C3C Districts	1 space per 300 sq. ft.	40

Table 9.04.10.08.040 (Continued)

Use	Minimum Off-Street Parking Requirement	Maximum Percent Compact Spaces Allowed
Markets with floor area greater than 5,000 square feet	1 space per 250 sq. ft.	40
Restaurant:		
Restaurants 2,500 square feet or less with no separate bar area located in the BSCD, C3 and C3C Districts	1 space pe 300 sq. ft.	40
Restaurant	1 space per 300 sq. ft. of support area, 1 space per 75 sq. ft. of service and seating area open to customers, and 1 space per 50 sq. ft. of separate bar area.	40
Fast food, take-out , drive-in , drive-through restaurants	1 space per 75 sq. ft. of FA. Minimum of 5 spaces must be provided.	40
Bars and nightclubs (dance halls, discos, etc.)	1 space per 50 sq. ft of FA. Portions of restaurants that include bars shall be calculated using this standard.	40
Retail:		
Retail, general and service	1 space per 300 sq. ft. of FA.	40
Retail, furniture and large appliance	1 space per 500 sq. ft. of FA.	40

EDUCATIONAL/CULTURAL

(FA = floor area)

Use	Minimum Off-Street Parking Requirement	Maximum Percent Compact Spaces Allowed
Auditoriums	1 space per 4 fixed seats.	40
Day care:		
Small family day care home	No requirement above that required for the existing residence.	Not applicable
Large family day care home	No requirement above that required for the existing residence.	Not applicable

Table 9.04.10.08.040 (Continued)

Use	Minimum Off-Street Parking Requirement	Maximum Percent Compact Spaces Allowed
Preschool nursery schools, day care centers excluding large/small family day care	1 space per 500 sq. ft. of building area.	40
Libraries	1 space per 250 sq. ft. of FA.	40
Museums and galleries	1 space per 300 sq. ft. of FA.	40
Private elementary schools	10 spaces plus 1 per classroom.	40
Private junior high schools	30 spaces plus 1 space per classroom.	40
Private high schools	50 spaces plus 4 spaces per classroom.	40
Private colleges, professional business or trade schools	1 space per 80 sq. ft. of assembly area (including classroom area) or 1 space per each 4 fixed seats, whichever is greater.	40
Stadiums	1 space per 5 seats.	40

HEALTH SERVICES

(FA = floor area)

Use	Minimum Off-Street Parking Requirement	Maximum Percent Compact Spaces Allowed
Convalescent homes, residential care facilities community care facilities, rest home, residential facilities for seven or more persons	1 space per 5 beds.	40
Hospice facilities	2 spaces.	
Hospitals and medical centers	1 space per 2 beds plus 1 space per 250 sq. ft. of FA for outpatient use.	40
Massage	1 space per 300 sq. ft. of FA.	40
Medical and dental offices and clinics including physical therapists, acupuncturist s and chiropractors , 1,000 sq. ft. or greater total FA per building	1 space per 250 sq. ft. of FA.	40

Table 9.04.10.08.040 (Continued)

Use	Minimum Off-Street Parking Requirement	Maximum Percent Compact Spaces Allowed
Medical and dental offices and clinics including physical therapists, acupuncturists and chiropractors, less than 1,000 sq. ft. total FA per building	1 space per 300 sq. ft. of FA.	40
Mental health professionals	1 space per 300 sq. ft.	40
Residential care facilities with a capacity of six or fewer residents	No requirement beyond that required for the residence.	Not applicable
Veterinarians, animal and veterinary hospitals	1 space per 250 sq. ft. of FA.	40

INDUSTRIAL USES

(FA = floor area)

Use	Minimum Off-Street Parking Requirement	Maximum Percent Compact Spaces Allowed
Film production studio	1 space per 400 sq. ft. of studio production space, 1 space per 300 sq. ft. of editing FA, 1 space per 300 sq. ft. of administrative office.	40
Light and limited industrial manufacturing	1 space per 400 sq. ft. of FA for manufacturing plus 1 space per 300 sq. ft. of FA for office use.	40
Mini-warehousing/storage	1 space per 4,000 sq. ft. of FA for manufacturing plus 1 space per 300 sq. ft. of FA for office use.	40
Warehouse	1 space per 1,000 sq. ft.	40

COMMERCIAL ENTERTAINMENT AND RECREATION

(FA = floor area)

Use	Minimum Off-Street Parking Requirement	Maximum Percent Compact Spaces Allowed
Bowling alleys	2 spaces per lane, plus 50% of requirements for related commercial uses.	40

Table 9.04.10.08.040 (Continued)

Use	Minimum Off-Street Parking Requirement	Maximum Percent Compact Spaces Allowed
Billiard or pool parlors, roller or ice skating rinks, exhibition halls and assembly halls without fixed seats, including assembly areas within community centers, private clubs, lodge halls and union headquarters	1 space per 80 sq. ft. of FA of assembly area.	40
Health clubs, indoor athletic facilities and exercise/dance studios	1 space per 80 sq. ft. of exercise area, 1 space per each 300 sq. ft. of locker room/sauna/ shower area, plus applicable code requirement for other uses.	40
Theaters, cinemas (single and multi-screen) and other places of assembly	1 space per 4 fixed seats or 1 space per 80 sq. ft. of FA of assembly area, whichever is greater.	40
Tennis, handball, racquetball and other athletic court facilities	2 spaces per court plus 1 space per 80 sq. ft. of spectator area or 1 space per 4 fixed seats, whichever is greater.	40
	MISCELLANEOUS	
	(FA = floor area)	
Use	**Minimum Off-Street Parking Requirement**	**Maximum Percent Compact Spaces Allowed**
Places of worship and other places of assembly including mortuaries, banquet facilities and convention facilities	1 space per 80 sq. ft. of FA of assembly area, or 1 space for each 4 fixed seats, whichever is greater, plus requirements for other uses as applicable.	40

(Prior code § 9044.4; amended by Ord. No. 1645CCS § 8, adopted 9/22/92; Ord. No. 1705CCS § 1 (part), adopted 9/21/93; Ord. No. 1803CCS § 10, adopted 5/23/95; Ord. No. 2187CCS § 9, adopted 5/25/06)

9.04.10.08.050 Number of bicycle, vanpool and carpool parking spaces required.

(a) All new non-residential buildings or structures shall provide off-street bicycle parking as follows:

(1) A minimum of four bicycle parking spaces on-site;

(2) New buildings or structures over fifteen thousand square feet shall provide bicycle parking at a rate of five percent of the automobile parking required pursuant to Section 9.04.10.08.040 and shall provide a minimum of one electrical outlet which shall be accessible to the parking area for the purpose of recharging electric vehicles;

(3) In new buildings or structures over fifty thousand square feet, fifty percent of the required bicycle parking shall be provided for long-term bicycle commuters. Long-term bicycle parking shall consist of either a "locker" with a fully enclosed lockable space accessible only to the owner/operator of the bicycle; attendant parking with a check-in system in which bicycles are accessible only to the attendant(s); or a locked room or office inside the building designated for the sole purpose of securing bicycles;

(4) All required outdoor bicycle parking shall be located so as to be not further than one-half of the distance from the furthest off-street auto parking space from a main entrance of the building being developed. Bicycle parking spaces shall be separated from automobile parking spaces by either a wall, a fence, a curb, or by at least five feet of open space where parking is prohibited. The bicycle parking shall also have a minimum of six feet overhead clearance. Signage indicating the availability and location of bicycle parking shall be installed at the main entrance to the subject building in a location visible and legible to users of the subject building.

(b) All new office and industrial buildings or structures over fifty thousand square feet shall provide permanently designated vanpool and carpool parking spaces at a rate of ten percent of the automobile spaces required pursuant to Section 9.04.10.08.040, and all other non-residential buildings or structures over fifty thousand square feet shall provide off-street vanpool and carpool parking spaces at a rate of five percent of the automobile spaces required pursuant to Section 9.04.10.08.040. All required vanpool parking spaces shall have a minimum overhead clearance of seven feet two inches. (Prior code § 9044.5; amended by Ord. No. 1705CCS § 1 (part), adopted 9/21/93)

9.04.10.08.060 Design standards.

All new parking shall be designed to the following standards, unless otherwise required by the Parking and Traffic Engineer:

(a) **Dimensional Requirements.** Minimum parking dimensions shall comply with the standards approved by the City Parking and Traffic Engineer. An unobstructed inside dimension of eighteen feet in length by twenty feet in width shall be provided for a private two-car garage or carport, except a private two-car garage lawfully in existence on May 5, 1999 may be maintained if the garage serves a single-family residence and has an unobstructed inside dimension of at least eighteen feet in width by eighteen feet in length.

(b) Parking areas provided to meet the requirements of this Part shall be arranged so as to be safe and convenient. Each space shall be accessible to an automobile of standard or compact size. No tandem parking shall be permitted in any residential district in connection with any parking required for any residential use.

(c) 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 three and one-half feet and provided that the storage area is at least four and one-half feet above the floor.

(d) The design, location, or position of any parking layout, entry, driveway, approach, or accessway from any street or alley shall be approved by the Parking and Traffic Engineer. (Prior code § 9044.6; amended by Ord. No. 1705CCS § 1 (part), adopted 9/21/93; Ord. No. 1957CCS § 1, adopted 10/12/99)

9.04.10.08.070 Parking access in all districts.

(a) Use of a required parking space shall not require more than two vehicle maneuvers. Notwithstanding the above, for all uses with twenty or more parking spaces, up to five percent of the total number of parking spaces, with a maximum of ten spaces, may require four turning maneuvers. Such spaces shall be distributed around the parking area(s) on the parcel.

(b) Exits from any subterranean or semisubterranean parking structure shall provide sight distance which complies with standards established by the Transportation Planning Manager.

(c) The width of any garage door shall be at least eight feet for a single space and at least sixteen feet for two spaces. Unless otherwise expressly prohibited in this Chapter, additional width shall be required if the Transportation Planning Manager determines that it is necessary and appropriate to adequately address circulation, traffic and safety concerns. (Prior code § 9044.7; amended by Ord. No. 2298CCS § 3, adopted 10/27/09)

9.04.10.08.080 Parking access in multi-family residential districts.

The following parking access requirements apply in multi-family residential districts:

(a) No curb cuts for purposes of providing street access to on-site parking spaces shall be permitted except where a project site meets at least one of the following conditions:

(1) The site has no adjacent side or rear alley having a minimum right-of-way of fifteen feet.

(2) The topography or configuration of this site or placement of buildings on the site precludes reasonable alley access to a sufficient number of parking spaces to the extent that use of the property is restricted beyond otherwise applicable Property Development Standards, as determined by the Zoning Administrator and City Parking and Traffic Engineer or the Planning Commission or City Council, depending upon which body is charged with making the determination;

(3) The average slope of the parcel is at least five percent;

(4) The Zoning Administrator and the City Parking and Traffic Engineer determine that a curb cut is appropriate due to traffic, circulation or safety concerns.

(b) If curb cuts are required, curb cut widths shall be kept to the minimum width required.

(c) On lots with adequate alley access, projects with new buildings or substantial remodels shall be required to replace any existing curb cuts or driveway aprons with a new full height curb. (Prior code § 9044.8; amended by Ord. No. 1705CCS § 1 (part), adopted 9/21/93)

9.04.10.08.090 Parking access in non-residential districts.

The following parking access requirements shall apply to the Commercial and Industrial Districts:

(a) Projects in the BSC, C3 for that area located between the centerlines of Colorado Avenue to the south and Wilshire Boulevard to the north, and C3-C zoning districts shall access on-site parking from the alley and non-residential or mixed use projects located in other commercial zoning districts requiring ten or fewer parking spaces shall not be permitted to have any new curb cuts for purposes of providing on-site parking spaces, except where a project meets at least one of the following conditions:

(1) The site has no adjacent side or rear alley having a minimum of twenty-foot wide right-of-way;

(2) The topography or configuration of the site, or placement of existing buildings to remain on the site, precludes reasonable alley access to a sufficient number of parking spaces to the extent that use of the property is restricted beyond otherwise applicable development standards, as determined by the Zoning Administrator and Transportation Planning Manager, or Planning Commission or City Council, depending upon which body is charged with making the determination;

(3) The average slope of the parcel is at least five percent;

(4) A residential district is located directly across any alley that would be used for access;

(5) The project includes one or more of the following uses: automobile service station, automobile or vehicle repair, hotel or motel, drive-in or drive-through business, high volume use as determined by the Zoning Administrator;

(6) The Zoning Administrator and the Transportation Planning Manager determine that a curb cut is appropriate due to traffic, safety or circulation concerns.

(b) If curb cuts are necessary, curb cut widths shall be kept to the minimum width required.

(c) On lots with adequate alley access, projects with new buildings or substantial remodels shall be required to replace any existing curb cuts and driveway aprons as required by the Environmental and Public Works Management Department. (Prior code § 9044.9; amended by Ord. No. 1705CCS § 1 (part), adopted 9/21/93; Ord. No. 2187CCS § 10, adopted 5/25/06)

9.04.10.08.100 Driveways.

(a) For purposes of this Section:

(1) A driveway is defined as an access drive leading from a public street or right-of-way to a parking area, or from one parking area to another, but not including any ramp, aisle, maneuvering area or driveway approach.

(2) A ramp is defined as an access driveway leading from one parking level to another.

(b) Driveways in the R1 Single-Family District shall not be less than ten feet in width. The driveway width shall be maintained free and clear of all obstructions.

(c) In multi-family residential districts, driveways shall conform to the following standards:

Single driveway	10-foot minimum, with 12-foot minimum apron
Double driveway	20-foot minimum, with 24-foot minimum apron

The minimum number and type of driveways required to be provided shall be determined based on the number of parking spaces contained in any given parking area according to the following standard:

1 to 20 spaces	1 single driveway
21 to 40 spaces	1 double driveway
41 spaces and over	Number and type of driveway to be approved by the Transportation Planning Manager based on considerations of safety, efficiency, and effectiveness.

The driveway width shall be maintained free and clear of all obstructions.

(d) In all commercial and industrial districts, driveways shall conform to the following standards:

Single driveway	10-foot minimum, with 12-foot minimum apron
Double driveway	20-foot minimum, with 24-foot minimum apron

The minimum number and type of driveway required to be provided shall be determined on the number of parking spaces contained in any given parking area according to the following standard:

1 to 20 spaces	1 single driveway
21 to 40 spaces	1 double driveway
41 spaces and over	Number and type of driveway to be approved by the Transportation Planning Manager based on considerations of safety, efficiency, and effectiveness.

The driveway width shall be maintained free and clear of all obstructions.

(e) In all districts, interior ramps with one-way traffic shall be not less than fourteen feet in width and ramps with two-way traffic shall be not less than twenty feet in width.

(f) In all districts, the Zoning Administrator and the City Parking and Traffic Engineer may reduce the driveway width as necessary and appropriate such that circulation, traffic and safety concerns are adequately addressed. (Prior code § 9044.10; amended by Ord. No. 1496CCS, adopted 9/26/89; Ord. No. 1705CCS § 1, adopted 9/21/93; Ord. No. 2298CCS § 1, adopted 10/27/09)

9.04.10.08.110 Surfacing.

All driveways and parking areas shall be surfaced with a minimum thickness of two inches of asphaltic concrete over a minimum thickness of four inches of a base material or alternative equivalent material approved by the City Parking and Traffic Engineer. (Prior code § 9044.11; amended by Ord. No. 1705CCS § 1, adopted 9/21/93)

9.04.10.08.120 Marking of parking spaces.

All parking spaces, except in the R1 District or in a garage or carport containing two or fewer parking spaces or in an outdoor motor vehicle sales area, shall be striped in a manner clearly showing the layout of the intended parking stalls. The striping shall be maintained in a clear and visible manner. All parking spaces shall be clearly marked as compact, guest, carpool or vanpool parking, if applicable. (Prior code § 9044.12; amended by Ord. No. 1705CCS § 1, adopted 9/21/93)

9.04.10.08.130 Wheel stops.

Wheel stops or continuous concrete curbing at least six inches in height shall be required for parking spaces abutting landscaped areas or walls. (Prior code § 9044.13; amended by Ord. No. 1705CCS § 1, adopted 9/21/93)

9.04.10.08.140 Lighting.

Parking areas designed to accommodate three or more vehicles shall conform to Section 9.04.10.02.270. (Prior code § 9044.14; amended by Ord. No. 1705CCS § 1, adopted 9/21/93)

9.04.10.08.150 Landscaping.

Landscaping shall comply with the provisions of Part 9.04.10.04. (Prior code § 9044.15; amended by Ord. No. 1705CCS § 1, adopted 9/21/93)

9.04.10.08.160 Screening.

Screening of surface parking lots in all commercial districts and screening of parking areas for three or more cars abutting residentially zoned or used property shall comply with the provisions of Part 9.04.10.04. (Prior code § 9044.16; amended by Ord. No. 1705CCS § 1, adopted 9/21/93)

9.04.10.08.170 Slope.

(a) Areas used exclusively for parking excluding interconnecting ramps shall be designed and improved with grades not to exceed a six and two-thirds percent slope.

(b) 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 Strategic and Transportation Planning Manager but shall not exceed a twenty percent slope. Profiles of driveway, ramp, and grade details must be submitted to the Strategic and Transportation Planning Manager for approval whenever any slope exceeds six percent. (Prior code § 9044.17; amended by Ord. No. 1705CCS § 1, adopted 9/21/93; Ord. No. 2351CCS § 4, 3/22/11)

9.04.10.08.180 Drainage.

All required off-street parking facilities in commercial and industrial districts shall be so designed so that surface water run-off will not drain over any sidewalk. (Prior code § 9044.18; amended by Ord. No. 1705CCS § 1, adopted 9/21/93)

9.04.10.08.190 Location of required parking spaces.

(a) Required off-street parking spaces shall be located on the parcel or building site. In commercial or industrial districts, off-street parking may be located off of the parcel or building site, except as prohibited by Section 9.04.10.08.200 of this Chapter, if each of the following conditions are satisfied:

(1) All parking spaces are located within one thousand feet of the perimeter of the parcel or building site and the parking area commences within three hundred feet of the perimeter. This distance shall be computed from the nearest point of the parking area.

(2) The property on which the parking spaces are provided is owned in fee by the owner of the parcel or building site which is subject to the parking space requirements.

(3) Additional documents, covenants, deed restrictions, or other agreements as may be deemed necessary by the Zoning Administrator are executed to assure that the required parking spaces are maintained off-site.

(b) Parking requirements may not be met by providing parking in the front one-half of a parcel in a residential district except:

(1) **In a Garage.** If the garage faces the front lot line, the garage doors shall not be more than eighteen feet wide for each seventy-five feet or fraction thereof of lot width. A door to a single space shall not be less than eight feet or more than nine feet wide, and a door to two spaces shall be sixteen feet wide. Not more than one double garage may be entered from the side street side of a corner or a reversed corner lot in compliance with Section 9.04.10.08.070(c). Any garage on the front one-half of a lot or on the side street side of a corner or a reversed corner lot shall be fully enclosed within the architecture and structure of the main building except for entrances;

(2) In multi-family residential districts, where the parcel has no alley, provided that no part of a required front yard shall be used for parking purposes;

(3) Where the parcel is in the A Overlay District and has been approved for parking use pursuant to the provisions of Part 9.04.08.36. (Prior code § 9044.19; amended by Ord. No. 1705CCS § 1, adopted 9/21/93; Ord. No. 1795CCS § 1, adopted 4/11/95; Ord. No. 2298CCS § 4, adopted 10/27/09)

9.04.10.08.200 Subterranean parking structures.

A parking structure shall be considered to be subterranean if the structure is entirely underground. All subterranean parking structures shall be constructed and maintained as follows:

(a) 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 two openings facing the front parcel line for each main building.

(b) A subterranean parking structure may be constructed and maintained in any required yard area except in the required unexcavated areas.

(c) Exits from any subterranean parking structure shall provide sight distance which comply with standards established by the City Parking and Traffic Engineer.

(d) Development located on two 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 9.04.06.010(g). (Prior code § 9044.20; amended by ord. No. 1705CCS § 1, adopted 9/21/93; Ord. No. 1706CCS § 3, adopted 9/29/93; Ord. No. 1795CCS § 2, adopted 4/11/95)

9.04.10.08.210 Semisubterranean parking structures.

A parking structure shall be considered to be semisubterranean if the structure is partially underground and if the finished floor of the first level of the building or structure above the parking structure does not exceed three feet above the average natural or existing grade of the lot, except for openings for ingress and egress. A semisubterranean parking structure shall not be counted as a floor or story for calculating building height. All semisubterranean parking structures shall be constructed and maintained as follows:

(a) All openings for ingress and egress facing the front lot line shall be situated at or behind the front building line of the main building, except for the OP-1, OP-Duplex, OP-2, OP-3, and OP-4 Districts where front yard setback standards apply. There shall be no more than two openings facing the front lot line for each main building.

(b) On lots having a width of fifty feet or greater, a semisubterranean parking structure may be constructed and maintained in any required side or rear yard area except in a required unexcavated area, and shall not be located in a required front yard.

(c) On lots less than fifty feet in width, a semisubterranean parking structure may extend to both property lines and to the rear property line, but may not extend into a required front yard.

(d) Exits from any semisubterranean parking structure shall provide sight distances which comply with standards established by the City Parking and Traffic Engineer. (Prior code § 9044.21; amended by Ord. No. 1494CCS, adopted 9/26/89; Ord. No. 1705CCS § 1, adopted 9/21/93; Ord. No. 1706CCS § 4, adopted 9/28/93)

9.04.10.08.220 Use of required off-street parking spaces.

Required off-street parking spaces shall be available at all times during the hours of operation of the use for which the parking is required. 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. (Prior code § 9044.22)

9.04.10.08.230 Parking in-lieu fees within the City's Downtown Parking Assessment District.

(a) Parking requirements for uses, as established by Section 9.04.10.08.040 or as otherwise established by procedures under this Zoning Ordinance, within the City's Parking Assessment District may be met by payment of an in-lieu parking fee as provided by this Section.

(b) The parking in-lieu fee shall be a per parking space fee and strictly voluntary in nature.

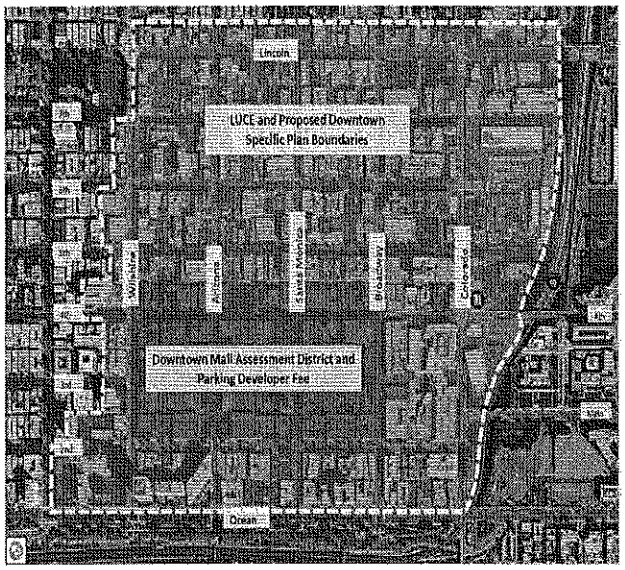
(c) The amount per parking space of the parking in-lieu fee shall be twenty thousand dollars.

(d) The parking in-lieu fee shall be adjusted automatically on July 1st of each fiscal year, beginning on July 1, 2014, by the percentage change in the Consumer Price Index ("CPI") for the preceding twelve months. For purposes of this Section, CPI shall mean the Consumer Price Index for All Urban Consumers (CPI-U), Los Angeles Area, as published by the United States Department of Labor, Bureau of Labor Statistics.

(e) The parking in-lieu fee shall be paid prior to the issuance of building permits.

(f) Within the City's existing Parking Assessment District established by the City in 1986 (the area bounded by First Court to the west, Fourth Court to the east, north side of Broadway to the south, and south side of Wilshire Boulevard to the north), up to one hundred percent of the parking requirement generated by new development, change of use, additions or renovations may be satisfied by the payment of in-lieu fees.

(g) The parking in-lieu fee may be applied to all development projects within the Parking Assessment District that are in the development review process, but have not received a building permit.



(h) Until June 30, 2016, for each new square foot of building space provided in the City's existing Parking Assessment District for which parking is not provided, an assessment fee of one dollar and fifty cents per square foot per year is collected by the Los Angeles County Tax Assessor's Office. This amount shall be credited to and deducted from the total in-lieu fee amount paid. Upon the expiration of the parking assessment fee of one dollar and fifty cents per square foot per year on June 30, 2016, any new development, change of use, additions or renovations within the City's existing Parking Assessment District shall be subject to the parking in-lieu fee established by this Section.

(i) Funds collected by the City from in-lieu fee payment shall be deposited into a dedicated Downtown Parking Fund and used only by the City to finance one or more of the following activities:

(1) Expansion of public parking supply through construction of new facilities.

(2) Expansion of public parking supply by leasing existing and available spaces from private property owners.

(3) Expansion of public parking supply by coordinating valet parking operations with private property owners.

(4) Trip reduction strategies including, but not limited to, improvement to parking utilization rates by means of improved wayfinding, signage, information systems, management, and circulation and access.

(j) Payment of the parking in-lieu fee shall be subject to the following City and payer rights and obligations:

(1) In combination with the spaces provided on-site, payment of the fee shall be considered full satisfaction of the off-street parking requirement, as determined by Chapter 9.04.10.08.

(2) The fee shall be non-refundable and payment of the fee does not carry any other guarantees, rights, or privileges to the payer.

(3) Payment of the fee does not represent an obligation of the City to provide parking spaces through the construction of a new garage or any other particular means.

(4) Payment of the fee does not represent an obligation of the City to provide Downtown area parking spaces within any particular proximity to the project for which the payment was made.

(5) Payment of the fee does not represent an obligation of the City to make available parking spaces within any particular amount of time.

(6) Payment of the fee does not entitle the applicant, his or her tenants, or his or her clients to free use of any public parking spaces.

(7) Payment of the fee does not entitle the applicant, his or her tenants, or his or her clients to exclusive or private use of any public parking spaces. (Added by Ord. No. 2442CCS § 2, adopted 10/22/13)

Part 9.04.10.10 Off-Street Loading Requirements

9.04.10.10.010 Purpose.

The standards contained in this Part are intended to assure that commercial and industrial uses, senior group housing, hotels, day care homes, child care centers, and schools provide adequate facilities for the pickup or delivery of goods and passengers in a manner providing the following:

(a) Accessible, attractive, and well-maintained loading and delivery facilities.

(b) Reduced potential for traffic congestion and hazards.

(c) Protection for adjacent parcels and surrounding neighborhoods from the effects of vehicular noise and traffic generated from the proposed use.

(d) Loading and delivery services in proportion to the needs generated by the proposed use which are clearly compatible with adjacent parcels and the surrounding neighborhood. (Prior code § 9045.1)

9.04.10.10.020 Applicability.

Any use requiring the loading and delivery of goods or passengers shall provide permanently maintained off-street loading and delivery facilities for the new or expanded portion of the use pursuant to the provisions of this Part. (Prior code § 9045.2)

9.04.10.10.030 General provisions.

Off-street freight and equipment loading spaces shall be provided for all offices, hospitals, institutions, hotels, group housing, and other commercial and industrial uses pursuant to the following provisions:

(a) Loading spaces shall be not less than ten feet in width, twenty feet in length, with fourteen feet of vertical clearance.

(b) When the parcel upon which the loading spaces are located abuts an alley, the loading spaces shall be accessible from the alley. The length of the loading space may be measured perpendicular to or parallel with the alley. Where the loading area is parallel with the alley and the parcel is fifty feet or less in width, the loading area shall extend across the full width of the parcel. The length of a loading area need not exceed fifty feet for any two spaces.

(c) Loading spaces being maintained in connection with any principal building in existence on the effective date of this Chapter shall thereafter be maintained so long as the building remains, unless an equivalent number of loading spaces are provided on a contiguous parcel in conformity with the requirements of this Part. This subsection shall not require the maintenance of more loading spaces for an existing building than are required for a new building.

(d) Any required loading space may be located in the required rear yard 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.

(e) The number of off-street freight and equipment loading spaces required shall comply with the following provisions:

Total Gross Floor Area	Loading Spaces Required
Commercial Buildings:	
3,000 — 15,000	1
15,001 — 45,000	2
45,001 — 75,000	3
75,001 — 105,000	4
105,001 and over	5
Industrial Buildings:	
0 — 20,000	1
20,001 — 40,000	2
40,001 — 80,000	3
80,001 — 120,000	4
120,001 — 160,000	5
160,001 and over	6
Hospitals and Institutions:	
3,000 — 20,000	1
20,001 — 50,000	2
50,001 — 80,000	3
80,001 — 110,000	4
110,001 and over	5
Hotels and Office Buildings:	
3,500 — 15,000	1
15,001 — 50,000	2
50,001 — 100,000	3
100,001 and over	4
Senior Group Housing (with Central Kitchen):	
10 — 100 units	1
100 and over	2
Neighborhood Grocery Store	1

(f) Passenger loading spaces shall be provided in addition to any required freight and equipment loading spaces when required by this subsection. Passenger loading spaces shall comply with parking space size requirements for standard parking spaces, shall be located in close proximity to the building entrance, and shall not require pedestrians to cross a driveway, parking aisle, alley, or street in order to reach the building entrance.

Use	Passenger Loading Spaces Required
Small Family Day Care Home	0
Large Family Day Care Home	1
Day Care Center, Pre-School, Elementary School (K-6):	
1 — 20 children	1
21 — 60 children	2
61 — 300 children	3
300 children and over	4
Neighborhood Grocery Store	1

The Parking and Traffic Engineer may authorize up to one required on-street passenger loading space along a frontage curb for certain designated times if on-street parking spaces are typically available during the designated times.

(g) Required loading spaces shall not count as required parking spaces. (Prior code § 9045.3)

Part 9.04.10.12 Project Mitigation Measures

9.04.10.12.010 Project mitigation measures.

For any general office development, including medical office development, in excess of 15,000 square feet of new construction or 10,000 square feet of additions to existing development, the City shall impose project mitigation measures that such development satisfy the Project Mitigation Measures of the Land Use and Circulation Elements of the General Plan ("Project Mitigation Measures"), the developer may satisfy the Project Mitigation Measures by complying with the provisions of this Subchapter. (Prior code § 9046.1)

9.04.10.12.020 In-lieu fees.

(a) The Project Mitigation Measures may be satisfied by payment of an in-lieu fee paid to the City in accordance with this Section.

(b) The amount of the fee shall be determined as follows: $2.25 per square foot for the first 15,000 square feet of net rentable square footage and $5.00 per square foot for the remainder of the net rentable square footage. The net rentable square footage of a building shall be the total square footage of the buildings minus the exterior and load bearing walls, elevator shafts, stairwells, equipment rooms, and parking.

(c) Any fee pursuant to this Section shall be adjusted for inflation by the percentage change in the Consumer Price Index ("CPI") between October, 1984 through the month in which payment is made. For purposes of this Section, CPI shall mean the index for Urban Wage Earners and Clerical Workers for the Los Angeles-Long Beach-Anaheim statistical area, as published by the United States Department of Labor, Bureau of Labor Statistics.

(d) At least twenty-five percent (25%) of the total fee required by this Section shall be paid prior to the issuance of a Certificate of Occupancy for the development. The balance of the fee shall be due in equal annual installments with payment in full no later than three years after the issuance of the Certificate of Occupancy. All payments are subject to adjustment for inflation as provided in subsection (c).

(e) Any fee required by this Section shall be secured by execution of an irrevocable letter of credit or other form of

security acceptable to the City in favor of the City for the full amount of the obligation. The letter of credit or other acceptable security shall be delivered to the City prior to the issuance of a building permit for the development.

(f) This Section shall not apply to any office development for which the City has approved, prior to the adoption of this Chapter, an agreement between the developer and a non-profit corporation to satisfy the Project Mitigation Measures. (Prior code § 9046.2)

9.04.10.12.030 On-site or off-site development.

(a) Upon the mutual agreement of the developer and the City, the developer may satisfy the Project Mitigation Measure by providing low and moderate income housing or developing new park space, on or off of the project site. The number of units of housing or square footage of park space to be provided by the developer shall be established at the level equal to the amount of the in-lieu fee which would be required for the project pursuant to Section 9.04.10.12.020 of this Part. This shall be determined by valuing each housing unit at $30,060, and each square foot of improved park space at $48.00. No set percentage of either housing or parks shall be required for any individual development. The valuations of $30,060 per housing unit and $48.00 per square foot of improved park space shall be adjusted for inflation by the percentage change in the Consumer Price Index as specified in Section 9.04.10.12.020(c) of this Part, except that adjustments shall commence upon the effective date of this Chapter.

(b) If the developer elects to provide the required parks or housing on-site or off-site, the parks and housing must be approved by the City prior to issuance of a building permit unless it is being constructed in a separate phase. If the developer elects to develop the parks and housing off-site, or on-site in a later phase of the development, completion of the parks and housing shall be secured by a letter of credit or other form of security acceptable to the City in favor of the City delivered prior to issuance of a building permit. The developer must submit the necessary plans, evidence of site control, and financing plans to the City prior to issuance of a Certificate of Occupancy. If the developer does not demonstrate prior to issuance of a Certificate of Occupancy that the parks and housing developments will be completed in a timely manner, the developer shall pay the first twenty-five percent (25%) installment of the in-lieu fee to the City, and subsequent annual installments, as required by Section 9.04.10.12.010. If the developer demonstrates that parks and housing developments are feasible on-site or off-site and will be completed in a timely manner, the letter of credit or other security shall remain in full force and effect until the parks and housing developments are completed.

(c) Park space developed on-site or off-site pursuant to this Section shall meet the following minimum requirements:

(1) All required setbacks shall be provided and shall not count toward the park space requirement.

(2) Park space shall be separated from each adjacent building by a clearly defined physical barrier, such as a fence, hedge, or other landscaping treatment. The physical barrier must be separated from each building by the normally required setback.

(3) The park shall be a minimum of one-half acre.

(4) Park space shall be accessible to the general public directly from public thoroughfares. Parks shall be located so as to be highly visible from the surrounding streets.

(5) Parking spaces for the park shall be provided according to a parking demand analysis which shall be the responsibility of the developer and which must be approved by the City Parking and Traffic Engineer. The parking for the park may be counted as park square footage only if the parking is dedicated solely to park users and can reasonably be restricted for that purpose. For any park of less than one acre, the parking provided shall not be included in the park square footage.

(6) Park space shall be improved to the satisfaction of the City. If any improvements required by the City can be clearly demonstrated to exceed $6.00 per square foot, averaged for the entire park, as adjusted for inflation, the cost in excess of $6.00 per square foot shall be credited to the developer against the requirement under this Section. The burden of proof of excessive cost shall be on the developer, and the City shall approve any credit due to excess expenditures as part of the approval process.

(7) Park space shall be dedicated to, and maintenance shall be the responsibility of, the City, unless alternative mutually acceptable agreements are made between the City and the developer.

(d) Low and moderate income housing developed on-site or off-site pursuant to this Section shall meet the following minimum requirements:

(1) All units must be affordable to households earning no more than 80% of the median area income, as published by the United States Department of Housing and Urban Development and amended from time to time.

(2) The formulas for establishing rents shall be the same as those established for the City's inclusionary housing program of the Housing Element of the General Plan.

(3) Units that are required to be provided on-site or off-site under the terms of a Removal Permit from the Rent Control Board by an office development that will displace existing controlled rental units may not be counted towards the satisfaction of the requirements of this Section.

(4) Units shall be targeted primarily to families and shall have an average of at least two bedrooms.

(5) A management plan describing tenant selection and building management shall be approved by the City.

(6) Units must be deed-restricted for at least fifty (50) years to remain affordable to low and moderate income persons. At the end of this 50 year period, the units shall be dedicated to the City or its designee. (Prior code § 9046.3)

9.04.10.12.040 Use of in-lieu fees.

(a) Each payment made pursuant to Section 9.04.10.12.010 of this Part shall be deposited into two Reserve Accounts in the General Fund as follows:

(1) Forty-five percent (45%) shall be deposited into a Housing Mitigation Fund to be used for the development of low and moderate income housing.

(2) Forty-five percent (45%) shall be deposited into a Parks Mitigation Fund to be used for the acquisition and development of new parks or for significant capital improvements which increase the recreational opportunities of existing parks.

(3) Ten percent (10%) shall be deposited into an account which may be transferred to either the Housing Mitigation Fund or Park Mitigation Fund.

(b) If any development meeting the Project Mitigation Measures under Section 3 of the Ordinance does not provide such mitigation measures in accordance with a fifty percent housing- fifty percent parks formula, the value of the excess contribution for housing or parks shall result in a transfer from the appropriate Reserve Account as follows:

(1) If the value of the park was more than fifty percent of the total value of the Project Mitigation Measures, the following amount shall be transferred from the Park Reserve Account to the Housing Reserve Account: fifty percent of total value of the Project Mitigation Measures less the value of housing actually provided.

(2) If the value of the housing was more than fifty percent of the total value of the Project Mitigation Measures, the following amount shall be transferred from the Housing Reserve Account to the Park Reserve Account: forty percent of the total value of the Project Mitigation Measures less the value of the park actually provided. (Prior code § 9046.4)

Part 9.04.10.14 Housing Development Incentives

9.04.10.14.010 Purpose.

The City recognizes that there is a growing need for a range of housing opportunities in the City, including transitional housing, congregate housing, homeless shelters, single room occupancy housing, and affordable housing which is deed-restricted or restricted by an agreement approved by the City. The standards allowed in this Part are intended to facilitate the development of such alternative housing developments in the City. (Prior code § 9047.1; added by Ord. No. 1496CCS, adopted 9/26/89; amended by Ord. No. 1750CCS § 31 (part), adopted 6/28/94)

9.04.10.14.020 Ocean Park density bonuses.

Density bonuses shall be awarded for affordable housing projects in the following districts according to the following formulas:

(a) **OP-2 District.** Projects of four or more units may be developed with up to seventy-five percent more units than allowed by the district density standards when all of the density bonus units are permanently deed-restricted for low income households. Projects of three units may receive a bonus of one unit when the density bonus unit is permanently deed-restricted for a middle income household. A density bonus of twenty-five percent as mandated by the State of California is available for projects of five or more units, which meet State requirements, but do not meet the standards of this subsection.

(b) **OP-3 and OP-4 Districts.** Projects of four or more units may be developed with fifty percent more units than allowed by the district density standards when all of the density bonus units are permanently deed-restricted for low income households. Projects of three or four units may receive a bonus of one unit when the density bonus unit is permanently deed-restricted for a middle income household. A density bonus of twenty-five percent as mandated by the State of California is available for projects of five or more units, which meet State requirements, but do not meet the standards of this subsection.

(c) In calculating density bonus units, all fractional units shall be rounded up to the next highest whole number of units. (Prior code § 9047.2; added by Ord. No. 1496CCS, adopted 9/26/89; amended by Ord. No. 1750CCS § 31 (part), adopted 6/28/94)

9.04.10.14.030 Special housing development standards.

The following development standards shall apply to Affordable Housing Projects:

(a) **Height Bonus.**

(1) **Non-Residential Districts.** The height of an affordable housing project located in a non-residential district may exceed by ten feet the maximum number of feet allowed in the underlying zoning district.

(2) **Residential Districts.** Affordable housing projects located in residential districts, on parcels which abut or are located across an alley from a non-residential district with a maximum height limit equal to or greater than the height limit for a pitched roof in the residential district, shall not be subject to the requirement for a pitched roof and the flat roof may achieve the height established for a pitched roof.

(b) **Density Bonus.**

(1) **Affordable Housing Projects in Non-Residential Districts.** Affordable housing projects located in non-residential zoning districts may have a Floor Area Ratio equal to the applicable FAR plus 0.5 times the floor area devoted to such units. In mixed-use projects, such bonus may be utilized in the residential portion of the project only. To the extent a project qualifies for a density bonus under State law, any bonus granted under this subsection shall be counted toward satisfying the State density bonus requirement.

(2) **Affordable Housing Projects in Residential Districts.** Affordable housing projects located in residential districts developed with individual dwelling units, which meet the requirements for a density bonus under State law, are also entitled to a separate local density bonus of twenty-five percent. Any density bonus received for affordable housing pursuant to other Zoning Ordinance provisions shall count toward the local density bonus, so that in no event shall the total density bonus for affordable housing under local provisions exceed twenty-five percent or the total density bonus including the state density bonus exceed fifty percent.

(c) **Setbacks.** Affordable housing projects located on a corner parcel, the street frontage dimensions of which requires that the property line adjacent to the alley be deemed a side parcel line, may count one-half of the width of the alley as a portion of the required side yard setback, as long as a minimum setback of four feet from the property line is maintained.

(d) **Unexcavated Area.** Affordable housing projects need only provide and maintain the unexcavated area required by Section 9.04.10.02.170 of the Santa Monica Municipal Code on one side of the property. (Added by Ord. No. 1750CCS § 31 (part), adopted 6/28/94)

9.04.10.14.040 State incentives for affordable housing in residential zones—Density bonuses.

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 9.56, the City's Affordable Housing Production Program. Notwithstanding any provision of this Section to the contrary, development projects must satisfy all applicable requirements of Chapter 9.56, the City's Affordable Housing Production Program, including, but not limited to, Sections 9.56.050, 9.56.100, 9.56.110 and 9.56.130. However, development projects of four or more residential units that provide on-site affordable units pursuant to Section 9.56.050 shall be entitled to the additional density bonuses and the incentives provided by Sections 9.04.10.14.050 and 9.04.10.14.060 and to the waiver/modification of development standards provided by Section 9.04.10.14.070.

(a) 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) Ten percent of the total units of the housing development as restricted affordable units affordable to lower income households; or

(2) Five percent of the total units of the housing development as restricted affordable units affordable to very low income households; or

(3) A senior citizen housing development; or

(4) A qualifying mobile home park; or

(5) Ten 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).

(b) This Section establishes the minimum density bonuses that shall be awarded to a housing development in a residential zone under the State Density Bonus Law. In determining the number of density bonus units to be granted pursuant to this Section, the maximum residential density for the site shall be multiplied by 0.20 for subdivision (a)(1), (a)(2), (a)(3), and (a)(4) and by 0.05 for subdivision (a)(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 9.04.10.14.050. However, except as provided in Section 9.04.10.14.030(b)(2), in no event shall the total density bonus for affordable housing under local provisions and under state density bonus provisions exceed thirty-five percent.

(1) In calculating the minimum density bonus established by this Section or the additional density bonus established by Section 9.04.10.14.050, 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 9.04.10.14.050; 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).

(c) 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. (Added by Ord. No. 1834CCS § 6, adopted 12/12/95; amended by Ord. No. 2350CCS § 1, adopted 2/22/11)

9.04.10.14.050 Additional density bonus increase in residential zones.

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 thirty-five 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 two and one-half percent density bonus up to a maximum of thirty-five percent.

(b) For each one percent increase in the percentage of restricted lower income affordable units, a housing development will receive an additional one and one-half percent density bonus up to a maximum of thirty-five 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 thirty-five percent.

(d) For each one percent increase above the minimum ten percent land donation described in Government Code Section 65915(h)(2), the density bonus shall be increased by one percent to a maximum of thirty-five percent. This increase shall be in addition to any increase in density mandated by subsection (c) of this Section, up to a maximum combined by right density increase of thirty-five percent.

(e) No additional density bonus increases shall be authorized for senior citizen housing developments or

qualifying mobilehome parks beyond the bonus authorized by Section 9.04.10.14.040(b).

(f) Affordable housing units provided pursuant to this Section and Section 9.04.10.14.050 shall conform to the affordability requirements set forth in subsections (b) and (c) of Government Code Section 65915 as applicable.

Density Bonus Summary Table

Target Group	Minimum % Restricted Affordable Units	Bonus Granted	Additional Bonus for Each 1% Increase in Restricted Affordable Units	% Restricted Affordable Units Required For Maximum 35% Bonus
Very Low Income	5%	20%	2.5%	11%
Lower Income	10%	20%	1.5%	20%
Moderate Income (Common Interest Dev.)	10%	5%	1%	40%
Senior Citizen Housing Development/Qualifying Mobile Home Park	100%	20%	—	—

Density Bonus Calculation Table

Percentage of Very-Low Income Units	Density Bonus Percentage
5	20
6	22.5
7	25
8	27.5
9	30
10	32.5
11	35

Percentage of Lower-Income Units	Density Bonus Percentage
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

Percentage of Moderate-Income Units	Density Bonus Percentage
10	5
11	6
12	7
13	8
14	9
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

(Added by Ord. No. 2102CCS § 11, adopted 12/16/03; amended by Ord. No. 2217CCS § 1, adopted 1/23/07; Ord. No. 2350CCS § 2, adopted 2/22/11)

9.04.10.14.060 State incentives for affordable housing in residential zones.

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 9.56.050(i) or pursuant to Section 9.04.10.14.040.

(a) **By Right Parking Incentives.** As an alternative to Section 9.04.10.08.040, 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:

(1) Zero to one bedroom dwelling unit: one on-site parking space;

(2) Two to three bedrooms dwelling unit: two on-site parking spaces;

(3) Four or more bedrooms: two and one-half parking spaces.

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 one, two or three incentives or concessions as follows:

(1) For housing developments with very low income restricted units:

(A) One incentive or concession if five percent of the units (not including the bonus units) are set aside for very low income households,

(B) Two incentives or concessions if ten percent of the units (not including the bonus units) are set aside for very low income households,

(C) Three incentives or concessions if fifteen 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 ten percent of the units are set aside for lower income households or if ten percent of the units are set aside for moderate income households in a common interest development,

(B) Two incentives or concessions if twenty percent of the units are set aside for lower income households or if twenty percent of the units are set aside for moderate income households in a common interest development,

(C) Three incentives or concessions if thirty percent of the units are set aside for lower income households or if thirty percent of the units are set aside for moderate income households in a common interest development.

Incentives/Concessions Summary Table

Target Group	Restricted Affordable Units		
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

(c) For purposes of subsection (b) of this Section, an incentive means the following:

(1) 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 9.04.10.14.080;

(2) 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 the City's General Plan and Zoning Ordinance;

(3) 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 9.04.10.14.080.

(d) 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.

(e) 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 (f) of this Section or may submit a proposal for other incentives or concessions. The process for reviewing this request is set forth in Section 9.04.10.14.080.

(f) Housing developments in residentially zoned districts that meet the requirements of subsection (b) of this Section may request one or more of the following incentives, as applicable:

(1) Up to a fifteen percent deviation from one side yard setback requirement;

(2) Up to a ten percent increase in first floor parcel coverage;

(3) Up to fifteen percent deviation from rear yard setback requirements. (Added by Ord. No. 2350CCS § 3, adopted 2/22/11)

9.04.10.14.070 Waiver/modification of development standards for housing developments in residential zones.

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 (b) of Section 9.04.10.14.040 at the densities or with the concessions or incentives permitted by this Part. (Added by Ord. No. 2350CCS § 4, adopted 2/22/11)

9.04.10.14.080 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 Part 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 (f) of Section 9.04.10.14.060 or set forth in subsection (a) of Section 9.04.10.14.060, 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 Planning Director. The Planning 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;

(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 change, variance, or other discretionary approval.

(c) For housing developments requesting a density bonus without any incentives, or a density bonus with by right incentives and/or one or more incentives included in subsection (f) of Section 9.04.10.14.060, the following shall apply.

Pursuant to Government Code Section 65915, if the applicant has made the evidentiary showing required by subsection (a) of this Section, the Director or designee shall approve requested incentives/concessions unless he or she finds that:

(1) The incentive or concession is not necessary 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

(2) The concession or incentive will have a specific adverse impact upon public health and safety, on the physical environment, or on any real property listed in the California Register of Historic Resources and for which there is no feasible method to satisfactory mitigate or avoid the specific adverse impact without rendering the development unaffordable to moderate, lower or very low income households; or

(3) The concession or incentive is contrary to State or Federal law.

Notice of the determination shall be provided to same extent as required for the underlying development approval.

(d) For housing developments requesting a waiver of a development standard or an incentive/concession not

included in subsection (f) of Section 9.04.10.14.060, the following shall apply:

(1) **Hearing and Notice.** An application pursuant to this subsection shall follow the procedures for design compatibility permits set forth in Section 9.04.20.15.030. 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 City 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,

(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 City 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 City Planning Commission may be appealed to the City Council within fourteen consecutive calendar days of the date the decision is made in the manner provided in Santa Monica Municipal Code, Part 9.04.20.24. (Added by Ord. No. 2350CCS § 5, adopted 2/22/11)

9.04.10.14.090 Exemptions from development review thresholds.

(a) The following projects located in the RVC, BCD, C2, C4, C5, C6, CM, CP, M1 and LMSD districts shall be exempt from development review thresholds:

(1) Projects that contain a minimum of eighty percent of floor area devoted to multi-family residential use provided that at least fifteen percent of the housing units are deed-restricted for households with incomes of eighty percent of median income or less or at least ten percent of the housing units are deed-restricted for households with incomes of sixty percent of median income or less;

(2) Affordable housing projects in which one hundred percent of the housing units are deed-restricted for households with incomes of eighty percent of median income or less;

(3) Projects in the C2 and CM districts which are required by the City's Zoning Ordinance to devote more than twenty percent of floor area to pedestrian oriented uses shall also be exempt if these projects contain the maximum percentage of multi-family residential use authorized by the Zoning Ordinance and meet the affordable housing unit requirement of subsection (a) of this Section.

(b) The following projects located in the R2, R3, R4, R2B, R3R, OP2, OP3, OP4 and OP-D districts shall be exempt from development review thresholds:

Affordable rental housing projects of not more than fifty units. For purposes of this Section, an affordable rental housing project shall be defined as housing in which one hundred percent of the dwelling units are deed-restricted or restricted by an agreement approved by the City for occupancy by households with incomes of eighty percent of median income or less. An affordable rental housing project may also include nonresidential uses, as long as such uses constitute neighborhood-serving goods, services, or retail uses that do not exceed fifteen percent of the floor area of the total project and these neighborhood-serving goods, services or retail uses are designated as permitted uses in the Zoning Ordinance in the district in which the parcel is located. (Added by Ord. No. 2350CCS § 6, adopted 2/22/11)

Part 9.04.10.16 Demolitions

9.04.10.16.010 Demolition of buildings and structures.

(a) No demolition of buildings and structures shall be permitted except when all of the following conditions have been met:

(1) A removal permit has been granted by the Rent Control Board, when required.

(2) For residential buildings and structures, 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 subsection (b) below.

(3) A property maintenance plan has been approved in writing by the Director of Planning and the Building Officer. The Architectural Review Board shall adopt and the Planning Commission shall approve guidelines and

standards for property maintenance plans pursuant to Section 9.32.040.

(4) If the original permit for the building or structure was issued more than forty years before the date of filing of the demolition permit application, the requirements of subsection (d) are satisfied.

(b) The following buildings and structures are exempt from the requirements of subsection (a)(2):

(1) Single-family dwellings which are located in the R1 District, any Commercial District, or any Industrial District and which are not controlled rental units under the Rent Control Law.

(2) Buildings or structures which the Director of Planning and the Building Officer have determined to be a public nuisance.

(3) Buildings and structures which were damaged by the January 17, 1994 Northridge Earthquake or its aftershocks, and which were yellow- or red-tagged by the City.

(c) Prior to filing an application for a demolition permit, a notice of intent to demolish must be prominently posted on the property. Such notice shall be in a form approved by the City.

(d) 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 forty years before the date of filing of the demolition permit application, shall be permitted unless the following requirements have been met:

(1) Within seven 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, eight 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 Sections 9.36.090, 9.36.120 or 9.36.130 within sixty 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 structure of merit designation is filed in accordance with Section 9.36.090(a) within sixty 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 structure of merit designation application. The structure of merit application shall be processed in accordance with the procedures set forth in Section 9.36.090.

(4) If an application for landmark designation is filed in accordance with Section 9.36.120(a) within sixty 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 application for landmark designation. The landmarks application shall be processed in accordance with the procedures set forth in Section 9.36.120.

If an application for historic district designation is filed in accordance with Section 9.36.130(a) within sixty 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 application for historic district designation. The historic district application shall be processed in accordance with the procedures set forth in Section 9.36.130. (Prior code § 9048.1; amended by Ord. No. 1654CCS § 2, adopted 10/13/92; Ord. No. 1865CCS § 1, adopted 10/8/96; Ord. No. 2131CCS § 10, adopted 7/27/04)

Part 9.04.10.18 Alcohol Outlets

9.04.10.18.010 Purpose and findings.

(a) Recent empirical studies demonstrate that there is a complex interrelationship between the availability of alcohol, the consumption of alcohol, and resulting community problems such as public drunkenness, drunk driving, traffic accidents, violent crime, noise, and nuisance. The City of Santa Monica contains an overconcentration of alcohol outlets at which alcoholic beverages are sold on premises. The number of total active retail alcohol outlets in the City has increased in recent years.

(b) In addition to traditional alcohol outlets such as bars, restaurants, liquor stores, and supermarkets, a variety of new types of alcohol outlets are beginning to appear or are being proposed in Santa Monica and other communities. There is continuing and increasing community concern over the proliferation of alcohol outlets in the City, as is evident from the Main Street Plan, the Pico Neighborhood Community Plan, and the Land Use and Circulation Elements of the City's General Plan. There is a current and immediate threat to the public health, safety, and welfare, and the unconditional approval of additional alcohol outlets would result in a threat to public health, safety, and welfare.

(c) While the issuance of liquor licenses is the exclusive province of the State, local jurisdictions are permitted to establish reasonable controls and conditions on the location of alcohol outlets. It is necessary to establish a control measure 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. (Prior code § 9049.1)

9.04.10.18.020 Applicability.

No person shall establish a new business or use dispensing 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. Existing alcohol outlets shall also obtain a conditional use permit except where the premises either retain the same type of retail liquor license within a license classification or the licensed premises are operated continuously without substantial change in mode or character of operation. Existing premises shall not be considered to be operating continuously and a conditional use permit shall be required where operations have been discontinued for a period of over one year except that, for premises in the CM District, the time

period shall either be six months or the time period established in Section 9.04.08.28.070(g), or any successor legislation thereto, whichever is longer. Existing premises where operations have been discontinued for these time periods shall be required to obtain an alcohol conditional use permit prior to resuming business whether or not an alcohol conditional use permit was obtained in the past for the premises. A substantial change in mode or character of operation shall include, but is not limited to, a ten percent increase in the floor area of the premises, a twenty-five percent increase in the shelf area used for the display of alcoholic beverages, or a twenty-five percent increase in the number of seats in any restaurant which serves alcoholic beverages. (Prior code § 9049.2; amended by Ord. 2254CCS § 1, adopted 2/26/08)

9.04.10.18.030 Approval.

The City Planning Commission, or the City Council on appeal, shall have the authority to approve the use of a property for a business or use dispensing, for sale or other consideration, alcoholic beverages, including beer, wine, malt beverages, and distilled spirits for on-site or off-site consumption, and shall issue a conditional use permit if the following findings can be made in an affirmative manner:

(a) The proposed use will not adversely affect the welfare of neighborhood residents in a significant manner.

(b) The proposed use will not contribute to an undue concentration of alcohol outlets in the area.

(c) The proposed use 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.

(d) The proposed use is compatible with existing and potential uses within the general area.

(e) Traffic and parking congestion will not result.

(f) The public health, safety, and general welfare are protected.

(g) No harm to adjacent properties will result.

(h) The objectives of the General Plan are secured. (Prior code § 9049.3)

9.04.10.18.040 Exemptions.

The Zoning Administrator shall have the authority to grant an exemption from the provisions of this Subchapter for restaurants or "bona fide" public eating places which offer for sale or dispense for consideration alcoholic beverages including beer or wine incidental to meal service. The exemption shall be approved in writing by the Zoning Administrator and shall be subject to the right of appeal to the Planning Commission as provided in Part 9.04.20.24. The exemption shall only be approved if the applicant agrees in writing to comply with the following criteria and conditions:

(a) The premises contains a kitchen or food-serving area in which a variety of food is prepared and cooked on the premises.

(b) The primary use of the premises is for sit-down service to patrons.

(c) The premises serve food to patrons during all hours the establishment is open for customers.

(d) The premises only serve alcohol in a dining area and not in an alcohol serving area that is separate from the dining area.

(e) Adequate seating arrangements for sit-down patrons are provided on the premises not to exceed a seating capacity of fifty persons.

(f) Any take-out service is only incidental to the primary sit-down use and does not include the sale or dispensing for consideration of alcoholic beverage or beer or wine.

(g) No alcoholic beverages or beer or wine are sold or dispensed for consumption beyond the premises.

(h) No dancing or live entertainment is permitted on the premises. (Prior code § 9049.4)

9.04.10.18.050 BSC-1 exemptions.

Restaurants or "bona fide" public eating places in the BSC-1 portion of the BSC District which offer alcoholic beverages including beer or wine incidental to meal service shall be exempt from the provisions of this Part 9.04.10.18 only if the applicant agrees in writing to comply with the following criteria and conditions:

(a) The primary use of the premises shall be for sit-down meal service to patrons. Alcohol shall not be served to persons except those intending to purchase meals.

(b) If a counter service area is provided, a patron shall not be permitted to sit at the counter unless the patron is ordering a meal in the same manner as patrons ordering meals at the table seating. The seats located around the counter service area cannot be used as a waiting area where patrons may drink before being seated or as a bar where beverages only are served.

(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 video or other amusement games shall be permitted on the premises.

(j) No dancing is permitted. Live entertainment may only be permitted in the manner set forth in the Section 9.04.02.030.730.

(k) Any minimum purchase requirement may be satisfied by the purchase of beverages or food.

(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 nine a.m. to twelve midnight Sunday through Thursday, and nine a.m. to one a.m. Friday and Saturday with complete closure and all employees vacated from the building by one a.m. Sunday through Thursday, and two a.m. Friday and Saturday. All alcoholic beverages must be removed from the outdoor dining area no later than twelve midnight. No after hours operation is permitted.

(o) No more than thirty-five 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 City of Santa Monica Planning Division at the beginning of the calendar year and also available to the City of Santa Monica and the California Department of State Alcoholic Beverage Control (ABC) upon request.

(p) 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.

(q) Prior to occupancy, the operator shall submit a plan for approval by the Director of Planning 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 of Planning. 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.

(r) Within thirty 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.

(s) 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 two or more ordering alcoholic beverages.

This exemption shall only be valid if approved in writing by the Zoning Administrator. (Added by Ord. No. 2153CCS § 2, adopted 3/8/05)

Part 9.04.10.20 Private Developer Cultural Arts Requirement

9.04.10.20.010 Findings and purpose.

(a) The purpose of this Part 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. (Added by Ord. No. 2212CCS § 1, adopted 12/5/06)

9.04.10.20.020 Applicability.

The regulations, requirements and provisions of this Part and Council resolutions adopted pursuant hereto shall apply to development projects as defined in this Part. (Added by Ord. No. 2212CCS § 1, adopted 12/5/06)

9.04.10.20.030 Definitions.

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

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.

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 Part shall not be considered artists for the purposes of this Part. This definition applies only to the requirements of the Part.

Arts Commission. The Commission as established in Chapter 2.64 of this Code or any successor legislation. Unless otherwise specified, any reference to "Commission" in this Part shall mean the Arts Commission.

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.

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.

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.

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-ROM, 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.

Developer. The person or entity that is financially and legally responsible for the planning, development and construction of any development project covered by this Part, who may, or may not, be the owner of the subject property.

Development Project. Commercial development having new gross floor area of seven thousand five hundred square feet or more, commercial remodels or tenant improvements of twenty-five thousand square feet or more that require approval by the Architectural Review Board, or residential projects of five or more units. A development project, for purposes of defining a project subject to this Part, 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/nonresidential 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.

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.

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.

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).

Public Art or Art Work. On-site art work produced by an artist, as defined herein, or team of artists, that is freely accessible on private property or on land or in buildings owned by the city or another governmental agency. (Added by Ord. No. 2212CCS § 1, adopted 12/5/06)

9.04.10.20.040 Private developer cultural arts requirement.

(a) 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 9.04.10.20.050, or provide cultural facilities in accordance with Section 9.04.10.20.110, or pay a cultural arts development contribution in accordance with Section 9.04.10.20.120 below.

(b) The expenditure of money required to satisfy the requirements of this Part, 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. (Added by Ord. No. 2212CCS § 1, adopted 12/5/06)

9.04.10.20.050 On-site public art projects.

A developer seeking to satisfy the private developer cultural arts requirement of this Part through the construction or installation of on-site public art shall do so in the amount of two 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 two percent contribution, the City shall have no obligation to pay the excess amount. (Added by Ord. No. 2212CCS § 1, adopted 12/5/06)

9.04.10.20.060 Eligible on-site public arts projects.

Public art, for the purposes of this Part 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 Part, 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 Part:

(a) 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;

(b) Objects which are mass produced of standard design such as banners, signs, playground equipment, benches, statuary, street barriers, sidewalk barriers, or fountains;

(c) Reproduction, by mechanical or other means, of original works of art, except in cases of film, video, photography, printmaking, or other media arts;

(d) Decorative, architectural, or functional elements which are designed by the building architect or landscape architect as opposed to an artist commissioned for this purpose;

(e) 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

(f) Landscaping required by the City's Community Development Department as part of the development entitlements. (Added by Ord. No. 2212CCS § 1, adopted 12/5/06)

9.04.10.20.070 Eligible on-site public arts project expenditures.

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:

(a) Artist fees;

(b) Labor of assistants, materials, and contracted services required for the design, fabrication, and installation of the public art;

(c) Any required permit or certificate fees and reasonable business and legal costs directly related to the public art;

(d) Reasonable art consultant fees, as established in guidelines approved to implement the provisions of this Part;

(e) Communication and other indirect costs (insurance, utilities associated with the creation but not the operation of the public art, etc.);

(f) Transportation of the public art to the site;

(g) Preparation of site to receive public art, beyond that required for the development itself;

(h) Installation of the completed public art;

(i) Structures which enable the display of the public art, such as platforms or pedestals, up to five percent of the total public art contribution;

(j) Mountings, anchorages, containments, or other materials necessary for installation of the public art; and

(k) Plaque identifying the public art, as required by this Part. (Added by Ord. No. 2212CCS § 1, adopted 12/5/06)

9.04.10.20.080 Ineligible on-site public arts project expenditures.

Expenditures that are ineligible to be counted toward the on-site public art contribution include the following items:

(a) Promotional materials or activities for the artist, the public art, the development, the developer or others parties involved in the development project;

(b) Opening, dedication, or other event for the public art, artist, or development;

(c) Developer's project management expenses associated with the public art;

(d) Services, materials, utilities or other expenses associated with the operation or maintenance of the public art;

(e) Land costs or any other costs associated with the development that are not part of and solely attributable to the public art; and

(f) Illuminating the public art if not integral to the design. (Added by Ord. No. 2212CCS § 1, adopted 12/5/06)

9.04.10.20.090 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 Part.

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 Part, and any associated regulations or guidelines authorized by this Part.

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.

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.

(c) **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 Part 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 fourteen consecutive calendar days from the date that the decision is made in the manner provided in Part 9.04.20.24, Sections 9.04.20.24.010 through 9.04.20.24.040 of this Code, or any successor legislation. The decision of the City Council shall be final. (Added by Ord. No. 2212CCS § 1, adopted 12/5/06)

9.04.10.20.100 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 Part.

(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 his/her 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.

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.

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.

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.

If any approved art work placed on private property pursuant to this Subchapter is removed without City approval, the certificate of occupancy may be revoked. (Added by Ord. No. 2212CCS § 1, adopted 12/5/06)

9.04.10.20.110 On-site cultural facilities alternative.

(a) A developer seeking to satisfy the private developer cultural arts requirement of this Part may do so, if approved by the Arts Commission, through the provision of on-site cultural facilities in the amount of two 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 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.

(b) **Commission Review and Approval.** 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 Part, and any associated regulations or guidelines authorized by this Part.

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 Part 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 fourteen consecutive calendar days from the date that the decision is made in the manner provided in Part 9.04.20.24, Sections 9.04.20.24.010 through 9.04.20.24.040 of this Code, or any successor legislation. The decision of the City Council shall be final. (Added by Ord. No. 2212CCS § 1, adopted 12/5/06)

9.04.10.20.120 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. (Added by Ord. No. 2212CCS § 1, adopted 12/5/06)

9.04.10.20.130 Declaration of covenants, conditions and restrictions.

If the developer elects to install on-site public art work in accordance with the requirements of Section 9.04.10.20.050, 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.

Any other reasonable terms necessary to implement the provisions of this Part. (Added by Ord. No. 2212CCS § 1, adopted 12/5/06)

9.04.10.20.140 Final City approval.

(a) No final City approval for any project subject to this Part 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 9.04.10.20.120. 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 Part. 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 Part. The Director's determination of compliance 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 Part 9.04.20.24, Sections 9.04.20.24.010 through 9.04.20.24.040 of this Code, or any successor legislation. (Added by Ord. No. 2212CCS § 1, adopted 12/5/06)

9.04.10.20.150 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 Part. 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;

(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. (Added by Ord. No. 2212CCS § 1, adopted 12/5/06)

9.04.10.20.160 Adoption by resolution of the per square foot amount for on-site participation or in-lieu contribution.

Pursuant to this Part, 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 two 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 Part. (Added by Ord. No. 2212CCS § 1, adopted 12/5/06)

9.04.10.20.170 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 Part, which is hereby codified in Article 9, Part 9.04.10.20, of the Santa Monica Municipal Code or as otherwise designated by the City Clerk. (Added by Ord. No. 2212CCS § 1, adopted 12/5/06)

Subchapter 9.04.12 Performance Standards

9.04.12.010 Purpose.

The performance standards outlined in this Subchapter are intended to explicitly describe the location, configuration, design, amenities, operation, and other standards for proposed development projects that may impact the surrounding neighborhood. When successfully achieved, development of these uses will be harmonious with the neighborhood's desirable character and consistent with the goals, objectives, and policies of the General Plan. (Prior code § 9050.1)

9.04.12.020 Applicability.

The Zoning Administrator, or Planning Commission on appeal, may approve a proposed project subject to performance standards if all the required standards are or will be achieved pursuant to the procedures in Part 9.04.20.08. Projects subject to performance standards must also comply with all other requirements of this Chapter unless specifically exempted by this Subchapter. The Zoning Administrator, or Planning Commission on appeal, may apply conditions of approval to bring the project into conformity if the proposed project does not comply completely with the specified standards. When the proposed project does not meet the stated performance standards and cannot be conditioned or modified to comply with the performance standards, the Zoning Administrator, or Planning Commission on appeal, shall disapprove the project. (Prior code § 9050.2)

9.04.12.030 Large family day care homes.

The purpose of these standards is to ensure that large family day care homes providing child care in residential districts do not adversely impact the adjacent neighborhood. While large family day care homes are needed by residents in this 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 family day care homes in residential surroundings to give children a home environment which is conducive to healthy and safe development. The following performance standards shall apply to large family day care homes:

(a) **Structures.** A large family day care home 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 home shall comply with noise standards contained in the Santa Monica Municipal Code, Chapter 3A, Sections 4301-4314 (the "Noise Ordinance").

(c) **On-Site Parking.** On-site parking for large family day care homes shall not be required except for that required for the residential building.

(d) **Passenger Loading.** Curbside loading shall be presumed adequate for drop-off and pick-up of children. However, where the Parking and Traffic Engineer, in evaluating a particular large family day care home, determines that curbside loading is not adequate, the Parking and Traffic Engineer shall approve a passenger loading plan.

(e) **Lighting.** 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.

(f) **State and Other Licensing.** All family day care homes shall be State licensed and shall be operated according to all applicable State and local regulations.

(g) **Concentration of Uses.** No more than one large family day care home shall be permitted within one hundred linear feet of the property line of any existing large family day care home.

(h) No hearing shall be held on the application for a permit pursuant to this Section, nor shall the granting of a permit pursuant to this Section be subject to appeal. This Section shall supersede any conflicting sections, including Section 9.04.20.08.060 of this Code. In addition,

the finding set forth in Section 9.04.20.08.030(c) is inapplicable to large family day care homes. (Prior code § 9050.3; amended by Ord. No. 1646CCS § 2, adopted 9/29/92)

9.04.12.040 Automobile dealerships.

The purpose of this Section is to ensure that automobile dealerships 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. The following special conditions shall apply to automobile dealerships.

(a) **Applicability.** All new automobile dealerships shall comply with the development standards for the district in which it is located and with this Section. Existing automobile dealerships shall be subject to these standards when seeking any one of the following:

(1) Cumulative expansion subsequent to the adoption of the ordinance codified in this Chapter of more than fifty percent of improved square footage existing at the time of adoption of the ordinance codified in this Chapter.

(2) Any adjacent expansion of the land area on which the dealership is located, whether by purchase, lease, business combination or acquisition, or similar method.

(3) Any substantial remodel of the existing dealership. Within one year from the adoption of the ordinance codified in this Chapter, existing dealerships shall be subject to those provisions of this Section as are hereafter specifically described.

(b) **Minimum Lot Size.** The minimum lot size shall be fifteen thousand square feet for new lots created by subdivision or combination after the adoption of the ordinance codified in this Chapter.

(c) **Parking and Vehicle Storage.** Employee and customer parking shall be provided at no charge. Parking shall comply with Part 9.04.10.08.

Areas designated for employee and customer parking shall not be used for vehicle storage or display. Rooftop storage of vehicles is permitted, and fifty percent of any such space shall be counted as floor area for the purposes of computing floor area ratio.

(d) **Landscaping.** Screening of display and non-display areas shall comply with the provisions of Part 9.04.10.04. A minimum two-foot landscape and decorative curb strip, where feasible, shall be provided along the street frontage perimeter of all vehicle display areas. Landscape materials shall be designed to provide an opaque visual buffer at least twelve inches in height. Applicable setback requirements shall be expanded to require a minimum five-foot landscaped area adjacent to any abutting residential district.

Final design treatment shall be subject to review and approval by the Architectural Review Board. All parking areas not used for vehicle display shall be subject to the parking lot screening requirements of Part 9.04.10.04.

(e) **Lighting.** All lighting shall comply with Section 9.04.10.02.270.

(f) **Loading and Unloading of Vehicles.** Loading and unloading of vehicles is permitted only in accordance with this subsection. 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.

(1) Loading and unloading of vehicles is limited to the hours of eight a.m. to five p.m. Monday through Saturday, excluding legal holidays.

(2) Off-loading shall be on-site or off-site, subject to the approval of the City Parking and Traffic Engineer. Loading and unloading shall not block the ingress or egress of any property.

(3) Existing dealerships shall, within one year of the adoption of the ordinance codified in this Chapter, submit plans to the Parking and Traffic Engineer for approval that satisfy the requirements of this subsection.

(4) New automobile dealerships or substantially remodeled dealerships shall provide off-loading facilities on private property (on- or off-site). Shared loading and unloading facilities are permitted for the purposes of meeting this requirement.

(g) **Storage of Vehicles to Be Repaired.** No vehicles to be repaired shall be parked or stored on any public street or alley.

(h) **Repair of Vehicles.** The repair and service facility portion of an automobile dealership shall comply with the provisions of Section 9.04.14.050.

(i) **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.

(j) **Test Driving.** Test driving shall not be done on residential streets or alleys. For the purposes of this subsection, streets which are designated by the City as major collector streets 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. Existing dealerships shall, within one year of the adoption of the ordinance codified in this Chapter, submit plans to the Parking and Traffic Engineer for approval that satisfy the requirements of this subsection.

(k) **Control of Alley Traffic.** Notwithstanding the prohibition of alley use for test driving, each dealership operator shall present to the Parking and Traffic Engineer, coincident with the application for a permit for a new dealership or substantial remodeling. Within one year of the adoption of the ordinance codified in this Chapter, existing dealerships shall present 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 fifteen 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.

(l) **Circulation.** The location of entries and exits from dealerships shall be located as far away from adjacent residential properties as is reasonably feasible and shall be

directed to commercial streets and away from residential areas by means of signage and design. 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 an alley or other public way.

(m) **Noise Control.**

(1) There shall be no outdoor loudspeakers. Interior loudspeakers shall produce no more than forty-five 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 eight a.m. or after six p.m. if reasonably likely to cause annoyance to abutting or adjacent residences.

(3) Rooftop storage areas shall be screened with landscaping and noise absorbing materials to minimize noise impacts on adjacent properties.

(4) Existing dealerships shall comply with the provisions of this subsection within six months after the adoption of the ordinance codified in this Chapter.

(n) **Toxic Storage and Disposal.**

(1) Gasoline storage tanks shall be constructed and maintained under the same conditions and standards that apply for service stations.

(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.

(o) **Air Quality.**

(1) Use of brake washers shall be required in service stalls or areas which 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 which 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 which would otherwise be emitted.

(p) **Modification of Development Standards.** Development standards for the particular district in which a development is located are modified and superseded by the following:

(1) There shall be no windows or other openings in walls facing abutting or adjacent residential districts, except for emergency-only pedestrian exits if required by the Building and Safety Division and for delivery facilities.

(2) When only one level of activity area is located below grade and it is dedicated to uses typically included in FAR calculations if located above grade level, the area shall not be included in FAR calculations to the extent that there is a substituted usage above the first floor which would not be included in FAR calculations if located below grade. If service stalls are located below grade, but an equivalent square footage above the first floor is dedicated to parking (which would not be counted in FAR if below grade), only the above-grade square footage is to be included in FAR calculations. Only one level of activity area shall be subject to this exemption.

(q) **Hours of Operation.** Unless otherwise approved by the Planning Commission on appeal, if the dealership is within one hundred feet of a residential district, operation of the dealership shall be prohibited between the hours of ten p.m. and seven a.m. (Prior code § 9050.4; amended by Ord. No. 1803CCS § 11, adopted 5/23/95)

9.04.12.050 Automobile rental agencies.

The purpose of this Section is to ensure that automobile rental agencies 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. The following performance standards shall apply to automobile rental agencies:

(a) **Minimum Lot Size.** The minimum lot size shall be seven thousand five hundred square feet.

(b) **Lighting.** All lighting shall comply with the provisions of Section 9.04.10.02.270.

(c) **Washing of Vehicles.** All washing, rinsing, or hosing down of vehicles and of the property shall comply with Article 7 of this Code.

(d) **Repair of Vehicles.** No vehicle repair work shall occur on the premises unless the rental agency is otherwise permitted and licensed to repair vehicles.

(e) **Parking and Vehicle Storage.** Employee and customer parking shall be provided at no charge. Parking shall comply with Part 9.04.10.08. Areas designated for employee and customer parking shall not be used for vehicle storage or display. Rooftop storage of vehicles is permitted, and fifty percent of any such space shall be counted as floor area for the purposes of computing floor area ratio.

(f) **Landscaping.** Screening of display and non-display areas shall comply with the provisions of Part 9.04.10.04. A minimum two-foot landscape and decorative curb strip, where feasible, shall be provided along the street frontage perimeter of all vehicle display areas. Landscape materials shall be designed to provide an opaque visual buffer at least twelve inches in height. Applicable setback requirements shall be expanded to require a minimum five-foot landscaped area adjacent to any abutting residential district. Final design treatment shall be subject to review and approval by the Architectural Review Board. All parking areas not used for vehicle display shall be subject to the parking lot screening requirements of Part 9.04.10.04.

(g) **Loading and Unloading of Vehicles.** Loading and unloading of vehicles is permitted only in accordance with this Subsection. 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 eight a.m. to five p.m. Monday through Saturday, excluding legal holidays.

(2) Off-loading shall be on-site or off-site, subject to the approval of the City Parking and Traffic Engineer. Loading and unloading shall not block the ingress or egress of any property.

(3) Existing agencies shall, within one year of the adoption of the ordinance codified in this Chapter, submit plans to the Parking and Traffic Engineer for approval that satisfy the requirements of this subsection.

(4) New automobile rental agencies or substantially remodeled agencies shall provide off-loading facilities on private property (on or off-site). Shared loading and unloading facilities are permitted for the purposes of meeting this requirement.

(h) **Circulation.** The location of entries and exits from rental agencies shall be located as far away from adjacent residential properties as is reasonably feasible and shall be directed to commercial streets and away from residential areas by means of signage and design. 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 an alley or other public way.

(i) **Noise Control.**

(1) 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).

(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. if reasonably likely to cause annoyance to abutting or adjacent residences.

(3) Rooftop storage areas shall be screened with landscaping and noise absorbing materials to minimize noise impacts on adjacent properties.

(4) Existing agencies shall comply with the provisions of this subsection within six months after the adoption of this Chapter.

(j) **Toxic Storage and Disposal.**

(1) Gasoline storage tanks shall be constructed and maintained under the same conditions and standards that apply for service stations.

(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.

(k) **Air Quality.**

(1) Use of brake washers shall be required in service stalls or areas which 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 which 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 which would otherwise be emitted.

(l) **Accessory Automobile Rental Agencies Within Automobile Repair or Automobile Painting Facilities.** The following special standards shall apply to accessory automobile rental agencies located within automobile repair or automobile painting facilities:

(1) No more than ten percent of the total interior floor area of the automobile repair or automobile painting facility or a maximum of seven hundred fifty square feet, whichever is less, shall be devoted to the accessory automobile rental agency operation;

(2) The accessory automobile rental agency shall only operate during the hours of operation of the automobile repair or automobile painting facility;

(3) Vehicles may only be rented to customers of the automobile repair or automobile painting facility;

(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. (Prior code § 9050.5; amended by Ord. No. 2074CCS § 3, adopted 5-13-03)

9.04.12.060 Private tennis courts.

The purpose of this Section is to ensure that a private tennis court in a residential district shall not adversely impact either adjacent residential parcels in the surrounding neighborhood and that they shall be utilized in a manner which protects the integrity of the district, while allowing for the private enjoyment of a healthful, recreational activity. The following performance standards shall apply to private tennis courts:

(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 Lot Size.** The minimum 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 standards outlined in Part 9.04.10.04.

(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. (Prior code § 9050.6)

9.04.12.070 Senior group housing.

The purpose of this Section is to ensure that senior group housing developments in residential districts do not adversely impact either the adjacent residential parcels or the

surrounding neighborhood and that they shall be developed in a manner which protects the health, safety, and general welfare of the nearby residents, while providing for the housing needs of an important segment of the community. The following performance standards shall apply to Senior Group Housing:

(a) **Property Development Standards.** The senior group housing facility shall conform to all property development standards of the zoning district in which it is located. The senior group housing shall conform with all local, state, and federal requirements for senior group housing.

(b) **Maximum Number of Dwelling Units.** The number of dwelling units may exceed that which is permitted in the underlying zoning district if the dwelling units consist of individual rooms that contain full bathrooms and small, efficiency kitchens located in a building that also contains a common kitchen, dining and living space, adequate to serve all residents.

(c) **Lighting.** Adequate external lighting shall be provided for security purposes. The lighting shall be stationary, directed away from adjacent properties and public rights-of-way, and of an intensity compatible with the residential neighborhood.

(d) **Laundry Facilities.** The development shall provide laundry facilities adequate for the residents.

(e) **Common Facilities.** The development may provide one or more of the following specific common facilities for the exclusive use of the senior citizen residents:

(1) Central cooking and dining rooms.

(2) Beauty salon and barber shop.

(3) Small pharmacy.

(4) Recreation Room.

(f) **Security.** Parking facilities shall be designed to provide security for residents, guests, and employees.

(g) **Landscaping.** On-site landscaping shall be installed and maintained pursuant to the standards outlined in Part 9.04.10.04.

(h) **Minimum Age.** Residential occupancy shall be limited to single persons over 62 years of age or to couples in which one is over 62 years of age.

(i) **Minimum Unit Size.** New units constructed shall not be less than 410 square feet in floor area. (Prior code § 9050.7)

9.04.12.080 One-story accessory living quarters.

The purpose of this Section is to ensure that single story accessory living quarters located in the R1 District shall not adversely impact either adjacent residential parcels or the surrounding neighborhood and that they shall be developed in a manner which protects the integrity of the R1 District, while providing for needed housing opportunities for owners of eligible parcels in the R1 District. The following performance standards shall apply to single story accessory living quarters:

(a) **Property Development Standards.** The single story accessory living quarters shall conform to all property development standards of the R1 District.

(b) **Minimum Lot Size.** The minimum lot size shall be 10,000 square feet.

(c) **Maximum Building Height.** The maximum building height shall be one-story, not to exceed 14 feet. However, no accessory building shall be higher than the principal building.

(d) **Side Yard Setbacks.** The accessory living quarters building shall have the same minimum side yard setback requirement as the principal building on the parcel, but in no case less than 5 feet.

(e) **Rear Yard Setbacks.** The accessory living quarters building shall have the same minimum rear yard setback requirement as the principal building on the parcel.

(f) **Architectural Compatibility.** The accessory living quarters building shall be architecturally compatible with the principal building and the surrounding neighborhood and shall incorporate the same colors and materials as the main dwelling.

(g) **Maximum Size.** No accessory living quarters building shall exceed 650 square feet in size.

(h) **Parking.** The accessory living quarters building shall provide parking in addition to that required for the main dwelling pursuant to Part 9.04.10.08.

(i) **Kitchen.** The accessory living quarters building shall contain no kitchen.

(j) **Renting.** No accessory living quarters building shall be rented or otherwise used as a separate dwelling unit.

(k) **Deed Restriction.** Prior to issuance of a building permit for an accessory living quarters building, a deed restriction in the form approved by the City shall be executed and recorded to ensure compliance with this Section. (Prior code § 9050.8)

9.04.12.090 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 RVC District with approval of a performance standards permit and only in the following two locations: on the Santa Monica Pier and fronting on the Promenade. A performance standards 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 Chapter.

(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) **Telephones.** At least one public telephone shall be provided at each arcade.

(j) **Hours of Operation.** The hours of operation shall be limited to between eight a.m. and ten 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 eight a.m. to two a.m.

(k) **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.

(l) **Litter.** The premises shall be continuously maintained in a safe, clean and orderly condition.

(m) **Abandonment.** A legal nonconforming arcade that is closed continuously for a period of one year shall be declared abandoned. To resume operation, the abandoned arcade must obtain a performance standards permit in accordance with this Section. (Prior code § 9050.9; amended by Ord. No. 1964CCS § 3, adopted 1/11/00; Ord. No. 2097CCS § 1, adopted 10/14/03)

9.04.12.100 Surface parking lots used for automobile storage in the BCD district.

The purpose of this Section is to ensure that surface parking lots used for automobile storage will not adversely impact the environment of the nearby residents or diminish the integrity of any district. The following performance standards shall apply to surface parking lots used for automobile storage:

(a) **Maximum Height.** The finished grade of a surface parking lot used for automobile storage shall not exceed eighteen inches in height above average natural grade.

(b) **Front Yard Setback.** As shown on the official districting map of the City, but in no event shall the front yard be less than five feet.

(c) **Rear Yard Setback.** Fifteen feet (measured from the centerline of the rear alley, if any), and if no rear alley, five feet.

(d) **Side Yard Setback.** The side yard shall be five feet. No side yard shall be required adjacent to a commercially zoned parcel.

(e) **Walls.** Walls shall conform to the provisions of Subchapter 9.04.10.

(f) **Use of Required Yards.** There shall be no parking or access to the surface parking lot permitted within the required side yard. Parking shall be permitted within the required rear yard provided that parking does not extend to within fifteen feet of the centerline of a rear alley or to within five feet of the rear property line if there is no rear alley located adjacent to the parcel, except that parking shall be permitted in a required setback if the parcel line directly abuts a commercial district. Access driveways shall be permitted within the required front or rear yards provided they do not exceed the maximum width permitted for parking lots and structure pursuant to Part 9.04.10.08.

(g) **Landscaping.** The required front yard area shall be landscaped pursuant to the provisions of Part 9.04.10.04. Additional landscaping shall be provided and maintained in the interior of a surface parking lot and in the required side yard pursuant to the provisions of Part 9.04.10.04.

(h) **Vehicle Access.** Vehicle access to and from all parking lots shall be located a minimum of twenty feet, or a greater distance if practical, from any residentially zoned parcel not in commercial parking use.

(i) **Screening.** Screening of automobile storage lots shall comply with the provisions of Section 9.04.10.04.090.

(j) **Lighting.** Lighting shall be provided pursuant to the provisions of Section 9.04.10.02.270.

(k) **Paving.** All surface parking lots used for automobile storage shall be surfaced with a minimum thickness of two inches of asphaltic concrete over a minimum thickness of four inches of a base material or alternative equivalent material approved by the Parking and Traffic Engineer.

(l) **Architectural Review.** All surface level parking lots shall be subject to architectural review pursuant to the provisions of Chapter 9.32 of this Article.

(m) **Applicability.** Within three years of the effective date of this Chapter, existing surface parking lots used for automobile storage shall comply with the provisions of this Section. (Prior code § 9050.10)

9.04.12.110 Surface parking lots used for non-required automobile parking in the TP District.

The purpose of this Section is to ensure that surface parking lots used for vehicle parking will not adversely impact the environment of nearby industrial, commercial and residential uses, and that any non-transit uses and improvements are removed if non-transit uses interfere with the development of the right-of-way when needed for public transit use.

(a) **Applicability.** The following performance standards shall apply to surface parking lots used for nonrequired vehicle parking. Interfering vehicle parking uses shall be removed from the transportation right-of-way within one hundred and eighty days of receiving notice from the City that the property is required for public transportation uses.

(b) **Maximum Height.** The finished grade of surface parking lots shall not exceed eighteen inches in height as measured from an imaginary line extending between the midpoints of the front property lines at the sidewalk level of the through parcels.

(c) **Parking and Vehicle Access.** The parking design and vehicle access shall be subject to the review and approval of the Transportation Planning Manager to minimize traffic congestion and hazards and provide accessibility.

(d) **Fences.** Fences shall conform to the provisions of Sections 9.04.10.02.080 and 9.04.10.02.090.

(e) **Lighting.** Any lighting shall be provided pursuant to the provisions of Section 9.04.10.02.270.

(f) **Surfacing.** Driveways, drive aisles and parking spaces shall be surfaced with a materials approved by the Transportation Management Division which shall minimize noise and shall not create airborne particulates. The surfacing design, installation and materials used shall prevent contaminants from entering the storm drain system, or allow the surfacing material or dirt from being carried on vehicle tires onto adjacent public streets. The City encourages pervious surfaces to reduce urban runoff.

(g) **Storage.** No overnight parking or storage of vehicles, or equipment, or materials is permitted.

(h) **Property Maintenance.** The property shall be maintained free of trash, debris, or junk materials. Hardscape areas shall be swept at least once a month to minimize airborne particulates and runoff pollution. (Added by Ord. No. 2182CCS § 2, adopted 4/25/06)

9.04.12.120 Sidewalk cafés.

The purpose of this Section is to permit sidewalk cafés that enhance the pedestrian ambiance of the City and to ensure that they do not adversely impact adjacent properties and surrounding neighborhoods consistent with the goals, objectives and policies of the General Plan. The following special conditions shall apply to sidewalk cafés:

(a) **Applicability.** Sidewalk cafés may be permitted in all commercial districts only with approval of a performance standards permit except as authorized in Section 9.04.10.02.460. A sidewalk café shall comply with the property development standards for the district in which it is to be located and with this Section. The provisions of this Section shall apply to all new sidewalk cafés and to all existing sidewalk cafés at such a time as the sidewalk café is expanded or enlarged.

(b) **Accessory Use.** A sidewalk café shall be conducted as an accessory use to a legally established restaurant or other eating and drinking establishment that is located on a contiguous adjacent parcel.

(c) **License Agreement.** A license agreement shall be approved in a form required by the City. Sidewalk cafés on the Third Street Mall shall comply with the adopted Outdoor Dining Guidelines for the Third Street Mall Specific Plan area.

(d) **Barriers.** If barriers are provided, they shall be in the manner required by the City. Sidewalk cafés on the Third Street Mall shall comply with the adopted Outdoor Dining Guidelines for the Third Street Mall Specific Plan area.

(e) **Enclosure.** Awnings or umbrellas may be used in conjunction with a sidewalk café, but there shall be no permanent roof or shelter over the sidewalk café area. Awnings shall be adequately secured, retractable, and shall comply with the provisions of the Uniform Building Code adopted by the City. Sidewalk cafés on the Third Street Mall shall comply with the adopted Outdoor Dining Guidelines for the Third Street Mall Specific Plan area.

(f) **Fixtures.** The furnishings of the interior of the sidewalk café shall consist only of movable tables, chairs and umbrellas. Lighting fixtures may be permanently affixed onto the exterior front of the principal building. Sidewalk cafés on the Third Street Mall shall comply with the adopted Outdoor Dining guidelines for the Third Street Mall Specific Plan area.

(g) **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. Sidewalk cafés shall remain clear of litter at all times.

(h) **Hours of Operation.** The hours of operation of the sidewalk café shall be limited to the hours of operation of the associated restaurant or other eating and drinking establishment. (Prior code § 9050.12; amended by Ord. No. 2192CCS § 22, adopted 7/11/06)

9.04.12.130 Service stations.

The purpose of this Section is to ensure that service stations do not result in an adverse impact 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 twenty-four hours per day, may be incompatible with nearby uses, particularly residential uses. Mini-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. Therefore, in the interest of protecting the health, safety and general welfare of the City and its residents, special regulations shall be imposed on service stations, consistent with the goals, objectives and policies of the General Plan.

The following special conditions shall apply to service stations:

(a) **Applicability.** Service stations may be permitted with the approval of a performance standards permit in those districts as provided in Subchapter 9.04.08. All service stations shall comply with the property development standards for the district in which it is to be located and with this Section. Except as specifically identified, the provisions of this Section shall 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 ten percent or greater in floor area, remodeling, or any other development that would cost more than fifty percent of the value of the improvements on the parcel at the time of remodeling, excluding land value.

(b) **Minimum Lot Size.** The minimum lot size shall be fifteen thousand square feet.

(c) **Minimum Street Frontage.** Each parcel shall have a minimum street frontage of one hundred feet on each abutting street.

(d) **Setbacks.** No building or structure shall be located within thirty feet of any public right-of-way or within twenty feet of any interior parcel line.

(e) **Gasoline Pumps.** Gasoline pumps shall be at least fifteen feet from any property line and a minimum of twenty feet from any public right-of-way.

(f) **Canopies.** Canopies shall be at least five feet from any property line.

(g) **Walls.** Service stations shall be separated from an adjacent property by a decorative masonry wall of not less than six feet in height. Materials, textures, colors and design of all walls shall be compatible with service station design and adjacent properties. No wall required to be erected and maintained by this Section shall be constructed within five feet of a driveway entrance or vehicle accessway opening onto a street or alley which would obstruct a cross view of pedestrians on the sidewalk, alley or elsewhere by motorists entering or standing on the parcel.

(h) **Paving.** The site shall be entirely paved, except for buildings and landscaping.

(i) **Landscaping.** The service station site shall be landscaped pursuant to the following standards:

(1) A minimum of fifteen percent of the site shall be landscaped including a planting strip at least three feet wide 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 berming shall be provided and maintained in the planters at a height of not less than three feet above the average adjacent grade.

(2) A minimum of one hundred fifty square foot landscaped area shall be provided at the intersection of two property lines at a street corner.

(3) All landscaped areas shall be properly maintained in a neat, orderly and safe manner, pursuant to Part 9.04.10.04. Such landscaping and maintenance shall include, but not be limited to, the installation and use of an automatic irrigation system, permanently and completely installed, which delivers water directly to all landscaped areas.

(4) All existing street trees shall be preserved, and driveways and vehicle approaches shall be designed so as not to necessitate the removal of any existing street trees.

(5) Final landscaping design treatment shall be subject to review and approval by the Architectural Review Board.

(j) **Access and Circulation.** For existing service stations proposing an expansion of ten percent or greater in floor area, remodeling, or any other development that would cost more than fifty percent of the value of the improvements on the parcel at the time of remodeling, excluding land value, existing driveways may remain in their present location. If changes or modifications to the driveways are proposed, such changes shall be subject to the approval of the City Parking and Traffic Engineer.

For new service stations, no more than one driveway with a maximum width of thirty-five feet shall be permitted on any one street frontage and shall be located as follows. Driveways shall not be located closer than fifty feet from a street intersection, fifteen 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 Parking and Traffic Engineer.

(k) 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 fifty feet of a residentially zoned property.

(l) **Parking.** Parking shall be provided in the following manner:

(1) There shall be a minimum of two parking spaces for each service bay, plus three spaces if full-service, one space if self-service, plus one space for each one hundred square feet of retail area.

(2) The parking area shall be landscaped and striped in conformance with Parts 9.04.10.04 and 9.04.10.10.

(3) Customer and employee parking shall not be utilized for automobile repair, finishing work or storage of vehicles.

(4) Vehicles in the process of being serviced may be parked on the premises for a maximum period of two weeks, but additional parking spaces shall be provided for this purpose.

(5) No vehicle that will be or has been serviced may be parked on public streets, sidewalks, parkways, driveways or alleys.

(6) 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 which are accessible to the general public including the physically disabled 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) **Telephones.** At least one public telephone shall be provided at each service station in a location that is easily visible from public rights-of-way.

(p) **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.

(q) **Mini-Marts.** Mini-marts may be permitted on the site of a service station subject to the following development standards:

(1) One on-site parking space for each one hundred square feet of retail space shall be provided in addition to the required parking spaces for the service station.

(2) The mini-mart shall be designed with materials compatible with the service station and surrounding properties.

(3) Arcade or game machines or other coin-operated electronic machines shall be prohibited.

(r) **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 thirty-two 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 twelve square feet and that the products shall be enclosed in a specially designed case;

(6) Motor vehicle products displayed along the front of the building and within thirty-six inches of the building, limited to five feet in height and not more than ten feet in length.

(s) **Refuse Storage and Disposal.** Trash areas shall be provided and screened on at least three sides from public view by a solid opaque impact-resistant wall not less than five feet in height as required by Section 9.04.10.02.150.

(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.

(t) **Utilities.** All utilities shall be placed underground.

(u) **Lighting.** All lighting shall comply with the provisions of Section 9.04.10.02.270.

(v) **Equipment Rental.** Rental of equipment such as trailers and trucks 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;

(3) The merchandise is screened from view in conformance with Section 9.04.10.02.130.

(w) **Operation of Facilities.** The service station shall at all times be operated in a manner not detrimental to surrounding properties or residents. Site activities shall not produce or be reasonably anticipated to produce any of the following:

(1) Damage or nuisance from noise, smoke, odor, dust or vibration;

(2) Hazard from explosion, contamination or fire;

(3) Hazard occasioned by the unusual volume or character of traffic, or the congregating of a large number of people or vehicles.

(x) **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.

(y) **Abandonment.** Any legal nonconforming service station that is closed continuously for a period of at least one year shall be declared abandoned. (Prior code § 9050.13; amended by Ord. No. 1834CCS § 7, adopted 12/12/95)

9.04.12.140 Shelter for the homeless.

The purpose of these standards is to ensure the development of shelters for the homeless do not adversely

impact adjacent parcels or the surrounding neighborhood, and shall be developed in a manner which 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. The following performance standards shall apply to shelters for the homeless:

(a) **Property Development Standards.** The shelter for the homeless shall conform to all property development standards of the zoning district in which it is located except as modified by these performance standards.

(b) **Maximum Number of Persons/Beds.** The shelter for the homeless shall contain a maximum of forty beds and shall serve no more than forty homeless persons.

(c) **Lighting.** Adequate external lighting shall be provided for security purposes. The lighting shall be stationary, directed away from adjacent properties and public rights-of-way, and of an intensity compatible with the neighborhood.

(d) **Laundry Facilities.** The development shall provide laundry facilities adequate for the number of residents.

(e) **Common Facilities.** The development may provide one or more of the following specific common facilities for the exclusive use of the residents:

(1) Central cooking and dining room(s).

(2) Recreation room.

(f) **Security.** Parking facilities shall be designed to provide security for residents, visitors, and employees.

(g) **Landscaping.** On-site landscaping shall be installed and maintained pursuant to the standards outlined in Part 9.04.10.04

(h) **On-Site Parking.** On-site parking for homeless shelters shall be subject to requirements set forth in Section 9.04.10.08.040.

(i) **Outdoor Activity.** For the purposes of noise abatement in residential districts, outdoor activities may only be conducted between the hours of eight a.m. to ten p.m.

(j) **Concentration of Uses.** No more than one shelter for the homeless shall be permitted within a radius of one thousand feet from another such shelter.

(k) **Refuse.** Homeless shelters shall provide a refuse storage area that is completely enclosed with masonry walls not less than five feet high with a solid-gated opening and that is large enough to accommodate a standard-sized trash bin adequate for the parcel. The refuse enclosure shall be accessible to refuse collection vehicles.

(l) **Health and Safety Standards.** The shelter for the homeless must comply with all standards set forth in Title 25 of the California Administrative Code (Part 1, Chapter F, Subchapter 12, Section 7972).

(m) **Shelter Provider.** 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 sixty days. Extensions up to a total stay of one hundred eighty days may be provided if 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. (Prior code § 9050.14)

9.04.12.150 Outdoor antique markets.

The purpose of this Section is to permit outdoor antique markets and ensure that they do not result in an adverse impact on adjacent land uses, especially surrounding residential uses. The following performance standards shall apply to outdoor antique markets:

(a) **Applicability.** Outdoor antique markets may be permitted on properties located in the PL Public Lands Overlay District with the approval of a performance standards permit. An outdoor antique market shall comply with the property development standards of the Public Lands Overlay zoning district as well as any underlying zoning district.

(b) **Duration of Use.** Outdoor antique markets are only allowed on a temporary basis. The use shall operate only once per month for no more than two consecutive days.

(c) **Food Sales.** Food sales may be provided as an ancillary service to the event. There shall be no alcohol sales.

(d) **Hours of Operation.** The hours of operation shall not exceed eight a.m. to seven p.m. each day of the event. Setup shall begin no earlier than five a.m. and all clean-up shall be concluded no later than seven p.m. However, the actual hours of operation and set-up/clean-up times for the event may he modified to ensure that the use is compatible with the surrounding neighborhood.

(e) **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.

(f) **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.

(g) **Sanitary Facilities.** A minimum of four portable sanitary facilities shall be located on-site and remain open for public use throughout the duration of the event.

(h) **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.

(i) **Signage.** Signage for the purpose of advertising the event shall be reviewed by the Architectural Review Board pursuant to Chapter 9.52 et seq.

(j) **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.

(k) **Temporary Structures.** Temporary structures shall not be permitted with the exception of portable canopies for the purpose of shading individual vendors and dealers. (Added by Ord. No. 1961CCS § 2, adopted 11/9/99)

9.04.12.160 Film and video production in the TP District.

The purpose of this Section is to allow for film and video production activities to take place on the transportation right-of-way while ensuring that adjacent and nearby industrial, commercial, and residential uses are not negatively impacted, and that any non-transit uses and improvements are removed when the right-of-way is needed for public transit use.

(a) **Applicability.** The following performance standards shall apply to all film and video production activities conducted on the right-of-way. All uses and improvements shall be removed from the right-of-way within one hundred and eighty days of receiving notice from either the property owner or the City that the property is needed for public transportation uses.

(b) **Hours of Operation.** All production activities, including set construction and preparation, delivery and loading/unloading of equipment, trailer delivery and set up, and rehearsals shall comply with Resolution Number 8140 (CCS), regulating Pictures for Commercial Purposes, and any successor resolution as may be adopted by the City Council from time to time.

(c) **Noise.** No production activities shall exceed the maximum noise thresholds established in the City's Noise Ordinance (Chapter 4.12).

(d) **Permitted Structures and Enclosures.** No permanent structures shall be constructed on the transportation right-of-way. Existing structures may be used for film production uses but may not be expanded. Temporary structures without permanent foundations, such as fences or landscaping for exterior sets and backdrops, tents, scaffolding for lighting or camera placement and trailers may be permitted. No structure shall exceed thirty feet in height.

(e) **Parking.** A performance standards permit shall be denied unless the applicant demonstrates to the satisfaction of the Transportation Planning Manager that sufficient parking and/or alternative means of transporting production crewmembers to and from the site will be provided so limited public parking resources will not be adversely impacted. All parking located on the right-of-way shall be improved and used in conformance with the standards specified in Section 9.04.12.110.

(f) **Property Maintenance.** The property shall be maintained free of trash, debris, or junk materials. Hardscape areas shall be swept at least once a month to minimize airborne particulates and runoff pollution. (Added by Ord. No. 2182CCS § 3, adopted 4/25/06)

9.04.12.170 Commercial nurseries in the TP District.

The purpose of this Section is to allow for commercial nurseries to operate on the transportation right-of-way while ensuring that adjacent and nearby industrial, commercial, and residential uses are not negatively impacted, and that the non-transit uses and improvements are removed when the right-of-way is needed for public transit use.

(a) **Applicability.** The following performance standards shall apply to all commercial nursery activities conducted on the transportation right-of-way. All commercial nursery uses shall be removed from the right-of-way within one hundred and eighty days of receiving notice from either the property owner or the City that the property is needed for public transportation uses.

(b) **Noise.** No activities shall exceed the maximum noise thresholds established in the City's Noise Ordinance (Chapter 4.12).

(c) **Permitted Structures.** No permanent structures may be constructed on the transportation right-of-way. Existing structures may be used for commercial nursery purposes but may not be expanded. Temporary structures without permanent foundations may be permitted. No structure shall exceed thirty feet in height.

(d) **Fences.** Fences shall conform to the provisions of Sections 9.04.10.02.080 and 9.04.10.02.090.

(e) **Storage of Materials.** All plants shall be kept in moveable pots or containers, no plants shall be planted directly in the ground except pursuant to a landscape plan approved by the Architectural Review Board. All other nursery materials and equipment shall be screened from public view by a minimum five-foot tall fence or potted hedge or shall be stored in an enclosed structure.

(f) **Property Maintenance.** The property shall be maintained free of trash, debris, or junk materials. Hardscape areas shall be swept at least once a month to minimize airborne particulates and runoff pollution.

(g) **Parking.** Parking requirements, vehicle access and parking space design shall be subject to the review and approval of the Transportation Planning Manager to minimize traffic congestion and hazards and provide accessibility. (Added by Ord. No. 2182CCS § 4, adopted 4/25/06)

9.04.12.180 All-electric vehicle automobile dealership showrooms.

The purpose of this Section is to ensure that automobile dealership showrooms for electric vehicles are compatible with uses within the BSC-1 Bayside Commercial District and do not create an adverse impact on adjacent properties by reason of traffic generation, including road testing of vehicles. The following special conditions shall apply to electric vehicle automobile dealership showrooms:

(a) **Applicability.** All new electric vehicle automobile dealership showrooms shall comply with the development standards for the BSC-1 district and with this Section.

(b) **Maximum Street Frontage.** The showrooms of the electric vehicle automobile dealerships shall be limited to a maximum linear street frontage of twenty-five feet.

(c) **Maximum Dealership Showroom Square Footage.** The showrooms of the electric vehicle automobile dealerships shall be limited to a maximum of three thousand seven hundred fifty square feet.

(d) **Maximum Number of Dealership Showrooms.** The maximum number of electric vehicle dealership showrooms permitted in the BSC-1 district shall be limited to four.

(e) **Maximum Number of Vehicles On-site.** The showroom of the electric vehicle automobile dealerships shall

be limited to a maximum of five vehicles. Additional vehicles may be provided on or off-site for test driving purposes.

(f) **Loading and Unloading of Vehicles.** Loading and unloading of vehicles shall be permitted only in accordance with this subsection. 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.

(1) Loading and unloading of vehicles shall be limited to the hours of eight a.m. to eleven a.m. Monday through Saturday, excluding legal holidays.

(2) Loading and off-loading shall be subject to the approval of the City Parking and Traffic Engineer. Loading and unloading shall not block the ingress or egress of any property.

(g) **Vehicle Service and Repair.** No vehicles shall be serviced or repaired on the premises.

(h) **Test Driving.** Test driving shall be permitted by appointment only. Test driving shall not be done on residential streets or alleys. For the purposes of this subsection, streets which are designated by the City as major collector streets 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. Employees of the dealership shall deliver the vehicles for test driving to a designated nearby location on a permitted test driving route. All test driving routes and their operation shall be reviewed and approved by the City Parking and Traffic Engineer. (Added by Ord. No. 2384CCS § 2, adopted 12/13/11)

Subchapter 9.04.13 Use Permit Special Standards

9.04.13.010 Purpose.

The uses contained in this Part may cause negative impacts in the area in which they are proposed to be developed and thus they require a use permit. The standards contained in this Part are intended to explicitly describe the location, configuration, design, amenities, operation and other development standards which along with additional conditions of approval for the use permit will ensure that the potential impacts are minimized, consistent with the goals, objectives, and policies of the General Plan. (Added by Ord. No. 1690CCS § 10 (part), adopted 7/13/93)

9.04.13.020 Applicability.

The Zoning Administrator, or the Planning Commission on appeal, may approve a use permit for the proposed project on the condition that the project comply with the special standards contained in this Part. Projects subject to approval of a use permit must also comply with all other requirements of this Chapter unless otherwise provided in this Section. The Zoning Administrator, or Planning Commission on appeal, may require additional conditions of approval of the use permit to ensure that the potential impacts of the project are minimized. When the proposed project does not meet the required special standards and cannot be modified to comply with the special standards, the Zoning Administrator, or the Planning Commission on appeal, shall disapprove the project. (Added by Ord. No. 1690CCS § 10 (part), adopted 7/13/93)

9.04.13.030 Outdoor newsstands.

The purpose of this Section is to ensure that outdoor newsstands located in any permitted commercial district shall not adversely impact surrounding uses and shall be developed in a manner which enhances and protects the integrity of the district. The following special conditions shall apply to outdoor newsstands:

(a) **Property Development Standards.** The outdoor newsstand shall comply with all property development standards of the commercial district in which it is located.

(b) **Maximum Size.** No outdoor newsstand shall exceed two feet in depth, fifty feet in length, eight feet in height, or one hundred forty-nine square feet in total floor area.

(c) **Minimum Distance from Other Outdoor Newsstands.** No outdoor newsstand shall be located closer than five hundred feet to the nearest other outdoor newsstand.

(d) **Outdoor Newsstands on Public Rights-of-Way.** Prior to submittal of an application for an outdoor newsstand, the applicant must obtain preliminary approval from the Department of General Services and the City Parking and Traffic Engineer to ensure that public safety and pedestrian and vehicular traffic concerns are adequately addressed. Fees shall be assessed for the use of public property. A minimum eight foot pedestrian path must be maintained between the outdoor newsstand and the curb or any other pedestrian-obstructing object. If the outdoor newsstand abuts the wall of a private parcel, the operator must have the permission of the owner of the private parcel to operate an outdoor newsstand in that location.

(e) **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 based on the guidelines contained in Chapter 9.32 of the Municipal Code.

(f) **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 9.52 (Sign Code) of the Municipal Code.

(g) **Placement.** No outdoor newsstand shall be placed within three 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.

(h) **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. (Added by Ord. No. 1690CCS § 10 (part), adopted 7/13/93)

9.04.13.040 Second dwelling units in the R-1 and OP-1 Districts.

A second dwelling unit including all existing non-permitted second units shall comply with all the requirements of the zoning district in which it is to be or is located, including the Uniform Building Code and all other relevant Federal, State and local requirements and with the following operating, design and development standards:

(a) **Occupancy and Sale Limitations.** The owner of record of the parcel shall reside on the parcel on which the second unit is located, in either the main dwelling unit or the second unit. The second unit shall be intended and used for occupancy as a residential dwelling unit by the resident property owner, a dependent of the resident property owner or a care giver of either the resident property owner or a dependent of the resident property owner. The use permit shall be valid only if and for so long as these conditions are maintained. The second unit is not intended for, and shall not be offered for, sale separately from the main dwelling unit.

(b) **Lot Size.** Second units may be developed on any legal parcel of five thousand square feet or more in the R-1 and OP-1 Districts. Second units may not be developed on parcels less than five thousand square feet in area.

(c) **Density.** Second units may be developed on parcels which contain no more than one existing single-family residence.

(d) **Maximum and Minimum Unit Size.** Second units may contain a maximum of six hundred fifty square feet of floor area and a minimum of two hundred twenty square feet of floor area.

(e) **Parcel Coverage.** The parcel coverage of the second unit shall count toward total parcel coverage. The entire parcel shall conform to the parcel coverage limitation of the R-1 or OP-1 Districts as applicable.

(f) **Parking Requirements.** For second units, one parking space per bedroom shall be required, with a minimum of one space per second unit. Tandem parking shall not be permitted unless the parcel upon which the second unit is located is less than thirty feet in width. Parking shall not be located in the front one half of the parcel.

(g) **Second Units Attached to the Main Dwelling.** Except as otherwise provided above, the second unit shall comply with all the property development standards for the main dwelling.

(h) **Detached Second Units.** In addition to the requirements set forth above, detached second units shall comply with the following:

(1) One story detached second unit in a building which is fourteen feet or less in height: The entire building in which such second unit is located shall comply with the requirements applicable to accessory structures set forth in Zoning Ordinance Section 9.04.10.02.100, subsections (a), (b), (c), (d) and (e) and with the requirements for accessory living quarters set forth in Zoning Ordinance Section 9.04.12.080, subsections (c), (d) and (g).

(2) Detached second unit in a building which is over one story or exceeds fourteen feet in height: The entire building in which such second unit is located shall comply with the requirements applicable to accessory structures set forth in Zoning Ordinance Section 9.04.14.110, subsections (a), (c), (d), (e) and (g).

(i) **Design Standards.**

(1) The exterior design of the second unit shall be substantially compatible with that of the main dwelling in terms of building forms, materials, colors, exterior finishes and landscaping. The parcel shall retain a single-family appearance and the second unit shall be integrated into the design of the existing improvements on the property.

(2) The second unit shall be clearly subordinate to the main dwelling unit on the parcel by size, location and appearance.

(3) The entrance to the second unit shall not be on the front or street side yard.

(4) The addresses of both units shall be displayed in a manner as to be clearly visible from the street.

(j) **Conversion of Existing Structures.**

(1) **Garage Conversions.** The creation of a second unit through conversion of all or a portion of a garage shall be prohibited unless at least two parking spaces in a garage are provided for the main dwelling, in addition to the parking required by this Section for the second unit, and all other provisions of this Section are met.

(2) **Accessory Living Quarters and Non-Garage Accessory Building Conversions.** The creation of a second unit through conversion of all or a portion of a accessory living quarters or non-garage accessory building shall be allowed if parking required by this Section for the second unit is provided, and all other provisions of this Section are met.

(3) **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 one hundred fifty percent of the floor area of the second unit, or in violation of the standards of the Uniform Building Code or Uniform Housing Code.

(k) **Prohibition Against Rental.** The second unit shall not be rented except to those persons whose occupancy is authorized by subsection (a) of this Section.

(l) **Deed Restriction.** Prior to issuance of a building permit, or in the case of an existing second unit, within forty-five days following the effective date of approval of a use permit, the applicant shall record a deed restriction with the County Recorder in a form approved by the City Attorney setting forth the requirements of this Section, including the applicable occupancy and sale restrictions. This deed restriction shall run with the land.

(m) For purposes of this Section, the following definitions shall apply:

(1) **Care giver** means any person who is responsible for the care, health, safety, custody, or control of the resident property owner or a dependent of the resident property owner for a minimum of twenty hours per week.

(2) **Dependent of the resident property owner** means any person who meets one of the following categories:

(A) An individual claimed by the resident property owner as a dependent on his or her state or federal personal income tax returns if he or she has sufficient income to have a personal tax liability.

(B) A biological, adopted, or foster child, a stepchild, or a legal ward who is under twenty-one years of age.

(C) An individual twenty-one years of age or greater who has physical or mental limitations which restrict his or her ability to carry out normal activities or to protect his or her rights, including, but not limited to, persons who have physical or developmental disabilities or whose physical or mental abilities have diminished because of age and who is in one of the following groups:

(i) Children, parents, siblings, first cousins, nephews, or nieces, and persons of preceding generations denoted by prefixes of grand, great or great-great.

(ii) Stepfather, stepmother, stepbrother, stepsister and stepchild.

(iii) Spouses of any persons named in the above groups even after the marriage is terminated by death or divorce.

3. **Resident property owner** means any person listed on the tax assessor's rolls as an owner of record of the parcel on which the second unit is or will be located and who resides on this property as his or her principal place of residence. (Added by Ord. No. 1942CCS § 11, adopted 5/11/99)

9.04.13.050 One-story accessory buildings over fourteen feet in height or two-story accessory buildings.

The purpose of this Section is to ensure that accessory buildings located on parcels in the area bounded by Montana Avenue, the northern City limits, Twenty-Sixth Street and Ocean Avenue, do not adversely impact adjacent parcels or the surrounding neighborhood, and are developed in a manner which protects the integrity of the neighborhood. Notwithstanding Section 9.04.10.02.110, the following conditions and property development standards shall apply to single story accessory buildings over fourteen feet in height or two-story accessory buildings:

(a) The accessory building shall conform to all property development standards of the residential district in which the accessory building is located, except that a one-story garage or the garage portion of an accessory building may extend into the rear yard and may extend to one interior side property line on the rear thirty-five feet of a lot and the second story shall have a minimum separation of twenty feet from the second story of the principal building.

(b) The second story portion of an accessory building which is directly above the garage may extend into the required rear yard but shall be no closer than fifteen feet from the centerline of the alley or fifteen feet from the rear property line where no alley exists, and may not extend into any required side yard.

(c) Roof decks, landings, upper level walkways and balconies are limited to thirty-five square feet in area and must be set back at least twenty-five feet from the side property line closest to the structure, and at least twenty-five feet from the rear property line, or if an alley exists, twenty-five feet from the centerline of the alley.

(d) **Maximum Building Height.** The maximum building height shall be two stories, twenty-four feet in height. However, no accessory building shall be higher than the principal building.

(e) **Side Yard Setbacks.** The accessory building shall have the same minimum side yard setback requirement as the principal building on the parcel, but in no case less than five feet.

(f) **Architectural Compatibility.** The accessory building shall be architecturally compatible with the principal dwelling and the surrounding neighborhood and shall incorporate the same colors and materials as the main dwelling.

(g) **Maximum Size of Second Floor.** No accessory building shall have a second floor that exceeds two hundred fifty square feet in size.

(h) **Kitchen.** The accessory building shall not contain a kitchen unless specifically permitted as a second dwelling unit pursuant to Section 9.04.08.02.040(b).

(i) **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 9.04.08.02.040(b). Where there is swimming pool or spa located on the premises, a shower that is located outside may be permitted.

(j) **Renting.** No accessory building shall be rented for any purpose or otherwise used as a separate dwelling unit unless specifically permitted as a second dwelling unit pursuant to Section 9.04.08.02.040(b).

(k) **Deed Restriction.** Prior to issuance of a building permit for any accessory building, a deed restriction in the form approved by the City shall be executed and recorded to ensure compliance with this Section. (Added by Ord. No. 1950CCS § 6, adopted 8/10/99)

9.04.13.060 First-floor uses with a Third Street Promenade frontage exceeding fifty feet.

The purpose of this Section is to ensure a wide variety of storefronts on the Third Street Promenade. A new or expanded use on the Third Street Promenade may have a first-floor frontage that exceeds fifty feet if a use permit is obtained pursuant to Santa Monica Municipal Code Section 9.04.20.11.010 et seq. and one of the following additional findings of fact is made:

(1) The proposed use is an entertainment-related use that adds to the overall vitality and diversity of the Bayside District and the use cannot be accommodated within a Third Street Promenade frontage of fifty feet or less.

(2) The proposed use adds to the diversity of the district by providing goods or services that are not otherwise available in the Bayside District and the use cannot be accommodated within a Third Street Promenade frontage of fifty feet or less.

(3) The conditions of the proposed site make it physically or practically infeasible for the use to occupy a Third Street Promenade frontage of fifty feet or less. (Added by Ord. No. 2142CCS § 3, adopted 9/28/04)

Subchapter 9.04.14 Special Conditions for Conditional Uses

9.04.14.010 Purpose.

The uses contained in this Subchapter may cause negative impacts in the area in which they are proposed to be developed and thus they require approval of a Conditional Use Permit. The special conditions contained in this Subchapter are intended to explicitly describe the location, configuration, design, amenities, operation, and other conditions of approval for these uses which along with additional conditions of approval for the Conditional Use Permit will ensure the potential impacts are minimized, consistent with the goals, objectives, and policies of the General Plan. (Prior code § 9055.1)

9.04.14.020 Applicability.

The Planning Commission, or City Council on appeal, may approve a Conditional Use Permit for the proposed project on the condition that the project comply with the special conditions contained in this Subchapter. Projects subject to approval of a Conditional Use Permit must also comply with all other requirements of this Chapter unless otherwise provided in this Section. The Planning Commission, or City Council on appeal, may require additional conditions of approval of the Conditional Use Permit to ensure that the potential impacts of the project are minimized. When the proposed project does not meet the required special conditions and cannot be conditioned or modified to comply with the special conditions, the Planning Commission, or City Council on appeal, shall disapprove the project. (Prior code § 9055.2)

9.04.14.030 Child day care centers in residential districts.

The provision of child care 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. The following special conditions shall apply to child day care centers in residential districts:

(a) **Structures.** A child day care center shall conform to all property development standards of the zoning district in which it is located unless otherwise provided in this Section.

(b) **Fences and Walls.** Outdoor play areas shall be enclosed by a fence of at least four feet in height, except that in a required front yard, fence height may not exceed four feet in height unless otherwise permitted through approval of a variance pursuant to Part 9.04.20.10 or an adjustment pursuant to Part 9.04.20.34. 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.

(c) **On-Site Parking.** On-site parking for child day care centers shall conform to the provisions of Part 9.04.10.08.

(d) **Passenger Loading.** Curbside loading shall be presumed adequate for drop-off and pick-up of children. However, where the City Parking and Traffic Engineer, in evaluating a particular facility, determines that curbside loading is not adequate, the City Parking and Traffic Engineer shall approve an alternate passenger loading plan.

(e) **Organized Outdoor Play Activity.** For the purposes of noise abatement in residential districts, organized outdoor activities shall be limited to the hours of 7:00 a.m. to 9:00 p.m.

(f) **State and Other Licensing.** All child day care centers shall be State licensed and shall be operated according to all applicable State and local regulations. (Prior code § 9055.3; amended by Ord. No. 1711CCS § 1, adopted 11/9/93)

9.04.14.040 Service stations.

The purpose of this Section is to ensure that service stations do not result in an adverse impact 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 twenty-four hours per day, may be incompatible with nearby uses, particularly residential uses. Mini-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. Therefore, in the interest of protecting the health, safety and general welfare of the City and its residents, special regulations shall be imposed on service stations, consistent with the goals, objectives and policies of the General Plan. The following special conditions shall apply to service stations:

(a) **Applicability.** Service stations may be permitted with the approval of a conditional use permit in those districts as provided in Subchapter 9.04.08. All service stations shall comply with the property development standards for the district in which it is to be located and with this Section. Except as specifically identified, the provisions of this Section shall 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 ten percent or greater in floor area, or a remodeling, or any other development that would cost more than fifty percent of the value of the improvements on the parcel at the time of remodeling, excluding land value.

(b) **Minimum Lot Size.** The minimum lot size shall be fifteen thousand square feet.

(c) **Minimum Street Frontage.** Each parcel shall have a minimum street frontage of one hundred feet on each abutting street.

(d) **Setbacks.** No building or structure shall be located within thirty feet of any public right-of-way or within twenty feet of any interior parcel line.

(e) **Gasoline Pumps.** Gasoline pumps shall be at least fifteen feet from any property line and a minimum of twenty feet from any public right-of-way.

(f) **Canopies.** Canopies shall be at least five feet from any property line.

(g) **Walls.** Service stations shall be separated from an adjacent property by a decorative masonry wall of not less than six feet in height. Materials, textures, colors and design of all walls shall be compatible with service station design and adjacent properties. No wall required to be erected and maintained by this Section shall be constructed within five feet of a driveway entrance or vehicle accessway opening onto a street or alley which would obstruct a cross view of pedestrians on the sidewalk, alley or elsewhere by motorists entering or standing on the parcel.

(h) **Paving.** The site shall be entirely paved, except for buildings and landscaping.

(i) **Landscaping.** The service station site shall be landscaped pursuant to the following standards:

(1) A minimum of fifteen percent of the site shall be landscaped including a planting strip at least three feet wide 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 berming shall be provided and maintained in the planters at a height of not less than three feet above the average adjacent grade.

(2) A minimum of one hundred fifty square foot landscaped area shall be provided at the intersection of two property lines at a street corner.

(3) All landscaped areas shall be properly maintained in a neat, orderly and safe manner, pursuant to Part 9.04.10.04. Such landscaping and maintenance shall include, but not be limited to, the installation and use of an automatic irrigation system, permanently and completely installed, which delivers water directly to all landscaped areas.

(4) All existing street trees shall be preserved, and driveways and vehicle approaches shall be designed so as not to necessitate the removal of any existing street trees.

(5) Final landscaping design treatment shall be subject to review and approval by the Architectural Review Board.

(j) **Access and Circulation.** For existing service stations proposing an expansion of ten percent or greater in floor area, remodeling, or any other development that would cost more than fifty percent of the value of the improvements on the parcel at the time of remodeling, excluding land value, existing driveways may remain in their present location. If changes or modifications to the driveways are proposed, such changes shall be subject to the approval of the City Parking and Traffic Engineer.

For new service stations, no more than one driveway with a maximum width of thirty-five feet shall be permitted on any one street frontage and shall be located as follows. Driveways shall not be located closer than fifty feet from a street intersection, fifteen 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 Parking and Traffic Engineer.

(k) 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 fifty feet of a residentially zoned property.

(l) **Parking.** Parking shall be provided in the following manner:

(1) There shall be a minimum of two parking spaces for each service bay, plus three spaces if full-service, one

space if self-service, plus one space for each one hundred square feet of retail area.

(2) The parking area shall be landscaped and striped in conformance with Parts 9.04.10.04 and 9.04.10.10.

(3) Customer and employee parking shall not be utilized for automobile repair, finishing work or storage of vehicles.

(4) Vehicles in the process of being serviced may be parked on the premises for a maximum period of two weeks, but additional parking spaces shall be provided for this purpose.

(5) No vehicle that will be or has been serviced may be parked on public streets, sidewalks, parkways, driveways or alleys.

(6) 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 which are accessible to the general public including the physically disabled 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) **Telephones.** At least one public telephone shall be provided at each service station in a location that is easily visible from public rights-of-way.

(p) **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.

(q) **Mini-Marts.** Mini-marts may be permitted on the site of a service station subject to the following development standards:

(1) One on-site parking space for each one hundred square feet of retail space shall be provided in addition to the required parking spaces for the service station.

(2) The mini-mart shall be designed with materials compatible with the service station and surrounding properties.

(3) Arcade or game machines or other coin-operated electronic machines shall be prohibited.

(4) Unless otherwise provided by the Planning Commission, or City Council on appeal, if the service station is within one hundred feet of a residential district, mini-mart operation shall be prohibited between the hours of ten p.m. and seven a.m.

(r) **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 thirty-two 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 twelve square feet and that the products shall be enclosed in a specially designed case;

(6) Motor vehicle products displayed along the front of the building and within thirty-six inches of the building, limited to five feet in height and not more than ten feet in length.

(s) **Refuse Storage and Disposal.** Trash areas shall be provided and screened on at least three sides from public view by a solid opaque impact-resistant wall not less than five feet in height as required by Section 9.04.10.02.150.

(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.

(t) **Utilities.** All utilities shall be placed underground.

(u) **Lighting.** All lighting shall comply with the provisions of Section 9.04.10.02.270.

(v) **Equipment Rental.** Rental of equipment such as trailers and trucks 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;

(3) The merchandise is screened from view in conformance with Section 9.04.10.02.130.

(w) **Operation of Facilities.** The service station shall at all times be operated in a manner not detrimental to surrounding properties or residents. Site activities shall not produce or be reasonably anticipated to produce any of the following:

(1) Damage or nuisance from noise, smoke, odor, dust or vibration;

(2) Hazard from explosion, contamination or fire;

(3) Hazard occasioned by the unusual volume or character of traffic, or the congregating of a large number of people or vehicles.

(x) **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.

(y) **Abandonment.** Any legal nonconforming service station that is closed continuously for a period of at least one year shall be declared abandoned. (Prior code § 9055.4; amended by Ord. No. 1803CCS § 12, adopted 5/23/95; Ord. No. 1834CCS § 8, adopted 12/12/95)

9.04.14.050 Automobile repair facilities.

The purpose of this Section is to provide for the mitigation of potential noise, fumes, litter, and parking problems associated with automobile repair facilities. The special conditions contained in this Section are intended to ensure that automobile repair facilities operate harmoniously and are compatible with adjacent and surrounding uses. In the interest of protecting the health, safety, and general welfare of the City and its residents, special conditions shall be imposed on automobile repair facilities, consistent with the goals, objectives, and policies of the General Plan. The following special conditions shall apply to automobile repair facilities:

(a) **Applicability.** Automobile repair facilities may be permitted with the approval of a Conditional Use Permit in those districts as provided in Subchapter 9.04.08. Each automobile repair facility, including one which 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, with Section 9.04.12.040 or 9.04.14.060, and with this Section. Existing automobile repair facilities shall be subject to those provisions of this Section as are hereafter specifically described.

(b) **Minimum Lot Size.** The minimum lot size for automobile repair facilities not associated with an automobile dealership shall be seven thousand five hundred square feet for new lots created by subdivision or combination after the adoption of the ordinance codified in this Chapter.

(c) **Setbacks.** An automobile repair facility shall comply with the setback requirements for the district in which it is located.

(d) **Paving.** The site shall be entirely paved, except for buildings and landscaping. Existing automobile repair facilities that are currently not paved shall conform with this requirement within one year from the adoption Ordinance Number 1452 (CCS).

(e) **Landscaping.** A landscape area at least two feet wide shall be provided along the perimeter of the parcel and along building frontages, excluding authorized driveways, so that no less than ten percent of the repair facility site not occupied by structures is landscaped. In all other respects, landscaping shall conform to the requirements of Part 9.04.10.04. Existing automobile repair facilities shall comply with this subsection within one year from the adoption of Ordinance Number 1452 (CCS) except where strict application of this subsection would result in undue hardship by requiring the demolition or relocation of all or part of an existing building, perimeter wall or fence or the elimination of parking spaces. In any of these circumstances, an existing auto repair facility may submit an alternative landscaping plan to the Architectural Review Board which deviates from the requirements of this subsection solely to the extent necessary to eliminate the hardship. The Architectural Review Board shall approve this alternative landscaping plan provided this plan would not adversely affect the public welfare and would not be detrimental or injurious to property and improvements in the surrounding area. Existing automobile repair facilities entitled to submit alternative landscaping plans shall comply with this subsection within six months from the effective date of the ordinance codified in this Section.

(f) **Screening.** If body repair work is performed by the facility, screening approved by the Architectural Review Board shall be provided so that vehicles awaiting repair shall not be visible from surrounding properties or public rights-of-way. Existing automobile repair facilities shall comply with this subsection within one year from the adoption date Ordinance 1452 (CCS).

(g) **Structures.** Entrances to individual service bays shall not face abutting residential parcels and uses. 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 9.04.10.02.150.

(i) **Lighting.** All lighting shall comply with Section 9.04.10.02.270. Existing automobile repair facilities shall comply with this subsection within three months from the effective date of the ordinance codified in this Section.

(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. Existing automobile repair facilities shall comply with this subsection within one year from the adoption. Ordinance Number 1452 (CCS). Notwithstanding Section 9.04.18.030, work activities may be conducted outdoors on the premises of automobile repair facilities lawfully in existence prior to September, 1988, including those permitted in the M1 Industrial Conservation and LMSD Light Manufacturing and Studio districts, provided the following conditions are met:

(1) The work is performed within twenty feet of an existing building;

(2) Subject to the determination of the Zoning Administrator, the work is performed entirely within a clearly marked area which is at least fifty feet from the property line of the nearest residence or within a clearly marked area screened in its entirety from the nearest residence, as of the effective date of Ordinance 1963 (CCS), by a line-of-sight barrier consisting of a building enclosed on the side facing the residence;

(3) The work area does not exceed fifty percent (50%) of the facility's existing outdoor area or four-hundred 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) Street frontage is screened consistent with Section 9.04.10.04.080;

(7) Side and rear yards, not fronting a street, are screened consistent with subsection (f) of this Section;

(8) The work is performed from 8:00 a.m. to 5:00 p.m. Monday through Friday and 8:30 a.m. to 4:00 p.m. Saturday.

(9) Outdoor hoists are not utilized.

Automobile repair facilities lawfully in existence prior to September, 1988 which 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 (j)

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) shall be rendered inoperative, removed or fully enclosed in a four-sided building with a roll-up or similar type door which is oriented away from adjacent residentially zoned properties and uses. The outdoor hoist enclosures shall not exceed eighteen feet in width by twenty-eight feet in length, shall be constructed in a manner consistent with subsection (g), 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 9.04.02.030.315(k), enclosures for hoists in existence on the adoption date of Ordinance Number 1452 (CCS) 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. Existing automobile repair facilities shall comply with the hoist enclosure or removal requirement within one year from the effective date of Ordinance 1963 (CCS), but as provided by subsection (j) outdoor hoists shall not be operated pending their removal or enclosure. Once an outdoor hoist is enclosed, the hoist may again be operated.

(*l*) **Hours of Operation.** In all districts, except on parcels which are more than one hundred feet from a residential district, no work shall be performed on automobiles between the hours of eight p.m. and seven a.m., Monday through Saturday, and no work shall be performed on Sundays, except as follows. In the C4 District, in approving a Conditional Use Permit, the Planning Commission or City Council on appeal may authorize Sunday operations if all of the following 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 are prohibited before ten a.m. and after five 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;

(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, an appropriate physical barrier such as a brick or block wall which buffers adjacent residences from noise, and 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 six feet in width by nine feet in length by six feet in height. An auto repair facility seeking to utilize storage containers shall submit an application to the Architectural Review Board for review pursuant to Municipal Code Section 932.140 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. Existing automobile repair facilities shall comply with this subsection within three months from the effective date of the ordinance codified in this Section.

(n) **Sound.** Sound generated from the repair facility shall comply with Section 9.04.10.02.310. Existing automobile repair facilities shall comply with this subsection within three months from the effective date of the ordinance codified in this Section.

(o) **Abandonment.** Any legal nonconforming automobile repair facility that is closed continuously for a period of at least six months shall be declared abandoned, except when caused by an act of nature, provided reconstruction of the building is commenced within one year of the date the damage occurs and is diligently completed.

(p) **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. Existing automobile repair facilities shall comply with this subsection within three months from the effective date of the ordinance codified in this Section.

(q) **Test Driving.** Road testing of vehicles on residential streets is prohibited. All road testing shall be conducted on streets designated by the City as major collector streets. Automobile repair facilities shall prepare plans detailing the road testing route and shall submit these plans to the City's Transportation Management Division for approval. Each automobile repair facility operator shall notify its employees of the City approved route and shall ensure employees adhere to the plan. Existing automobile repair facilities shall comply with this subsection within three months from the effective date of the ordinance codified in this Section.

(r) **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 shall remain closed at all times while work is not being performed. Any disassembled vehicles awaiting parts or repair for twenty-four hours or longer shall

be covered. Existing automobile repair facilities shall comply with this subsection within three months from the effective date of the ordinance codified in this Section. (Prior code § 9055.5; amended by Ord. No. 1803CCS § 13, adopted 5/23/95; Ord. No. 1804CCS § 1, adopted 6/13/95; Ord. No. 1963CCS § 2, adopted 2/8/00)

9.04.14.060 Automobile dealerships.

The purpose of the Section is to ensure that automobile dealerships 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. The following special conditions shall apply to automobile dealerships:

(a) **Applicability.** All new automobile dealerships shall comply with the property development standards for the district in which it is located and with this Section. Existing automobile dealerships shall comply with this Section when seeking any of the following:

(1) Cumulative expansion of more than fifty percent of improved square footage existing at the time of adoption of the ordinance codified in this Chapter;

(2) Any adjacent expansion of the land area on which the dealership is located, whether by purchase, lease, business combination or acquisition, or similar method;

(3) Any substantial remodel of the existing dealership. Within one year from the adoption of the ordinance codified in this Chapter, existing automobile dealerships shall be subject to those provisions of this Section as are hereafter specifically described.

(b) **Minimum Lot Size.** The minimum lot size shall be fifteen thousand square feet for new lots created by subdivision or combination after the adoption of the ordinance codified in this Chapter.

(c) **Parking and Vehicle Storage.** Employee and customer parking shall be provided at no charge. Parking shall comply with Part 9.04.10.08. Areas designated for employee and customer parking shall not be used for vehicle storage or display. Rooftop storage of vehicles is permitted, and fifty percent of any such space shall be counted as floor area for the purposes of computing floor area ratio.

(d) **Landscaping.** Screening of display and non-display areas shall comply with the provisions of Part 9.04.10.04. A minimum two-foot landscape and decorative curb strip, where feasible, shall be provided along the street frontage perimeter of all vehicle display areas. Landscape materials shall be designed to provide an opaque visual buffer at least twelve inches in height. Applicable setback requirements shall be expanded to require a minimum five-foot landscaped area adjacent to any abutting residential district.

Final design treatment shall be subject to review and approval by the Architectural Review Board. All parking areas not used for automobile display shall be subject to the parking lot screening requirements of Part 9.04.10.04.

(e) **Lighting.** All lighting shall comply with Section 9.04.10.02.270.

(f) **Loading and Unloading of Vehicles.** Loading and unloading of vehicles is permitted only in accordance with this subsection. 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.

(1) Loading and unloading of vehicles is limited to the hours of eight a.m. to five p.m. Monday through Saturday, excluding legal holidays.

(2) Off-loading shall be on-site or off-site, subject to the approval of the City Parking and Traffic Engineer. Loading and unloading shall not block the ingress or egress of any adjacent property.

(3) Existing dealerships shall, within one year of the adoption of the ordinance codified in this Chapter, submit plans to the City Parking and Traffic Engineer for approval that satisfy the requirements of this subsection.

(4) New automobile dealerships or substantially remodeled dealerships shall provide off-loading facilities on private property (on- or off-site). Shared loading and unloading facilities are permitted for the purposes of meeting this requirement.

(g) **Storage of Vehicles to Be Repaired.** No vehicles to be repaired shall be parked or stored on any public street or alley.

(h) **Repair of Vehicles.** The repair and service facility portion of an automobile dealership shall comply with the provisions of Section 9.04.14.050.

(i) **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.

(j) **Test Driving.** Test driving shall not be done on residential streets or alleys. For the purposes of this subsection, streets which are designated by the City as major collector streets 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. Existing dealerships shall, within one year of the adoption of the ordinance codified in this Chapter, submit plans to the City Parking and Traffic Engineer for approval to satisfy the requirements of this subsection.

(k) **Control of Alley Traffic.** Notwithstanding the prohibition of alley use for test driving, each dealership operator shall present to the City Parking and Traffic Engineer, coincident with the application for a permit for new dealerships or substantial remodeling, and within one year of the adoption of the ordinance codified in this Chapter for existing dealerships, a plan 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 maximum speed to fifteen 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.

(l) **Circulation.** The location of entries and exits from automobile dealerships shall be located as far away from adjacent residential properties as is reasonably feasible and shall be directed to commercial streets and away from residential areas by means of signage and design. 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 an alley or other public way.

(m) **Noise Control.**

(1) There shall be no outdoor loud speakers. Interior loudspeakers shall produce no more than forty-five 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 eight a.m. or after six p.m. if reasonably likely to cause annoyance to abutting or adjacent residences.

(3) Rooftop storage areas shall be screened with landscaping and noise absorbing materials to minimize noise impacts on adjacent properties.

(4) Existing dealerships shall comply with the provisions of this subsection within six months after the adoption of the ordinance codified in this Chapter.

(n) **Toxic Storage and Disposal.**

(1) Gasoline storage tanks shall be constructed and maintained under the same conditions and standards that apply for service stations.

(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.

(o) **Air Quality.** Use of brake washers shall be required in service stalls or areas which calculations if located above grade level, the area shall not be included in FAR calculations to the extent that there is a substituted usage above the first floor which would not be included in FAR calculations if located below grade. If service stalls are located below grade, but an equivalent

square footage above the first floor is dedicated to parking (which would not be counted in FAR if below grade), only the above-grade square footage is to be included in FAR calculations. Only one level of activity area shall be subject to this exemption. (Prior code § 9055.6; amended by Ord. No. 1803CCS § 14, adopted 5/23/95)

9.04.14.070 Automobile rental agencies in the C5, C6, and CC districts.

The purpose of this Section is to ensure that automobile rental agencies 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 run-off. The following performance standards shall apply to automobile rental agencies:

(a) **Minimum Lot Size.** The minimum lot size shall be seven thousand five hundred square feet.

(b) **Lighting.** All lighting shall comply with the provisions of Section 9.04.10.02.270.

(c) **Washing of Vehicles.** All washing, rinsing, or hosing down of vehicles and of the property shall comply with Article VII of this Code.

(d) **Repair of Vehicles.** No vehicle repair work shall occur on the premises unless the rental agency is otherwise permitted and licensed to repair vehicles.

(e) **Parking and Vehicle Storage.** Employee and customer parking shall be provided at no charge. Parking shall comply with Part 9.04.10.08.

Areas designated for employee and customer parking shall not be used for vehicle storage or display. Rooftop storage of vehicles is permitted, and fifty percent of any such space shall be counted as floor area for the purposes of computing floor area ratio.

(f) **Landscaping.** Screening of display and non-display areas shall comply with the provisions of Part 9.04.10.04. A minimum two-foot landscape and decorative curb strip, where feasible, shall be provided along the street frontage perimeter of all vehicle display areas. Landscape materials shall be designed to provide an opaque visual buffer at least twelve inches in height. Applicable setback requirements shall be expanded to require a minimum five-foot landscaped area adjacent to any abutting residential district.

Final design treatment shall be subject to review and approval by the Architectural Review Board. All parking areas not used for vehicle display shall be subject to the parking lot screening requirements of Part 9.04.10.04.

(g) **Loading and Unloading of Vehicles.** Loading and unloading of vehicles is permitted only in accordance with this subsection. 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 eight a.m. to five p.m. Monday through Saturday, excluding legal holidays.

(2) Off-loading shall be on-site or off-site, subject to the approval of the City Parking and Traffic Engineer. Loading and unloading shall not block the ingress or egress of any property.

(3) Existing dealerships shall, within one year of the adoption of the ordinance codified in this Chapter, submit plans to the Parking and Traffic Engineer for approval that satisfy the requirements of this subsection.

(4) New automobile rental agencies or substantially remodeled agencies shall provide off-loading facilities on private property (on- or off-site). Shared loading and unloading facilities are permitted for the purposes of meeting this requirement.

(h) **Circulation.** The location of entries and exits from rental agencies shall be located as far away from adjacent residential properties as is reasonably feasible and shall be directed to commercial streets and away from residential areas by means of signage and design. 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 an alley or other public way.

(i) **Noise Control.**

(1) There shall be no outdoor loudspeakers. Interior loudspeakers shall produce no more than forty-five 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 eight a.m. or after six p.m. if reasonably likely to cause annoyance to abutting or adjacent residences.

(3) Rooftop storage areas shall be screened with landscaping and noise absorbing materials to minimize noise impacts on adjacent properties.

(4) Existing agencies shall comply with the provisions of this subsection within six months after the adoption of the ordinance codified in this Chapter.

(j) **Toxic Storage and Disposal.**

(1) Gasoline storage tanks shall be constructed and maintained under the same conditions and standards that apply for service stations.

(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.

(k) **Air Quality.**

(1) Use of brake washers shall be required in service stalls or areas which 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 which 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 which would otherwise be emitted. (Prior code § 9055.7)

9.04.14.080 Neighborhood grocery stores in multi-family residential districts.

The purpose of this Section is to permit neighborhood grocery stores in all multiple family residential districts for the use and convenience of neighborhood residents. The special conditions contained in this Section are intended to ensure that neighborhood grocery 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 special conditions shall apply to neighborhood grocery stores in multiple family residential districts:

(a) **Applicability.** All neighborhood grocery stores in multi-family districts shall comply with the property development standards for the district in which it is to be located and with this Section.

(b) **Location.** No neighborhood grocery store shall be located within three hundred linear feet of an adjacent commercial district in which similar facilities are located.

(c) **Structure.** A neighborhood grocery store shall be operated completely within an enclosed building. The store shall be located on the ground floor and shall count as a residential unit for the purpose of calculating the unit density permitted on a parcel. The store "unit" may not be used for residential purposes.

(d) **Height, Setback, and Parcel Coverage.** A neighborhood grocery store shall comply with the height, setback, and parcel coverage requirements for the residential district in which it is located. If the store is contained in a structure that includes other uses, no portion of the remaining portion of the structure in which the store is located shall exceed the height, setback, and parcel coverage requirements for the residential district.

(e) **Parking.** A minimum of two off-street parking spaces shall be provided for employees of the store. In addition, if the neighborhood grocery store exceeds six hundred square feet, an additional parking space shall be provided for each additional three hundred square feet or a portion thereof.

(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. Loading and unloading of store merchandise shall be permitted only between eight-thirty a.m. and six p.m.

(h) **Lighting.** Lighting shall comply with Section 9.04.10.02.270.

(i) **Hours of Operation.** The store shall be open for business only between eight a.m. and nine p.m.

(j) **Maximum Size.** No neighborhood grocery store shall exceed three thousand square feet.

(k) **Alcohol Sales.** No neighborhood grocery store shall be permitted to sell alcoholic beverages.

(l) **Deliveries.** Deliveries shall be permitted only between the hours of eight a.m. to six p.m., Monday through Friday.

(m) The Planning Commission (or City Council on appeal) may modify subsections (d), (e), (g), (i), (j) and (l) of this Section for existing legal nonconforming neighborhood markets seeking to extend or renew conditional use permits pursuant to Section 9.04.18.040(h) if all of the following findings of fact can be made in an affirmative manner:

(1) That the use has been in continuous operation since the effective date of the Zoning Ordinance (September 8, 1988);

(2) That the strict application of the provisions of this Chapter would result in practical difficulties or unnecessary hardships inconsistent with the general purpose and intent of this Chapter or that there are exceptional circumstances or conditions applicable to the proposed development that do not apply generally to other developments covered by this Chapter;

(3) That the granting of a modification would not adversely affect surrounding properties or be detrimental to the district's residential-oriented environment.

Notwithstanding the granting of an extension or renewal of a conditional use permit, the neighborhood market shall remain a legal nonconforming use subject to Section 9.04.18.030, except Section 9.04.18.030(e) as it relates to extended hours of operation, and as a nonconforming use, it shall be permitted to continue only so long as the use remains substantially the same type of use as the use of the property on the effective date of the Zoning Ordinance and the basic operational features of the use and its impact on the neighborhood are not altered. (Prior code § 9055.9; amended by Ord. No. 2090CCS § 1, adopted 7/22/03; adopted by Ord. No. 2224CCS § 1, adopted 4/24/07)

9.04.14.090 Drive-in, drive-through, fast-food and take-out restaurants.

The purpose of this Section is to effectuate the goals, objectives, and policies of the General Plan by ensuring that drive-in, drive-through, fast-food, 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. The following special conditions shall apply to drive-in, drive-through, fast-food, and take-out restaurants:

(a) **Applicability.** Drive-in, drive-through, fast-food, or take-out restaurants may be permitted only with approval of a conditional use permit. These restaurants shall comply with the property development standards of the underlying district and with this Section. The provisions of this Section shall apply to all new drive-in, drive-through, fast-food, and take-out restaurants, to any existing restaurant which has an expansion of more than ten percent of the gross floor area or increase of more than twenty-five percent of the number of seats and, to the extent specifically provided in subsection (j), restaurants operating as of July 10, 1995.

(b) **Hours of Operation.** When located on a site adjacent to or separated by an alley from any residentially zoned property, a drive-in, drive-through, fast-food, or take-out restaurant shall not open prior to seven a.m. nor shall it remain open after ten p.m., except that fast-food or take-out restaurants in the C3 District whose entire operation, including parking, is conducted within an enclosed building or an enclosed patio shall have the following hours:

(1) Operations within the enclosed building may be twenty four hours, seven days per week;

(2) Operations within the enclosed patio shall not begin earlier than 7:00 a.m. daily and shall conclude not later than 12:00 a.m. Monday through Friday and 2:00 a.m. Saturday and Sunday.

(c) **Minimum Lot Size.** The minimum lot size shall be ten thousand square feet.

(d) **Driveways.** Drive-in and drive-through restaurants shall have double driveways in all instances and these driveways shall have space for at least six vehicles waiting for service.

(e) **Parking.** A parking and vehicular circulation plan encompassing adjoining streets and alleys shall be submitted for review and approval by the Parking and Traffic Engineer prior to approval of a conditional use permit.

(f) **Refuse Storage Area.** A minimum of one outdoor trash receptacle shall be provided on-site adjacent to each driveway exit. At least one additional on-site outdoor trash receptacle shall be provided for every ten required parking spaces.

(g) **Litter.** Employees shall collect on-site and off-site litter including food rappers, containers, and packaging from restaurant products generated by customers within a radius of three hundred feet of the property at least once per business day.

(h) **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.

(i) **Noise.** Any drive-up or drive-through speaker system shall emit no more than fifty decibels four feet between the vehicle and the speaker and shall not be audible above daytime ambient noise levels beyond the property boundaries. The system shall be designed to compensate for ambient noise levels in the immediate area and shall not be located within thirty feet of any residential district or any property used for residential uses.

(j) **Applicability to Restaurants Operating as of July 10, 1995.** Any drive-in, drive-through, fast-food or take-out restaurant operating as of July 10, 1995 which is not otherwise subject to the hours of operation restrictions of subsection (b) above ("existing drive-through") shall be subject to the following hours of operation for the drive-up window component:

(1) Any existing drive-through which is located adjacent to or separated by an alley from any residentially zoned property, and which does not have a valid conditional use permit or development review permit shall not operate its drive-up window between the hours of ten p.m. and seven a.m. unless and until a conditional use permit for such drive-up window operation is obtained.

(2) Any existing drive-through which is located adjacent to or separated by an alley from any residentially zoned property which has a valid conditional use permit or development review permit issued prior to July 10, 1995, which permit authorized operation of the drive-up window between the hours of ten p.m. and seven a.m., shall cease operating its drive-up window during those hours as of May 1, 1998 unless and until a new conditional use permit is obtained.

(3) The conditional use permit required pursuant to this subsection (j) may authorize the drive-up window of an existing drive-through to operate during specified hours between ten p.m. and seven a.m., if the findings contained in Santa Monica Municipal Code Section 9.04.20.12.040(a) through (j) are made. In granting a conditional use permit, the Planning Commission, or City Council on appeal, may impose such conditions as are necessary to insure that the authorized drive-up window operation is not detrimental to surrounding properties or residents by reason of lights, noise, activities, parking or other actions. Except as provided above, the conditional use permit shall be processed substantially in accordance with Part 9.04.20.12.010 of the Municipal Code. (Prior code § 9055.10; amended by Ord. No. 1819CCS § 1, adopted 10/17/95; Ord. No. 1870CCS § 1, adopted 12/17/96; Ord. No. 2077CCS § 3, adopted 5-20-03)

9.04.14.100 Self-service storage warehouse.

The purpose of this Section is to ensure that self-service storage warehouse operations, commonly known as "mini-warehouses," do not result in an adverse impact 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. The special conditions contained in this Section are intended to serve to differentiate self-service storage warehousing uses from more intensive wholesale or general warehousing uses, especially in regard to the differing parking requirements for these uses. The following special conditions shall apply to self-service storage warehouses:

(a) **Applicability.** All self-storage warehouses shall comply with the property development standards for the district in which it is to be located and with this Section. The provisions of this Section shall apply to all new self-storage warehouse uses and to all existing facilities at such time as the storage area of the existing business is expanded.

(b) **Business Activity.** No business activity shall be conducted other than the rental of storage spaces for inactive storage use.

(c) **Enclosure.** All storage shall be fully enclosed within a building or buildings.

(d) **Hazardous Materials.** No flammable or otherwise hazardous materials shall be stored on-site. (Prior code § 9055.11)

9.04.14.110 One story accessory buildings over fourteen feet in height or two story accessory buildings with a maximum height of twenty-four feet.

The purpose of this Section is to ensure that accessory buildings located in any residential district shall not adversely impact either adjacent parcels or the surrounding neighborhood, and shall be developed in a manner which protects the integrity of the district. The following conditions shall apply to single story accessory buildings:

(a) **Property Development Standards.** The accessory building shall conform to all property development standards of the residential district in which the accessory building is located.

(b) **Minimum Lot Size.** The minimum lot size shall be seven thousand five hundred square feet.

(c) **Maximum Building Height.** The maximum building height shall be two stories, twenty-four feet in height. However, no accessory building shall be higher than the principal building.

(d) **Side Yard Setbacks.** The accessory building shall have the same minimum side yard setback requirement as the principal building on the parcel, but in no case less than five feet.

(e) **Rear Yard Setbacks.** The accessory building shall have the same minimum rear yard setback requirement as the principal building on the parcel.

(f) **Architectural Compatibility.** The accessory building shall be architecturally compatible with the principal dwelling and the surrounding neighborhood and shall incorporate the same colors and materials as the main dwelling.

(g) **Maximum Size.** No accessory building shall exceed six hundred fifty square feet in size including the garage.

(h) **Kitchen.** The accessory building shall contain no kitchen.

(i) **Full Bath.** The accessory building may contain a sink and toilet, but shall not contain a shower or tub enclosure. Where there is swimming pool or spa located on the premises, a shower which is located outside may be permitted.

(j) **Renting.** No accessory building shall be rented for any purpose or otherwise used as a separate dwelling unit.

(k) **Deed Restriction.** Prior to issuance of a building permit for any accessory building, a deed restriction in the form approved by the City shall be executed and recorded to ensure compliance with this Section. (Prior code § 9055.12)

9.04.14.120 Off-site hazardous waste facility.

The purpose of this Section is to ensure that Off-Site Hazardous Waste Facilities located in the CS District shall not adversely impact surrounding uses and shall be developed in a manner which protects the integrity of the District. The following special conditions shall apply to any new proposed Off-Site Hazardous Waste Facility, or the substantial remodel of an existing facility:

(a) **Compliance.** Off-site hazardous waste facilities shall comply with all provisions of the Los Angeles County Hazardous Waste Management Plan and the State of California "Office of Permit Assistance Guidelines—Siting Specified Hazardous Waste Facilities—Implementation and Operation under AB 2948, Tanner."

(b) **Proximity to Populations.** Facilities shall be located at least two thousand feet from any residential use, public assembly use, hospital, convalescent home, or school.

(c) **Flood Hazard.** Facilities shall avoid locating in flood plains, areas subject to tsunamis, seiches, and storm surges unless they are designed, constructed, operated, and maintained to prevent inundations. Facilities may be built in areas subject to one hundred year flooding if protected by engineered solutions, such as berms raising above the flood levels.

(d) **Seismic Activity.** Facilities shall be located at least two hundred feet from a known active fault.

(e) **Discharge of Treated Effluent.** Facilities must have adequate sewer capacity to accommodate the expected wastewater discharge.

(f) **Groundwater.** Facilities shall be located outside the cone of depression created by pumping a well or well field ninety days unless an effective hydrogeologic barrier to vertical flow exists.

(g) **Transportation.** Facilities shall be located where road networks leading to major transportation routes do not utilize local residential streets and residential frontages along highways. Facilities shall be located such that any minor routes from the major route to the facility are used primarily by trucks and the number of nonindustrial structures (homes, hospitals, schools, etc.) is minimal. (Prior code § 9055.13; added by Ord. No. 1521CCS, adopted 5/8/90)

9.04.14.130 Automobile washing facilities.

Any automobile washing facility authorized by this Section shall comply with the property development standards for the district in which it is to be located (including setback, height, etc.), and with the following additional standards:

(a) **Minimum Parcel Size.** Seven thousand five hundred square feet.

(b) **Setbacks.** Unless otherwise approved by the Planning Commission, no building or structure for a self-service car wash shall be located within thirty feet of any public right-of-way or within twenty feet of any interior parcel line.

(c) **Canopies.** Any canopy shall be at least five feet from any property line.

(d) **Walls.** Automobile washing facilities shall be separated from adjacent property other than street frontage by a masonry wall of not less than six and nor more than eight feet in height. If 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, texture, colors, and design of all walls shall be compatible with the design of the principal structures on the parcel and adjacent properties. No wall required to be erected and maintained by the provisions of this Section shall be constructed within five feet of a driveway entrance or vehicle accessway opening onto a street or alley which would obstruct a cross view of pedestrians on sidewalk, alley, or elsewhere, by motorists entering or exiting the parcel.

(e) **Paving.** The site shall be entirely paved, except for buildings and landscaping.

(f) **Landscaping.** The site shall be landscaped pursuant to the following standards:

(1) A minimum of ten percent of the site shall be landscaped, and shall include, at a minimum, a planting strip at least three feet wide 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 berming shall be provided and maintained in the planters at a height of not less than three feet above the average adjacent grade.

(2) A minimum of one hundred fifty square foot landscaped area shall be provided at the intersection of two property lines at a street corner.

(3) All landscaped areas shall be properly maintained in a neat, orderly, and safe manner, pursuant to Subchapter 9.04.10.02 of the Zoning Ordinance. Such landscaping and maintenance shall include, but not be limited to, the installation and use of an automatic irrigation system, permanently and completely installed, which delivers water directly to all landscaped areas.

(4) 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.

(5) Final landscaping design treatment shall be subject to review and approval by the Architectural Review Board.

(g) **Access and Circulation.** Unless otherwise approved by the Parking and Traffic Engineer, no more than two driveways shall be permitted on any one street frontage. If one driveway the maximum width shall be thirty-five feet; if two driveways the maximum width of each shall be thirty feet. Driveways shall be located as follows:

(1) Unless otherwise approved by the Parking and Traffic Engineer, driveways shall not be located closer than fifty feet from a street intersection, fifteen feet from a residential property line or alley, nor 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 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 fifty feet of a residentially zoned property.

(h) **Parking.** Parking shall be provided in the following manner:

(1) There shall be a minimum of two parking spaces for each washing stall, not including the stall, plus one space for each three hundred square feet of retail area. For facilities without defined stalls, the calculated minimum stall number shall be equal to one stall for each twenty linear feet of washing area lane.

(2) The parking area shall be landscaped and striped in conformance with Subchapter 9.04.10.02 of the Zoning Ordinance.

(3) 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.

(4) No vehicle that will be or has been serviced may be parked on public streets, sidewalks, parkways, driveways, or alleys.

(5) 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 which are 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) **Telephones.** At least one public telephone shall be provided at each automobile washing facility.

(k) **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.

(l) **Game Machines.** Up to three arcade or game machines or other coin-operated electronic machines shall be permitted if located within an enclosed building.

(m) **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 vehicle.

(2) The sale of items from vending machines placed next to the main building in a designated area which shall not exceed thirty-two square feet and shall be screened from public view.

(n) **Refuse Storage and Disposal.** A trash and recycling area shall be provided and screened on at least three sides from public view by a solid opaque impact-resistant wall not less than five feet in height as required by Subchapter 9.04.10 of the Zoning Ordinance.

(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.

(o) **Utilities.** All utilities shall be placed underground unless otherwise approved by the Environmental and Public Works Management Director.

(p) **Lighting.** All lighting shall comply with the provisions of Subchapter 9.04.10.02 of the Zoning Ordinance.

(q) **Operation of Facilities.** The facility shall at all times be operated in a manner not detrimental to surrounding properties or residents. Site activities shall not produce or be reasonably anticipated to produce any of the following:

(1) Damage or nuisance from noise, smoke, odor, dust, or vibration.

(2) Hazard from explosion, contamination, or fire.

(3) Hazard occasioned by the unusual volume or character of traffic, or the congregating of a large number of people or vehicles.

(r) **Hours of Operation.** If located within one hundred feet of a residential district, operation of the establishment shall be prohibited prior to eight a.m. or after ten p.m. on weekdays, prior to nine a.m. or after ten p.m. on Saturdays, and prior to nine a.m. or after nine p.m. on Sundays.

(s) **Outdoor Loudspeakers.** There shall be no outdoor loudspeakers or public address systems.

(t) **Security Plan.** A security plan shall be developed by the applicant and approved by the Chief of Police prior to issuance of a building permit.

(u) **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.

(v) **Water Recycling.** Recycling of water used for vehicle washing shall be maximized. The Department of Environmental and Public Works Management shall approve recycling systems used at automobile washing facilities.

(w) **Air Quality.**

(1) All mechanical ventilating equipment shall be directed to top story exhaust vents which 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.

(x) **Noise.** All operations at the site shall comply with the City's Noise Ordinance, as set forth in Chapter 4.12 of this Code. (Added by Ord. No. 1803CCS § 15, adopted 5/23/95)

Subchapter 9.04.16 Condominiums

Part 9.04.16.01 Condominiums Generally

9.04.16.01.010 Purpose.

The purpose of this Subchapter 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. (Prior code § 9060.1; amended by Ord. No. 2131CCS § 11 (part), adopted 7/27/04)

9.04.16.01.020 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 on or after March 7, 2000 shall require approval of a Design Compatibility Permit, in addition to compliance with Section 9.04.16.01.030 establishing additional minimum requirements for condominiums and any and all requirements of Chapter 9.20 of this Article for preparation, review, and approval of a Subdivision Map. Notwithstanding the above, a Design Compatibility Permit shall not be required in the R2, R3, and R4 Districts. (Prior code § 9060.2; amended by Ord. No. 2053CCS § 2, adopted 10/8/02; Ord. No. 2131CCS § 11 (part), adopted 7/27/04)

9.04.16.01.030 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 pursuant to standards for new construction in Part 9.04.10.08. Required off-street parking spaces shall be covered and located within the same structure as the dwelling units for which they are required and shall be included in the ownership of each condominium unit. No off-street parking space required by this Section shall be sold, leased, or otherwise transferred to the control of any person or organization not an owner of one or more units within the project except that spaces may be rented to other owners within the project.

(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 Part 9.04.10.08.

(c) **Yard 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 except that for projects requiring a Design Compatibility Permit, 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 (CC & Rs).** 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.

(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 ninety days after sale or transfer of title of fifty-one percent of the units. The CC & Rs shall be reviewed by the Planning Commission, or City Council upon appeal, when the condominium project requires a Design Compatibility Permit and shall be reviewed by the City Attorney when no Design Compatibility Permit is required. 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, Planning Commission, or City Council, as appropriate. 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 twelve months beginning at the close of escrow on the first unit sold. The subdivider to be responsible for all costs of normal maintenance in excess of the estimate.

(g) No gas or electric meters shall be located within the required front or street side yard setback areas.

(h) 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 Environmental and Public Works Management/Environmental Programs Division. 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) Sidewalks, curbs, gutters, paving and driveways which need replacing or removal as a result of the project as determined by the Department of Environmental and Public Works Management shall be reconstructed to the satisfaction of the Department of Environmental and Public Works Management. Approval for this work shall be obtained from the Department of Environmental and Public Works Management prior to issuance of the building permits.

(j) 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 of Santa Monica with written certification that all trucks leaving the site are covered in accordance with this condition of approval.

(k) Street trees shall be maintained, relocated or provided in accordance with the City's Community Forest Management Plan 2000, per the specifications of the Open Space Management Division of the Community and Chapter 7.40 of this Code (Tree Code). No street trees shall be removed without the approval of the Open Space Management Division.

(l) A construction period mitigation plan shall be prepared by the applicant for approval by the Department of Environmental and Public Works Management 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 use of public streets for parking;

(15) List a designated on-site superintendent.

(m) The developer shall prepare a notice, subject to the review by the Director of Planning and Community Development, 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 three-hundred-foot radius from the subject site at least five days prior to the start of construction.

(n) 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 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 Environmental and Public Works Management Department will set specific requirements. Building Permit plans shall show the required installation.

(p) 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's owner's expense. A determination shall then be made by the Director of Planning to determine the significance of the survey findings and appropriate actions and requirements, if any, to address such findings.

(q) 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. (Prior code § 9060.3; amended by Ord. No. 2131CCS § 11 (part), adopted 7/27/04)

Part 9.04.16.02 Condominium Conversions

9.04.16.02.010 Condominium conversions.

Except for Tenant Participating Conversions processed in conformance with Article XX of the City Charter, 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 City 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 of Planning, 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 sixty days after the filing of a Notice of Pending Application to Convert the City 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 five percent of the total rental housing inventory for a period of ninety days prior to the date of approval. In calculating the vacancy factor, the 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 Commission determines that a new rental unit has or will be added 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.

(j) 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. (Prior code § 9061.1)

9.04.16.02.020 Office, commercial, and industrial condominiums.

[Reserved for Future Use.]

Subchapter 9.04.18 Nonconforming Buildings and Uses

9.04.18.010 Purpose.

(a) This Subchapter provides for the orderly termination of nonconforming buildings and uses in order to promote the public health, safety, and general welfare and to bring such buildings and uses into conformity with the goals, objectives, and policies of the General Plan.

(b) This Subchapter limits the expansion of nonconforming uses and buildings, establishes the circumstances under which they may be continued, and provides for the correction or removal of such uses and buildings.

(c) Nonconforming uses within the City are detrimental to the orderly development of the City and are detrimental to the health, safety, peace, comfort, and general welfare of persons and property within the City.

(d) Nonconforming uses shall be eliminated as rapidly as possible without infringing upon the constitutional rights of the owners of nonconforming properties. (Prior code § 9080.1)

9.04.18.020 Legal, nonconforming buildings.

A legal, nonconforming building is a structure which lawfully existed on the effective date of the ordinance codified in this Chapter but which does not comply with one or more of the property development standards for the district in which it is located. A legal, nonconforming building may be maintained as follows:

(a) **Repairs and Alterations.**

(1) Repairs and alterations may be made to nonconforming residential buildings in R1 and multifamily districts.

(2) Repairs and alterations may be made to nonconforming commercial or industrial buildings provided there is no expansion or increase in the square footage of the existing building.

(3) Changes to interior partitions or other nonstructural improvements and repairs may be made to a nonconforming commercial or industrial building but the cost of improvement and repair shall not exceed one-half the replacement cost of the nonconforming building over any five-year period.

(4) The replacement cost shall be determined at the time of building permit application by the Building Officer, whose decision may be appealed to the Building and Fire Life Safety Commission.

(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 regulations of the district in which it is located, except that:

(1) A building not conforming as to height regulations may be added to or enlarged, provided such addition or enlargement conforms to all of the regulations of the district in which it is located, including the total floor area permitted on the parcel.

(2) A residential building lacking sufficient parking space as required by Part 9.04.10.08 may be added to or enlarged provided additional parking spaces are supplied to meet the requirements of Part 9.04.10.08 for the new addition. Additional parking shall be required for the addition of bedrooms.

(3) A commercial or industrial building lacking sufficient parking spaces as required by Part 9.04.10.08 may be added to or enlarged provided that additional parking spaces are supplied to meet the requirements of Part 9.04.10.08 for the addition or enlargement, and provided that no single or cumulative addition or enlargement exceeds twenty-five percent of the floor area of the building existing on the effective date of the ordinance codified in this Chapter.

(4) A commercial or industrial building lacking sufficient parking spaces as required by Part 9.04.10.08 may be added to or enlarged beyond twenty-five percent of the floor area of the building existing on the effective date of the ordinance codified in this Chapter, provided additional parking spaces are supplied to meet the requirements of Part 9.04.10.08 for the floor area of the entire building.

(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 City of Santa Monica landmark, or listed on either the California Register of Historical Resources or the National Register of Historic Places 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 Rehabilitation. Landmarks Commission review of such reconstruction shall be processed generally in accordance with the procedures for processing applications for Certificates of Appropriateness contained in Santa Monica Municipal Code Section 9.36.170. Any project subject to Landmarks Commission review under this subsection 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.

(e) **Restoring.** A nonconforming building which is damaged or destroyed to an extent of less than one-half of its replacement cost immediately prior to such damage may be restored to its original condition only if the restoration is commenced within one year of the date the damage occurs and is diligently completed.

(f) **Rebuilding.** A nonconforming building which is damaged or destroyed to an extent of one-half or more of its replacement cost immediately prior to such damage may not be restored to its nonconforming condition but must be made to conform to the provisions of this Chapter. A designated landmark structure or historically significant building identified in the Historic Resources Survey as a category 1 through 5 structure which is damaged or destroyed may be rebuilt if the building is rebuilt to its square footage, site orientation and height and setbacks that existed prior to the destruction. (Prior code § 9080.2; amended by Ord. No. 1645CCS § 4, adopted 9/22/92; Ord. No. 1889CCS, adopted 10/28/97; Ord. No. 2380CCS § 10, adopted 11/22/11)

9.04.18.030 Legal, nonconforming uses.

A legal nonconforming use is a use which lawfully existed on the effective date of the ordinance codified in this Chapter but which is either: (a) not now permitted in the district in which it is located; or (b) now permitted by a performance standards permit, use permit or conditional use permit but no such permits have been obtained. A legal, nonconforming use shall comply with 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 legal, nonconforming use ceases operation for a continuous period of one year or more, that use shall lose its legal, nonconforming status, and the premises on which the nonconforming use took place shall from then on be used for conforming uses only. Uses in a building undergoing restoration or reconstruction shall be exempt from this requirement provided the provisions of Section 9.04.18.020(e) are complied with. Uses discontinued due to an act of nature shall be exempt from this requirement provided reconstruction of the building is commenced within one year of the date the damage occurs and is diligently completed.

(c) **Conversion to Conforming Use.** If a nonconforming use is converted to a conforming use, the nonconforming use may not be resumed.

(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 change in mode or character of operation. A change in mode or character shall include, but not be limited to, extended hours of operation, substantial remodeling, or a change in number of seats or the service area floor space for bars and restaurants.

(f) **Legal, Nonconforming Rent-Controlled Multiple-Family Properties.** Notwithstanding subsection (d), existing multi-family 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-family residential property does not increase. (Prior code § 9080.3; amended by Ord. No. 1732CCS § 4, adopted 3/8/94; Ord. No. 1911CCS § 1, adopted 5/19/98; Ord. No. 2392CCS § 1, adopted 2/28/12)

9.04.18.040 Termination of nonconforming buildings and uses.

Nonconforming commercial or industrial buildings and uses in the R1, R2, R2R, R3, R4, RVC, OP-1, OP-2, OP-3, OP-4 and OP-Duplex Districts shall be discontinued and removed or altered to conform to the provisions of this Chapter within the following time limits from the effective date of the ordinance codified in this Chapter:

(a) A nonconforming use which does not occupy a structure, other than those uses listed below: one year.

(b) All buildings on the property used as a part of a business conducted on the property, except as provided below: twenty years. This subsection does not require the removal of nonconforming buildings if the use occupying the building is authorized in the zoning district or overlay district in which the building is located, either as a permitted use, a conditionally permitted use, a use subject to a performance standards permit, or a use subject to a use permit.

(c) Vehicle sales, service, storage and repair buildings and uses shall be permitted to remain provided:

(1) The vehicle sales, service, repair and storage buildings are not expanded as provided in Section 9.04.18.020 and the use is not intensified as provided in Section 9.04.18.030.

(2) The commercial parcel supported by the vehicle sales, service, repair and storage buildings is not redeveloped for another use.

(d) Automobile storage lots which are used for short or long-term parking of vehicles for sale or lease at an off-site or on-site automobile dealership or for service or repair at an on-site automobile dealership shall be permitted to remain provided:

(1) The automobile storage lot is not expanded or enlarged.

(2) The commercial parcel supported by the automobile storage lot is not redeveloped for another use.

(e) Parking lots on residential zoned parcels 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.

(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.

(f) Existing commercial or industrial uses in residential districts with valid conditional use permits that do not contain time limits, except as otherwise provided in this Section, including subsection (i): five years.

The Planning Commission may extend the five-year period, but in no case more than ten years, provided the applicant demonstrates that exceptional circumstances prevented the termination of the use. A public hearing shall be

conducted in accordance with the provisions for conditional use permits in Part 9.04.20.22.

(g) Existing general office, medical office and neighborhood-serving buildings and uses in existence as of 1982 shall be allowed to remain provided the building is not expanded as provided in Section 9.04.18.020 and the use is not intensified as provided in Section 9.04.18.030.

(h) Notwithstanding any other provision of this Section, if a conditional use permit or a use permit for an existing commercial or industrial use in a residential district has a specific time period that such conditional use terminates, the use shall terminate pursuant to the permit and not this Section. A limited duration conditional use permit or use permit may be extended or renewed, whether or not the conditional use permit or use permit has already expired, upon a showing that:

(1) The use has been in continuous operation since the effective date of the Zoning Ordinance (September 8, 1988);

(2) There will be no change, expansion or intensification of the use; and

(3) All the findings of fact established in Section 9.04.20.12.040 (conditional use permit) or Section 9.04.20.11.040 (use permit) can be made in an affirmative manner. Before extending or renewing a conditional use permit or use permit, a public hearing shall be conducted in accordance with Part 9.04.20.22. The Planning Commission (or City Council on appeal) may approve, conditionally approve, or deny such an extension or renewal application, in whole or in part. The Planning Commission (or City Council on appeal) may impose such conditions as may be deemed necessary to protect the public health, safety, and general welfare and secure the objectives of the General Plan, including conditions designed to insure compatibility of the existing commercial or industrial use with neighboring residential uses. Notwithstanding the granting of an extension or renewal of a conditional use permit or use permit, the commercial or industrial use shall remain a legal nonconforming use subject to Section 9.04.18.030, and as a nonconforming use, it shall be permitted to continue only so long as the use remains substantially the same type of use as the use of the property on the effective date of the Zoning Ordinance and the basic operational features of the use and its impact on the neighborhood are not altered.

(i) Commercial and industrial uses that would otherwise terminate pursuant to subsection (f) of this Section shall be permitted to remain and are not required to be discontinued, removed, or altered to conform to the provisions of this Chapter provided all of the following conditions are met:

(1) The building in which the uses are located has been in existence since the effective date of this Chapter (September 8, 1988);

(2) The building was specifically designed, approved and built for the commercial or industrial use(s);

(3) The building is not demolished or substantially remodeled;

(4) The property on which the building is located is adjacent to, or across an alley from, a commercial district;

(5) There will be no change, expansion, or intensification of the use; and

(6) The conditional use permit has been extended in accordance with this subdivision (6). Before extending a conditional use permit, a public hearing shall be conducted in accordance with Part 9.04.20.22. The findings of fact established in Section 9.04.20.12.040 (b) through (l) shall be made in an affirmative manner. The Planning Commission (or City Council on appeal) may approve, conditionally approve or deny such an extension application, in whole or in part. The Planning Commission (or City Council on appeal) may impose such conditions as may be deemed necessary to protect the public health, safety, and general welfare and secure the objectives of the General Plan, including conditions designed to insure compatibility of the existing commercial or industrial use with neighboring residential uses. Notwithstanding the granting of an extension of a conditional use permit, the commercial or industrial use shall remain a legal nonconforming use subject to Section 9.04.18.030, and as a nonconforming use, it shall be permitted to continue only so long as the use remains substantially the same type of use as the use of the property on the effective date of the Zoning Ordinance and the basic operational features of the use and its impact on the neighborhood are not altered.

(j) Notwithstanding subsection 9.04.18.040(b), a hotel or motel located on a residentially-zoned parcel within the OP-3 Zone shall be permitted to remain provided that it meets one of the two criteria in subdivision (1) of this subsection and meets the criterion in subdivision (2) of this subsection:

(1) The hotel or motel either: (A) has been in continuous operation since September 1988; or (B) the hotel or motel was authorized pursuant to an administrative approval, development review permit, conditional use permit or development agreement approval and is being operated in compliance with such approval; and

(2) Such hotel or motel is not abandoned as provided in Section 9.04.18.030(b), is not expanded as provided in Section 9.04.18.030(d) and is not intensified as provided in Section 9.04.18.030(e). (Prior code § 9080.4; amended by Ord. No. 1832CCS § 2, adopted 11/28/95; Ord. No. 1911CCS § 2, adopted 5/19/98; amended by Ord. No. 2013CCS § 1, adopted 7/24/01; Ord. No. 2168CCS § 1, adopted 9/13/05; Ord. No. 2181CCS § 1, adopted 4/25/06)

9.04.18.050 Public utility exceptions.

Nothing contained in this subchapter 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. (Prior code § 9080.5)

9.04.18.060 Building permits or certificates of occupancy prohibited.

When any nonconforming building or use is required to be eliminated pursuant to the provisions of this subchapter, 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. (Prior code § 9080.6)

9.04.18.070 Removal of illegal nonconforming buildings and uses.

Nothing contained in this subchapter 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 the Zoning Administrator. (Prior code § 9080.7)

9.04.18.075 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 the City's Zoning Ordinance if the unit is or can be made habitable as determined by the City's Building Official.

(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 Santa Monica Municipal Code Section 9.04.10.08.040 unless the City's Parking and Traffic Engineer determines that the provision of parking is not feasible. Parking which would result in a significant reduction in yard space is not feasible. The location of any feasible parking shall comply with the City's Municipal Code except the City's Parking and Traffic Engineer 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. (Added by Ord. No. 2253CCS § 1, adopted 2/26/08)

9.04.18.080 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 subchapter. (Prior code § 9080.8)

9.04.18.085 Substantial remodel.

(a) An existing nonconforming building that constitutes a substantial remodel pursuant to Section 9.04.02.030.825 shall lose any legal, nonconforming status which it may have had and may only be replaced or rebuilt if the entire structure is made to comply with all current, applicable Zoning Code requirements.

(b) An alteration of or addition to an existing legal nonconforming building shall constitute a substantial remodel if any of the following occurs at any time over a five-year period:

(1) More than fifty percent of the exterior walls are removed or are no longer a necessary and integral structural component of the overall building. Elements of the exterior wall include columns, studs, cripple walls, or similar vertical load-bearing elements and associated footings. However, 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.

The calculation for determining whether a structure is substantially remodeled shall be based on a horizontal measurement of the perimeter exterior wall removed between the structure's footings and the ceiling of the first story, as defined in Chapter 8.12 of the Santa Monica 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 no longer a necessary and integral structural component of the overall building.

(3) New floor area is added to a commercial or industrial building that exceeds fifty percent of the existing floor area of the building.

(c) Notwithstanding subsection (b) of this Section, an existing nonconforming building shall not lose its legal nonconforming status if:

(1) The existing building is a historic resource including, but not limited to, structures listed on the City's Historic Resources Inventory that have been updated in the last five years, 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;

(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;

(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. (Added by Ord. No. 2278CCS § 2, adopted 11/25/08)

Subchapter 9.04.20 Zoning Administration

Part 9.04.20.02 General Provisions

9.04.20.02.010 Purpose.

The role of the Zoning Administrator 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 Zoning Administrator provides the City with an opportunity to exercise administrative discretion, adopt specific findings of fact to support the resulting decision, and to require specific conditions where warranted 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. (Prior code § 9100.1)

9.04.20.02.020 Authority.

The Zoning Administrator shall have jurisdiction of and be responsible for the administration of the regulations and provisions of this Chapter. The Zoning Administrator shall have the power and authority to hear, and the responsibility to decide the following matters:

(a) Interpretations.
(b) Home occupation permits.
(c) Temporary use permits.
(d) Performance standards permits.
(e) Variances.
(f) Reduced parking permits.
(g) Administrative approvals. (Prior code § 9100.2)

9.04.20.02.030 Interpretations.

Whenever, in the opinion of the Zoning Administrator, or at the discretion of the Planning Commission, there is any question regarding the interpretation of the General Plan or the provisions of this Chapter or its application to any specific case or situation, the Administrator shall interpret the intent of this Chapter by written decision which shall be filed with the Planning Commission. The interpretation shall become effective fourteen consecutive calendar days from the date of the Planning Commission meeting where the interpretation appears on the agenda as an information item. The interpretation shall become the standard interpretation for future application of that provision of this Chapter unless changed by the Commission by its own action or on appeal. Any person may appeal the interpretation of the Zoning Administrator prior to the effective date. The appeal shall be heard by the Planning Commission within sixty consecutive calendar days and the Planning Commission may affirm, modify, or reverse the interpretation of the Zoning Administrator. The decision of the Planning Commission may be appealed to the City Council in accordance with the provisions of Part 9.04.20.24. (Prior code § 9100.3)

Part 9.04.20.04 Home Occupation Permits

9.04.20.04.010 Purpose.

The home occupation permit is intended to allow for home enterprises which are clearly incidental and secondary to the use of the dwelling unit and compatible with surrounding residential uses. A home occupation permit 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 which would reduce the surrounding residents' enjoyment of their neighborhood. (Prior code § 9110.1; amended by Ord. No. 1732CCS § 5, adopted 3/8/94)

9.04.20.04.020 Permit required.

(a) The conduct of a home occupation requires the approval of a home occupation permit by the Zoning Administrator. Conditions of approval of the permit shall require compliance with the operating standards listed in this Part and with any other additional conditions necessary to further the intent of this Part. A public hearing shall not be required for issuance of a home occupation permit.

(b) An application for a home occupation permit shall be in a form prescribed by the Zoning Administrator and shall be filed with the Planning and Zoning Division pursuant to Part 9.04.20.20, Sections 9.04.20.20.010 through 9.04.20.20.060. A home occupation permit shall remain valid only so long as the home occupation is conducted by the permit holder at the dwelling unit approved for the home occupation. (Prior code § 9110.2; amended by Ord. No. 1732CCS § 6, adopted 3/8/94)

9.04.20.04.030 Findings.

The Zoning Administrator may approve a home occupation permit application only when all of the following findings can be made and satisfied in an affirmative manner:

(a) The home occupation shall be conducted entirely within a dwelling or accessory building. Horticulture activities only may be conducted outdoors but within the rear one-half of the parcel.

(b) No portion of any required garage, or carport, shall be used for home occupation purposes.

(c) The home occupation shall not alter the appearance of the dwelling unit such that the structure may be recognized as serving a nonresidential use (either by col-

or, materials or construction, lighting, signs, sounds or noises, vibrations, etc.).

(d) There shall be no sales of goods or displays of goods on the premises.

(e) There shall be no signs other than the address and name of any resident.

(f) There shall be no outdoor advertising which identifies the home occupation by street address.

(g) No commercial vehicles may be used for delivery of materials, with the exception of reasonable courier services, to or from the premises, and no more than one vehicle larger than a three-quarter ton truck may be used in connection with a home occupation.

(h) Parking for any vehicle used in connection with the home occupation shall be provided in addition to parking required for residents.

(i) Activities conducted and equipment, material or hazardous materials used shall be identified on the home occupation permit application and shall not change the fire safety or occupancy classifications of the premises.

(j) No use shall create or cause hazards or nuisances due to noise, dust, vibration, odors, smoke, glare, electrical interference, or other reasons.

(k) 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 or domestic staff.

(l) 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.

(m) There shall be no storage of material or mechanical equipment not recognized as being part of a normal household or hobby use.

(n) 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.

(o) The home occupation shall not generate pedestrian or vehicular traffic beyond that ordinarily generated in the residential district in which it is located.

(p) The home occupation shall not result in excess use of utilities and public facilities in amounts greater than normally provided for residential use.

(q) 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.

(r) The applicant agrees in writing to all conditions. The Zoning Administrator shall prepare a written decision within fourteen consecutive calendar days of a complete application being filed. The written determination shall contain the findings of fact upon which said decision is based. A copy of the decision shall be mailed to the applicant. (Prior code § 9110.3)

9.04.20.04.040 Prohibited home occupation uses.

The following uses shall not be permitted as home occupations:

(a) Animal hospitals or grooming facilities.

(b) Automotive and other vehicle repair (body or mechanical), upholstery, painting or storage.

(c) Barber or beauty shop.

(d) Carpentry or cabinet making.

(e) Contractor storage yards.

(f) Dancing schools or exercise studios.

(g) Firearms dealerships.

(h) Junk yards.

(i) Massage parlors.

(j) Medical offices, clinics and laboratories, except for psychologists, speech therapists, and other professionals with one-on-one counseling, therapy, or treatment that do not exceed six clients within twenty-four hours.

(k) Welding or machine operation.

(l) Other uses the Zoning Administrator determines to be similar to those listed above, or which by operation or nature are not incidental to or compatible with residential activities. (Prior code § 9110.4; amended by Ord. No. 1852CCS § 21, adopted 6/11/96)

9.04.20.04.050 Revocation.

The Zoning Administrator may, or upon direction from the Planning Commission shall, revoke any approved home occupation permit in accordance with the following procedures:

(a) A revocation hearing shall be held by the Zoning Administrator. Notice of the 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.

(b) After the hearing, a home occupation permit may be revoked by the Zoning Administrator, or by the Planning Commission on appeal or review, if any one of the following findings are made:

(1) That the home occupation permit was obtained by misrepresentation or fraud.

(2) That the use for which the home occupation permit was granted has ceased or has been suspended for six or more consecutive calendar months.

(3) 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.

(4) That the permit authorizes a person to sell, transfer, or lease, or offer or advertise for sale, transfer or lease any firearm in any residential district or in any property utilized for any residential use.

(5) That the permit is no longer compatible with residential activities, or, due to changes in law, that the use is no longer authorized at that location.

(c) A written determination of revocation of a home occupation permit shall be mailed to the property owner and the permit holder within ten days of such determination. (Prior code § 9110.5; amended by Ord. No. 1852CCS § 22, adopted 6/11/96)

9.04.20.04.060 Appeal.

Any person may appeal the approval, conditions of approval, denial, or revocation of a home occupation permit to the Planning Commission if filed within fourteen consecutive calendar days of the date the decision is made in the manner provided in Part 9.04.20.24, Sections 9.04.20.24.020 through 9.04.20.24.040. (Prior code § 9110.6)

Part 9.04.20.06 Temporary Use Permits

9.04.20.06.010 Purpose.

The temporary use permit is intended to allow for the short-term placement (generally six months or less) of activities on privately or publicly owned property with appropriate regulations so that such activities will be compatible with the surrounding areas. (Prior code § 9111.1)

9.04.20.06.020 Permitted uses.

The following uses may be permitted, subject to the issuance of a temporary use permit:

(a) Pumpkins, Christmas trees, and other seasonal product sales provided the activity shall be permitted for a period not to exceed thirty consecutive calendar days. A permit shall not be required when the sales are in conjunction with an established commercial business holding a valid City business license.

(b) Trailers that provide residences for the following temporary uses:

(1) Security personnel associated with any construction site.

(c) Trailers that provide offices for the following temporary uses:

(1) Financial institutions or public utilities that are required to maintain a place of business at a location at which no permanent structure suitable for the purpose is available.

(2) Temporary or seasonal businesses such as carnivals or Christmas tree sales. No permit shall be required for such uses operated as part of a school or place of worship.

(3) Business offices or sales facilities where construction of a permanent facility is being diligently completed.

(4) Construction offices where construction projects are being diligently completed.

(5) Real estate offices on site of a proposed subdivision until such time as the notice of completion is filed with the Building Department.

(d) Circuses and carnivals subject to compliance with Article 6 of this Code.

(e) 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 for business on the day the art display is to occur.

(f) Fairs, festivals, and concerts, when not held within premises designed to accommodate such events, such as auditoriums, stadiums, or other public assembly facilities.

(g) Private farmer's markets and swap meets.

(h) On- and off-site contractors' construction yards.

(i) Sidewalk sales.

(j) Similar temporary uses which, in the opinion of the Zoning Administrator, are compatible with the district and surrounding land uses. (Prior code § 9111.2)

9.04.20.06.030 Permit required.

(a) A temporary use permit approved by the Zoning Administrator shall be required for all uses listed in this Part and shall be issued prior to the commencement of the use. The Zoning Administrator may establish additional conditions to further the intent of this Part. A public hearing shall not be required for issuance of a temporary use permit. Applications for a temporary use permit shall be secured and filed with the Planning and Zoning Division pursuant to Part 9.04.20.20, Sections 9.04.20.20.010 through 9.04.20.20.060.

(b) A temporary use permit issued for a maximum period of forty-five days shall become effective on the date the permit is approved by the Zoning Administrator. Temporary use permits issued for periods that exceed forty-five days shall become effective seven calendar days from the date the Zoning Administrator issues the determination.

(c) A temporary use permit shall not be required for the following:

(1) Events which occur in theaters, meeting halls, or other permanent public assembly facilities.

(2) Private social gatherings in private residences.

(3) Events which occur on public property owned by the City of Santa Monica and which are authorized by the City of Santa Monica.

(d) Temporary uses may be subject to additional permits, other City department approvals, licenses, and inspections as required by any applicable law or regulations. (Prior code § 9111.3; amended by Ord. No. 1732CCS § 7, adopted 3/8/94)

9.04.20.06.040 Findings.

The Zoning Administrator may approve a temporary use permit application only when all of the following findings can be made in an affirmative manner:

(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.

(d) Adequate temporary parking to accommodate vehicular traffic to be generated by the use will be avail-

able either on-site or at alternate locations acceptable to the Zoning Administrator.

The Zoning Administrator shall prepare a written decision on the temporary use permit application within twenty-one calendar days after a complete application has been filed which shall contain the findings of fact upon which the decision is made.

If a temporary use permit is issued for a period greater than forty-five days, a copy of the decision shall be mailed to the applicant and the Planning Commission. (Prior code § 9111.4; amended by Ord. No. 2139CCS § 1, adopted 9/14/04)

9.04.20.06.050 Conditions of approval.

In approving an application for a Temporary Use Permit, the Zoning Administrator may impose conditions that are deemed necessary to ensure that the permit will be in accordance with the findings required by Section 9.04.20.06.040. These conditions may involve any factors affecting the operation of the temporary use or event and may include, but are 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 yards.

(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 Part.

(k) A requirement that approval of the requested Temporary Use Permit is contingent upon compliance with applicable provisions of other laws.

(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 Part. (Prior code § 9111.5)

9.04.20.06.060 Revocation.

The Zoning Administrator may, or upon direction from the Planning Commission, revoke any approved Temporary Use Permit in accordance with the following procedures:

(a) A revocation hearing shall be held by the Zoning Administrator. Notice of the 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.

(b) After the hearing, a Temporary Use Permit may be revoked by the Zoning Administrator, or by the Planning Commission on appeal or review, if any one of the following findings are made:

(1) That the Temporary Use Permit was obtained by misrepresentation or fraud.

(2) That the use for which the Temporary Use Permit was granted has ceased or has been suspended for six or more consecutive calendar months.

(3) 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.

(c) A written determination of revocation of a Temporary Use Permit shall be mailed to the property owner and the permit holder within ten days of such determination. (Prior code § 9111.6)

9.04.20.06.070 Appeal.

Any person may appeal the approval, conditions of approval, denial, or revocation of a Temporary Use Permit issued for a period greater than forty-five days to the Planning Commission if filed within seven consecutive calendar days of the date the decision is made in the manner provided in Part 9.04.20.24, Sections 9.04.20.24.020 through 9.04.20.24.040. (Prior code § 9111.7)

9.04.20.06.080 Notice.

Notice of any approved Temporary Use Permit shall be posted on the subject property for a period of seven consecutive calendar days from the date the decision is issued. (Prior code § 9111.8)

Part 9.04.20.08 Performance Standards Permit

9.04.20.08.010 Purpose.

The Performance Standards Permit is intended to allow certain uses to be established in particular areas if they comply with the specific criteria and standards established in Part 9.04.12. The Performance Standards Permit provides for an administrative review and assessment of the proposed development project in light of explicit performance standards which have been designed to ensure that the completed project will be in harmony with existing or potential uses in the surrounding area, consistent with the goals, objectives, and policies of the General Plan. (Prior code § 9112.1)

9.04.20.08.020 Permit required.

A Performance Standards Permit approved by the Zoning Administrator shall be required for all applicable uses listed in this Chapter and shall be issued prior to the issuance of any Building Permit for, or commencement of, the use. A public hearing shall not be required for issuance of a Performance Standards Permit. Applications for a Performance Standards Permit shall be secured and filled with the City Planning Division pursuant to Part 9.04.20.20, Sections 9.04.20.20.010 through 9.04.20.20.060. (Prior code § 9112.2)

9.04.20.08.030 Findings.

The Zoning Administrator or Planning Commission on appeal, shall issue a Performance Standards Permit

if the following findings can be made in an affirmative manner:

(a) The proposed use is listed as a use permitted pursuant to performance standards in this Chapter.

(b) The proposed use conforms precisely to the performance standards for the proposed use as outlined in Subchapter 9.04.12.

(c) The physical location or placement of the use on the site is compatible with and relates harmoniously to the surrounding neighborhood.

The Zoning Administrator shall prepare a written decision which shall contain the findings of fact upon which such decision is based. The decision shall be mailed to the applicant and to property owners and residents of parcels adjacent to the parcel for which a Performance Standards Permit is requested. Copies of the decision shall also be provided to the Planning Commission. (Prior code § 9112.3)

9.04.20.08.040 Term of permit.

The Performance Standards Permit shall expire if the rights granted are not exercised within the period established by the Zoning Administrator or Planning Commission on appeal as a condition of granting the permit, or, in the absence of such established time period, either within one year, or if located in the Coastal Zone, eighteen months, from the effective date of permit approval. However, if the permit is for affordable housing or a mixed use project where housing units comprise at least seventy-five percent of the floor area of the project (collectively "housing project"), and the housing project has received City, State or Federal funding or is comprised of units at least fifty 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, in the absence of a time period established by the Zoning Administrator or Planning Commission on appeal as a condition of granting the permit, the Performance Standards Permit shall expire if the rights granted are not exercised within three years, or if located in the Coastal Zone, three and one-half years from the effective date of permit approval.

(a) **Exercise of Rights.** "Exercise of rights" shall mean actual commencement of the use granted by the permit, unless the permit is granted in conjunction with approval of new construction.

If the Performance Standards Permit is granted in conjunction with approval of new construction, issuance of a building permit shall constitute exercise of rights under the Performance Standards Permit; provided, however, that, unless otherwise specified as a condition of project approval, the Performance Standards Permit shall expire if:

(1) The building permit expires; or

(2) The rights granted under the Performance Standards Permit 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.

(b) **Extension.** If the applicant files an extension request with the Zoning Administrator in writing prior to expiration of the permits, the Zoning Administrator may administratively grant one six-month extension of the term of the Performance Standards Permit, or if the project includes residential uses, a one-year extension of the term of the Performance Standards Permit. (Prior code § 9112.4; amended by Ord. No. 1798CCS § 1, adopted 4/25/95)

9.04.20.08.050 Revocation.

The Zoning Administrator may, or upon direction from the Planning Commission, revoke any approved Performance Standards Permit in accordance with the following procedures:

(a) A revocation hearing shall be held by the Zoning Administrator. Notice of the 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.

(b) After the hearing, a Performance Standards Permit may be revoked by the Zoning Administrator, or by the Planning Commission on appeal or review if an one of the following findings are made:

(1) That the Performance Standards Permit was obtained by misrepresentation or fraud.

(2) That the use for which the Performance Standards Permit was granted has ceased or has been suspended for six or more consecutive calendar months.

(3) 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.

(c) A written determination of revocation of a Performance Standards Permit shall be mailed to the property owner and the permit holder within ten days of such determination. (Prior code § 9112.5)

9.04.20.08.060 Appeals.

Any person may appeal the approval, conditions of approval, denial, or revocation of a Performance Standards Permit to the Planning Commission if filed within fourteen consecutive calendar days of the date the decision is made in the manner provided in Part 9.04.20.24, Sections 9.04.20.24.020 through 9.04.20.24.040. (Prior code § 9112.6)

Part 9.04.20.10 Variances

9.04.20.10.010 Purpose.

A variance is intended to allow variations where practical difficulties, unnecessary hardships or results inconsistent with the general purpose of this Chapter would occur from its strict literal interpretation and enforce-

ment. (Prior code § 9113.1; amended by Ord. No. 1612CCS § 1, adopted 1/14/92)

9.04.20.10.020 Application.

Application for a variance shall be filed in a manner consistent with the requirements contained in Part 9.04.20.20, Sections 9.04.20.20.010 through 9.04.20.20.060. (Prior code § 9113.2)

9.04.20.10.030 Applicability.

The Zoning Administrator may grant a variance from the requirements of this Chapter to:

(a) Allow the modification of the minimum lot sizes or minimum parcel dimensions;

(b) Allow the modification of the number and dimensions of automobile parking spaces, loading spaces and driveway requirements including those set by performance standards, use permit special standards, special conditions for conditional uses, regulations of the various zoning districts, the off-street parking requirements and the off-street loading requirements;

(c) Allow the modification of fence heights;

(d) Allow the modification of yard setbacks or parcel coverage on:

(1) Parcels having a depth of ninety feet or less or a width of thirty-nine feet or less,

(2) Nonrectilinear parcels or rectangular parcels on which parallel property lines differ in length a minimum of five feet,

(3) Parcels with a twelve and one-half-foot grade differential or more, as measured from either any point on the front parcel line to any point on the rear parcel line, or from any point on a side parcel line to any point on the opposing side parcel line,

(4) Additions to the same floor of an existing building which is nonconforming as to yard setbacks, where such addition follows the line of the existing building but in no case is closer than four feet to a property line,

(5) Parcels in the CM District on which relocated structures that are identified on the Historical Resources Survey as having a value of 1 through 5D or which are determined to be historically significant by the Landmarks Commission are located. A variance may apply only to the relocated structure;

(e) For projects conforming to State density bonus guidelines, allow encroachment into no more than fifteen percent of one side yard setback, and into fifteen percent of either the front or rear yard setback, and, except in those zones where an increase in parcel coverage for State density bonus projects is already permitted, allow an increase in parcel coverage by no more than ten percent of parcel area. In no case shall a rear yard setback of less than five feet be allowed;

(f) Allow buildings to exceed district height limits by no more than five feet in one of the following situations:

(1) If a parcel has a grade differential of twelve and one-half feet or more, as measured from either any point on the front parcel line to any point on the rear parcel line, or from any point on a side parcel line to any point on the opposing side parcel line,

(2) To allow an addition to an existing structure that is legally nonconforming as to height provided the addition does not exceed the height line of the existing building;

(g) Allow an addition to an existing building that is legally nonconforming as to height provided all of the following criteria are met:

(1) The addition does not exceed the height line of the existing building,

(2) The addition does not exceed two percent of the total floor area of the building,

(3) The addition does not increase lot coverage or the overall footprint of the building,

(4) The addition does not increase the density or number of inhabitants or increase the intensity of use of the building,

(5) The addition otherwise conforms to the regulations of the district in which it is located,

(6) There is no feasible alternative method of attaining the desired use,

(7) There is no substantial adverse impact to adjacent buildings, existing streetscape, privacy, nor significant increases to the mass and bulk of the building;

(h) Allow the replacement of an existing residential building in an OP District that is legally nonconforming as to height where the parcel has a grade differential of twelve and one-half feet or more, as measured from either any point on the front parcel line to any point on the rear parcel line, or from any point on a side parcel line to any point on the opposing side parcel line provided the following criteria are met:

(1) The replacement structure does not exceed the height line of the existing building,

(2) The replacement structures does not increase the density or square footage beyond the existing structure or increase the intensity of use of the building,

(3) The replacement structure otherwise conforms to the regulation of the district in which it is located,

(4) There is no substantial adverse impact to adjacent buildings, existing streetscape, privacy, nor significant increases to the mass and bulk of the building;

(i) Allow the modification of the required front yard setback to allow, in the case of existing development, a detached garage provided all of the following criteria are met:

(1) The lot is less than one hundred feet in depth,

(2) The on-site use is a single-family dwelling,

(3) No alley access is available to the site;

(j) Allow the modification of the side yard setback for primary windows in the OP-2, OP-3 and OP-4 Districts when the imposition of the required setback would severely constrain development on the project, an alternative setback would still satisfy private open space requirements and maintain privacy for the occupants of the project;

(k) Allow an additional story which would otherwise not be permitted for an existing residential structure provided all of the following criteria are met:

(1) The existing structure has a finished first floor level that is more than three feet above average natural grade or theoretical grade,

(2) The street frontage and overall massing are compatible with the existing scale and neighborhood context,

(3) The addition does not enlarge the first floor of the existing residence such that a nonconforming condition is expanded,

(4) The overall height of the structure with the additional story does not exceed the height limit in feet of the zoning district in which it is located unless authorized by a variance granted pursuant to subsection (f)(1) or (f)(2) of this Section for a structure located in the R1, R2R, OP1 or OP2 Zoning Districts, which variance may be granted concurrently with a variance authorized pursuant to this subsection (k),

(5) The addition otherwise conforms to the regulations of the district in which it is located;

(l) Allow the modification, renovation, or replacement of nonconforming building access features such as stairs, ramps, doors, balconies, and windows, or features that provide shelter and which are located at the exterior of the buildings, such as awnings, canopies, or covered walkways, provided:

(1) The modification, renovation or replacement is no more intrusive than, and does not intensify or expand such existing nonconforming features, and

(2) The modification, renovation or replacement either improves access to the building or improves the building's aesthetic appearance.

(m) Allow 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; and provision of unexcavated yard areas contained in this Chapter for projects that include the retention and preservation of a designated landmark building or contributing structure to an adopted Historic District, provided that all of the following conditions are met and all of the findings of fact contained in Section 9.04.20.10.050 are made:

(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,

(3) The proposed project does not exceed the maximum unit density permitted in the applicable zoning district,

(4) The proposed project does not exceed the height permitted in the Land Use Element of the General Plan for the applicable land use classification,

(5) The proposed project does not exceed the maximum height permitted in the applicable zoning district by more than ten feet,

(6) The proposed project does not exceed the maximum number of stories permitted in the Land Use Element of the General Plan for the applicable land use classification and does not exceed the maximum number of stories permitted in the applicable zoning district by more than one story,

(7) Covered front porches and stairs of a designated landmark building or contributing structure to an adopted Historic District may project a maximum of twelve feet into the required front yard setback area provided that the building façade complies with the front yard setback requirement in the applicable zoning district,

(8) The only requirement related to the provision of private open space that can be modified is 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,

(9) Requirements for the provision of unexcavated area in yard areas may only be modified when the strict application of such requirements would not allow for the preservation of the landmark building or contributing structure to an adopted Historic District. (Prior code § 9113.3; amended by Ord. No. 1496CCS, adopted 9/26/89; Ord. No. 1612CCS § 2, adopted 1/14/92; Ord. No. 1645CCS § 7, adopted 9/22/92; Ord. No. 1699CCS § 2, adopted 8/10/93; Ord. No. 1832CCS § 3, adopted 11/28/95; Ord. No. 1834CCS § 9, adopted 12/12/95; Ord. No. 1843CCS § 1, adopted 2/27/96; Ord. No. 2052CCS § 1, adopted 10/8/02; Ord. No. 2206CCS § 1, adopted 10/3/06)

9.04.20.10.040 Hearings and notice.

Subject to the provisions of Section 9.04.20.22.020, upon receipt in proper form of a variance application, a public hearing before the Zoning Administrator shall be set in accordance with the Permit Streamlining Act, Government Code Section 65920 et seq., or any successor legislation thereto, and notice of such hearing shall be given to all property owners and tenants within three hundred feet of the exterior boundaries of the property involved in a manner consistent with Part 9.04.20.22, Sections 9.04.20.22.010 through 9.04.20.22.140. (Prior code § 9113.4; amended by Ord. No. 2139CCS § 2, adopted 9/14/04)

9.04.20.10.050 Findings.

Following a public hearing, the Zoning Administrator shall prepare a written decision which shall contain the findings of fact upon which such decision is based. The Zoning Administrator, or Planning Commission on appeal, may approve a variance application in whole or in part, with or without conditions, provided all of the following findings of fact are made:

(a) There are special circumstances or exceptional characteristics applicable to the property involved, including size, shape, topography, location, or surroundings, 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 Chapter 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 Chapter, 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 Section 9.04.10.08.050 of this Chapter.

(j) All the above specified requirements need not apply to variances which the Zoning Administrator finds are essential or desirable to the public convenience or welfare and are not in conflict with the General Plan and where the granting of the variance will not be materially detrimental nor injurious to property or improvements in the general vicinity and district in which the property is located.

(k) The strict application of the provisions of this Chapter would result in unreasonable deprivation of the use or enjoyment of the property. (Prior code § 9113.5; amended by Ord. No. 1612CCS § 3, adopted 1/14/92)

9.04.20.10.060 Term of permit.

The variance shall expire if the rights granted are not exercised within the period established by the Zoning Administrator or Planning Commission on appeal as a condition of granting the variance, or, in the absence of such established time period, either within one year, or if located in the Coastal Zone, eighteen months, from the effective date of permit approval. However, if the permit is for affordable housing or a mixed use project where housing units comprise at least seventy-five percent of the floor area of the project (collectively "housing project"), and the housing project has received City, State or Federal funding or is comprised of units at least fifty 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, in the absence of a time period established by the Zoning Administrator or Planning Commission on appeal as a condition of granting the permit, the variance shall expire if the rights granted are not exercised within three years, or if located in the Coastal Zone, three and one-half years from the effective date of permit approval.

(a) **Exercise of Rights.** "Exercise of rights" shall mean actual commencement of the use granted by the permit, unless the permit is granted in conjunction with approval of new construction.

If the variance is granted in conjunction with approval of new construction, issuance of a building permit shall constitute exercise of rights under the variance; provided, however, that, unless otherwise specified as a condition of project approval, the variance shall expire if:

(1) The building permit expires; or

(2) The rights granted under the variance 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.

(b) **Extension.** If the applicant files an extension request with the Zoning Administrator in writing prior to expiration of the permit, the Zoning Administrator may administratively grant one six-month extension of the term of the variance, or if the project includes residential uses, a one-year extension of the term of the variance. (Prior code § 9113.6; amended by Ord. No. 1798CCS § 2, adopted 4/25/95)

9.04.20.10.070 Revocation.

The Zoning Administrator may, in his or her own discretion, or upon the direction of the Planning Commission, revoke any approved variance in accordance with the following procedures:

(a) A revocation hearing shall be held by the Zoning Administrator. Notice of the 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.

(b) After the hearing, a variance may be revoked by the Zoning Administrator, or by the Planning Commission on appeal or review, if any one of the following findings are made:

(1) That the variance was obtained by misrepresentations or fraud.

(2) That the use for which the variance was granted has ceased or has been suspended for six or more consecutive calendar months.

(3) 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.

(c) A written determination of revocation of a variance shall be mailed to the property owner and the permit holder within 10 days of such determination. (Prior code § 9113.7; amended by Ord. No. 1612CCS § 4, adopted 1/14/92)

9.04.20.10.080 Appeals.

The approval, conditions of approval, denial, or revocation of a variance may be appealed to the Planning Commission within 14 consecutive calendar days of the date the decision is made, in the manner provided in Part 9.04.20.24, Sections 9.04.20.24.010 through 9.04.20.24.050. (Prior code § 9113.8; amended by Ord. No. 1612CCS § 5, adopted 1/14/92)

Part 9.04.20.11 Use Permits

9.04.20.11.010 Purpose.

A Use Permit is intended to allow the establishment of those uses which have some special impact or uniqueness such that their effect on the surrounding environment cannot be determined in advance of the use being proposed for a particular location, but which are generally considered to be less significant in potential effects than those uses subject to a Conditional Use Permit. The permit application process allows for the review of the location of the proposed use, design, configuration of improvements, and potential impact on the surrounding area from proposed use, and the evaluation of the use based on fixed and established standards. (Added by Ord. No. 1690CCS § 11 (part), adopted 7/13/93)

9.04.20.11.020 Application.

An application for a Use Permit shall be filed in a manner consistent with the requirements contained in Part 9.04.20.20, Sections 9.04.20.20.010 through 9.04.20.20.060. (Added by Ord. No. 1690CCS § 11 (part), adopted 7/13/93)

9.04.20.11.030 Hearing and notice.

Upon receipt in proper form of a Use Permit application, a public hearing before the Zoning Administrator shall be set and notice of such hearing shall be sent to all property owners and tenants within three hundred feet of the property in a manner consistent with Part 9.04.20.22, Sections 9.04.20.22.010 through 9.04.20.22.140. (Added by Ord. No. 1690CCS § 11 (part), adopted 7/13/93; amended by Ord. No. 2139CCS § 3, adopted 9/14/04)

9.04.20.11.040 Findings.

Following a review of the application and public hearing, the Zoning Administrator shall prepare a written decision which shall contain the findings of fact upon which such decision is based. The Zoning Administrator or Planning Commission on appeal, may approve a Use Permit application in whole or in part, with or without conditions, provided all of the following findings of fact are made:

(a) The proposed use is one subject to approval of a Use Permit within the subject district and complies with all of the applicable provisions of this Chapter.

(b) The subject parcel is physically suitable for the type of land use being proposed.

(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 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.

(e) The physical location or placement of the use on the site is compatible with and relates harmoniously to the surrounding neighborhood.

(f) The proposed use is consistent with the goals, objectives, and policies of the General Plan.

(g) The proposed use would not be detrimental to the public interest, health, safety, or general welfare. (Added by Ord. No. 1690CCS § 11 (part), adopted 7/13/93)

9.04.20.11.050 Conditions.

In granting a Use Permit, the Zoning Administrator, or the Planning Commission 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 may also impose such other conditions as may be deemed necessary to achieve these purposes, including, but not limited to, the following matters:

(a) Setbacks, yard areas, and open spaces.

(b) Fences, walls and screening.

(c) Landscaping and maintenance of landscaping and grounds.

(d) Regulation of signs.

(e) Control of noise, vibration, odors and other potentially dangerous or objectionable elements.

(f) Limits on time for conduct of specific activities.

(g) Time period within which the proposed use shall be developed.

(h) Such other conditions as may be determined to assure that development will be in accordance with the intent and purposes of this Chapter.

(i) Reasonable guarantees of compliance with required conditions, such as a deed restriction or requiring the applicant to furnish security in the form of money or surety bond in the amount fixed by the administering agency. (Added by Ord. No. 1690CCS § 11 (part), adopted 7/13/93)

9.04.20.11.060 Term of permit.

The Use Permit shall expire if the rights granted are not exercised within the period established by the Zoning Administrator or the Planning Commission on appeal as a condition of granting the Use Permit, or, in the absence of such established time period, either within one year, or if located in the Coastal Zone, eighteen months, from the effective date of permit approval. However, if the permit is for affordable housing or a mixed use project where housing units comprise at least seventy-five percent of the floor area of the project (collectively "housing project"), and the housing project has received City, State or Federal funding or is comprised of units at least fifty 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, in the absence of a time period established by the Zoning Administrator or Planning Commission on appeal as a condition of granting the permit, the Use Permit shall expire if the rights granted are not exercised within three years, or if located in the Coastal Zone, three and one-half years from the effective date of permit approval.

(a) **Exercise of Rights.** "Exercise of rights" shall mean actual commencement of the use granted by the permit, unless the permit is granted in conjunction with approval of new construction.

If the Use Permit is granted in conjunction with approval of new construction, issuance of a building permit shall constitute exercise of rights under the Use Permit; provided, however, that, unless otherwise specified as a condition of project approval, the Use Permit shall expire if:

(1) The building permit expires; or

(2) Final inspection is not completed or Certificate of Occupancy issued within the time specified as a condition of project approval; or

(3) The rights granted under the Use Permit 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.

(b) **Extension.** If the applicant files an extension request with the Zoning Administrator in writing prior to expiration of the permit, the Zoning Administrator may administratively grant one six-month extension of the term of the Use Permit, or if the project includes residential uses, a one-year extension of the term of the Use Permit. (Added by Ord. No. 1690CCS § 11 (part), adopted 7/13/93; amended by Ord. No. 1798CCS § 3, adopted 4/25/95)

9.04.20.11.070 Revocation.

The Zoning Administrator may, in exercise of his or her own discretion, or upon the direction of the Planning Commission shall, revoke any approved Use Permit in accordance with the following procedures:

(a) A revocation hearing shall be held by the Zoning Administrator. Notice of the 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.

(b) After the hearing, a Use Permit may be revoked by the Zoning Administrator, or by the Planning Commission on appeal or review, if any one of the following findings are made:

(1) That the Use Permit was obtained by misrepresentation or fraud.

(2) That the use for which the Use Permit was granted has ceased or has been suspended for six or more consecutive months.

(3) 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.

(c) A written determination of revocation of a Use Permit shall be mailed to the property owner and the permit holder within ten days of such determination. (Added by Ord. No. 1690CCS § 11 (part), adopted 7/13/93)

9.04.20.11.080 Appeals.

The approval, conditions of approval, denial, or revocation of a Use Permit may be appealed to the Planning Commission within fourteen consecutive calendar days of the date the decision is made in the manner provided in Part 9.04.20.24, Sections 9.04.20.24.010 through 9.04.20.24.050. (Added by Ord. No. 1690CCS § 11 (part), adopted 7/13/93)

Part 9.04.20.12 Conditional Use Permits

9.04.20.12.010 Purpose.

A Conditional Use Permit is intended to allow the establishment of those uses which have some special impact or uniqueness such that their effect on the surrounding environment cannot be determined in advance of the use being proposed for a particular location. The permit application process allows for the review of the location of the proposed use, design, configuration of improvements, and potential impact on the surrounding area from proposed use, the evaluation and of the use based on fixed and established standards. All property owners and tenants within five hundred feet are notified and a hearing is conducted before the Planning Commission. The review shall determine whether the proposed use should be permitted by weighing the public need for

and benefit to be derived from the use against any adverse impact it may cause. (Prior code § 9114.1)

9.04.20.12.020 Application.

Application for a Conditional Use Permit shall be filed in a manner consistent with the requirements contained in Part 9.04.20.20, Sections 9.04.20.20.010 through 9.04.20.20.060. (Prior code § 9114.2)

9.04.20.12.030 Hearing and notice.

Upon receipt in proper form of a Conditional Use Permit application, a public hearing before the Planning Commission shall be set and notice of such hearing given in a manner consistent with Part 9.04.20.22, Sections 9.04.20.22.010 through 9.04.20.22.140. (Prior code § 9114.3)

9.04.20.12.040 Findings.

Following a review of the application and public hearing, the Planning Commission shall prepare a written decision which shall contain the findings of fact upon which such decision is based. The Planning Commission or City Council on appeal, may approve a Conditional Use Permit application in whole or in part, with or without conditions, if all of the following findings of fact can be made in an affirmative manner:

(a) The proposed use is one conditionally permitted within the subject district and complies with all of the applicable provisions of this Chapter.

(b) The proposed use would not impair the integrity and character of the district in which it is to be established or located.

(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 present land uses are to remain.

(e) The proposed use would be compatible with existing and permissible land uses within the district and the general area in which the proposed use is to be located.

(f) There are adequate provisions for water, sanitation, and public utilities and services to ensure that the proposed use would not be detrimental to public health and safety.

(g) Public access to the proposed use shall be adequate.

(h) The physical location or placement of the use on the site is compatible with and relates harmoniously to the surrounding neighborhood.

(i) The proposed use is consistent with the goals, objectives, and policies of the General Plan.

(j) The proposed use would not be detrimental to the public interest, health, safety, convenience, or general welfare.

(k) The proposed use conforms precisely to the applicable performance standards contained in Subchapter 9.04.12, Section 9.04.12.010 and the special conditions outlined in Subchapter 9.04.14, Section 9.04.14.010.

(l) The proposed use will not result in an over concentration of such uses in the immediate vicinity. (Prior code § 9114.4)

9.04.20.12.050 Conditions.

In granting a Conditional Use Permit, the Planning Commission, or the City Council 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 may also impose such other conditions as may be deemed necessary to achieve these purposes, including, but not limited to, the following matters:

(a) Setbacks, yard areas, and open spaces.

(b) Fences, walls, and screening.

(c) Additional parking, parking areas, and vehicular ingress and egress.

(d) Landscaping and maintenance of landscaping and grounds.

(e) Regulation of signs.

(f) Control of noise, vibration, odors, and other potentially dangerous or objectionable elements.

(g) Limits on time for conduct of specific activities.

(h) Time period within which the proposed use shall be developed.

(i) Such other conditions as may be determined to assure that development will be in accordance with the intent and purposes of this Chapter.

(j) Reasonable guarantees of compliance with required conditions, such as a deed restriction or requiring the applicant to furnish security in the form of money or surety bond in the amount fixed by the administering agency.

(k) Compliance with applicable performance standards contained in Subchapter 9.04.12, Section 9.04.12.010. (Prior code § 9114.5)

9.04.20.12.060 Term of permit.

The Conditional Use Permit shall expire if the rights granted are not exercised within the period established by the Planning Commission or City Council on appeal as a condition of granting the Conditional Use Permit, or, in the absence of such established time period, either within one year, or if located in the Coastal Zone, eighteen months, from the effective date of permit approval. However, if the permit is for affordable housing or a mixed use project where housing units comprise at least seventy-five percent of the floor area of the project (collectively "housing project"), and the housing project has received City, State or Federal funding or is comprised of units at least fifty 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, in the absence of a time period established by the Planning Commission or City Council on appeal as a condition of granting the permit, the Conditional Use Permit shall expire if the rights granted are not exercised within three years, or if located in the Coastal Zone, three and one-half years from the effective date of permit approval.

(a) **Exercise of Rights.** "Exercise of rights" shall mean actual commencement of the use granted by the permit, unless

the permit is granted in conjunction with approval of new construction.

If the Conditional Use Permit is granted in conjunction with approval of new construction, issuance of a building permit shall constitute exercise of rights under the Conditional Use Permit; provided, however, that, unless otherwise specified as a condition of project approval, the Conditional Use Permit shall expire if:

(1) The building permit expires; or

(2) Final inspection is not completed or Certificate of Occupancy issued within the time specified as a condition of project approval; or

(3) The rights granted under the Conditional Use Permit 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.

(b) **Extension.** If the applicant files an extension request with the Zoning Administrator in writing prior to expiration of the permit, the Zoning Administrator may administratively grant one six-month extension of the term of the Conditional Use Permit, or if the project includes residential uses, a one-year extension of the term of the Conditional Use Permit. The applicant may apply to the Planning Commission for any further extension if such request is filed at least one month prior to the permit's expiration. Such extension request shall be processed in the same manner and for the same fee as a new Conditional Use Permit. The Planning Commission may grant an extension request for good cause, and may consider in this review 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 public health, safety and general welfare. (Prior code §9114.6; amended by Ord. No. 1798CCS § 4, adopted 4/25/95)

9.04.20.12.070 Revocation.

The Planning Commission may, or upon direction from the City Council, revoke any approved Conditional Use Permit in accordance with the following procedures:

(a) A revocation hearing shall be held by the Planning Commission. Notice of the 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.

(b) After the hearing, a Conditional Use Permit may be revoked by the Planning Commission, or by the City Council on appeal or review, if any one of the following findings are made:

(1) That the Conditional Use Permit was obtained by misrepresentation or fraud.

(2) That the use for which the Conditional Use Permit was granted has ceased or has been suspended for six or more consecutive calendar months.

(3) 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.

(c) A written determination of revocation of a Conditional Use Permit shall be mailed to the property owner and the permit holder within ten days of such determination. (Prior code § 9114.7)

9.04.20.12.080 Appeals.

The approval, conditions of approval, denial, or revocation of a Conditional Use Permit may be appealed to the City Council if filed within fourteen consecutive calendar days of the date the decision is made in the manner provided in Part 9.04.20.24, Sections 9.04.20.24.010 through 9.04.20.24.040. (Prior code § 9114.8)

Part 9.04.20.14 Development Review Permit

9.04.20.14.010 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 such as development that is proposed to be built to a greater intensity and building height than generally permitted in the 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;

(d) Modification to the building volume envelope requirements. This review shall determine 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. (Prior code § 9115.1)

9.04.20.14.020 Application.

Application for a Development Review Permit shall be filed in a manner consistent with the requirements contained in Part 9.04.20.20, Sections 9.04.20.20.010 through 9.04.20.20.060. (Prior code § 9115.2)

9.04.20.14.030 Hearing and notice.

Upon receipt in proper form of a Development Review Permit application, a public hearing before the Planning Commission shall be set and notice of such hearing given in a manner consistent with Part 9.04.20.22, Sections 9.04.20.22.010 through 9.04.20.22.140. (Prior code § 9115.3)

9.04.20.14.040 Findings.

Following a public hearing, the Zoning Administrator shall prepare a written decision which shall contain the Planning Commission's findings of fact upon which such decision is based. The 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, and placement of proposed structures on the site and the location of proposed uses within the project are compatible with and relate harmoniously to surrounding sites and neighborhoods. The size of the project shall be deemed compatible with and relate harmoniously to surrounding sites and neighborhoods provided the project is consistent with the height and density standards set forth in the Land Use Element of the General Plan, except in those cases where the Land Use Element allows for the exercise of discretion in relation to the height and density of a proposed project.

(b) The rights-of-way can accommodate autos and pedestrians, 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) Any on-site provision of housing or parks and public open space, which are part of the required project mitigation measures required in Part 9.04.10.12, satisfactorily meet the goals of the mitigation program.

(e) The project is generally consistent with the Municipal Code and General Plan.

(f) Reasonable mitigation measures have been included for all adverse impacts identified in an Initial Study or Environmental Impact Report. (Prior code § 9115.4)

9.04.20.14.050 Term of permit.

The Development Review Permit shall expire if the rights granted are not exercised within the period established by the Planning Commission or City Council on appeal as a condition of granting the Development Review Permit, or, in the absence of such established time period, either within one year, or if located in the Coastal Zone, eighteen months, from the effective date of permit approval. However, if the permit is for affordable housing or a mixed use project where housing units comprise at least seventy-five percent of the floor area of the project (collectively "housing project"), and the housing project has received City, State or Federal funding or is comprised of units at least fifty 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, in the absence of a time period established by the Planning Commission or City Council on appeal as a condition of granting the permit, the Development Review Permit shall expire if the rights granted are not exercised within three years, or if located in the Coastal Zone, three and one-half years from the effective date of permit approval.

(a) **Exercise of Rights.** "Exercise of rights" shall mean actual commencement of the use granted by the permit, unless the permit is granted in conjunction with approval of new construction.

If the Development Review Permit is granted in conjunction with approval of new construction, issuance of a building permit shall constitute exercise of rights under the Development Review Permit; provided, however, that, unless otherwise specified as a condition of project approval, the Development Review Permit shall expire if:

(1) The building permit expires; or

(2) The rights granted under the Development Review Permit 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.

(b) **Extension.** If the applicant files an extension request with the Zoning Administrator in writing prior to expiration of the permit, the Zoning Administrator may administratively grant one six-month extension of the term of the Development Review Permit, or if the project includes residential uses, a one-year extension of the term of the Development Review Permit. The applicant may apply to the Planning Commission for any further extension if such request is filed at least one month prior to the permit's expiration. Such extension request shall be processed in the same manner and for the same fee as a new Development Review Permit. The Planning Commission may grant an extension request for good cause, and may consider in this review 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 effect public health, safety and general welfare. (Prior code § 9115.5; amended by Ord. No. 1798CCS § 5, adopted 4/25/95)

9.04.20.14.060 Revocation.

The Planning Commission may, or upon direction from the City Council, revoke any approved Development Review Permit in accordance with the following procedure:

(a) A revocation hearing shall be held by the Planning Commission. Notice of the 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 10 days prior to such hearing. The notice of hearing shall contain a statement of the specific reasons for revocation.

(b) After the hearing, a Development Review Permit may be revoked by the Planning Commission, or by the City Council on appeal or review, if any one of the following findings are made:

(1) That the Development Review Permit was obtained by misrepresentation or fraud.

(2) That the use for which the Development Review Permit was granted has ceased or has been suspended for six or more consecutive calendar months.

(3) 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.

(c) A written determination of revocation of a Development Review Permit shall be mailed to the property owner and the

permit holder within 10 days of such determination. (Prior code § 9115.6)

9.04.20.14.070 Appeals.

The approval, conditions of approval, denial, or revocation of a Development Review Permit may be appealed within fourteen consecutive calendar days of the date the decision is made in the manner provided in Part 9.04.20.24, Sections 9.04.20.24.010 through 9.04.20.24.040. (Prior code § 9115.7)

Part 9.04.20.15 Design Compatibility Permit

9.04.20.15.010 Purpose.

A Design Compatibility Permit is intended to allow the construction of condominiums and other multi-family ownership housing to ensure the design and siting of the projects do not result in an adverse impact on the surrounding neighborhood. The permit allows for:

(1) Review of the location, size, massing, and placement of the proposed structure on the site and in relation to the surrounding neighborhood;

(2) Review of the location of proposed amenities within the project.

(3) An evaluation of the project with regard to fixed and established standards. (Added by Ord. No. 2053CCS § 3 (part), adopted 10/8/02)

9.04.20.15.020 Application.

An application for a Design Compatibility Permit shall be filed in a manner consistent with the requirements contained in Part 9.04.20.20, Sections 9.04.20.20.010 through 9.04.20.20.080. However, a Design Compatibility Permit shall not be required for condominiums located in the R2, R3, and R4 Districts. (Added by Ord. No. 2053CCS § 3 (part), adopted 10/8/02; amended by Ord. No. 2131CCS § 12, adopted 7/27/04)

9.04.20.15.030 Hearing and notice.

Upon receipt in proper form of a Design Compatibility Permit application, a public hearing before the Planning Commission shall be set and notice of such hearing given in a manner consistent with Santa Monica Municipal Code Part 9.04.20.22, Sections 9.04.20.22.010 through 9.04.20.22.140. (Added by Ord. No. 2053CCS § 3 (part), adopted 10/8/02)

9.04.20.15.040 Findings.

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

(1) The physical location, size, massing, and placement of proposed structures on the site and the location of proposed amenities within the project are compatible with and relate harmoniously to surrounding sites and neighborhoods.

(2) The physical location, size, massing, placement of proposed structures on the site, and parking access and the location of proposed amenities within the project would not be detrimental to the public interest, health, safety, convenience, or general welfare.

(3) The rights-of-way can accommodate autos and pedestrians, including adequate parking and access.

(4) The health and safety services (police, fire, etc.) and public infrastructure (e.g., utilities) are sufficient to accommodate the new development.

(5) Reasonable mitigation measures have been included for all adverse impacts identified in an Initial Study or Environmental Impact Report or a Statement of Overriding Considerations has been adopted for the proposed project.

(6) The proposed use conforms precisely to the minimum requirements outlined in Subchapter 9.04.16, Section 9.04.16.01.030. (Added by Ord. No. 2053CCS § 3 (part), adopted 10/8/02)

9.04.20.15.050 Term of permit.

The Design Compatibility Permit shall expire if the rights granted are not exercised within the period established by the Planning Commission or City Council on appeal as a condition of granting the Design Compatibility Permit, or, in the absence of such established time period, within two years from the effective date of permit approval. However, if the permit is for affordable housing or a mixed use project where housing units comprise at least seventy-five percent of the floor area of the project (collectively "housing project"), and the housing project has received City, State or Federal funding or is comprised of units at least fifty 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, in the absence of a time period established by the Planning Commission or City Council on appeal as a condition of granting the permit, the Design Compatibility Permit shall expire if the rights granted are not exercised within three years, or if located in the Coastal Zone, three and one-half years from the effective date of permit approval.

(a) **Exercise of Rights.** "Exercise of rights" shall mean actual commencement of the use granted by the permit, unless the permit is granted in conjunction with approval of new construction.

If the Design Compatibility Permit is granted in conjunction with approval of new construction, issuance of a building permit shall constitute exercise of rights under the Design Compatibility Permit; provided, however, that, unless otherwise specified as a condition of project approval, the Design Compatibility Permit shall expire if:

(1) The building permit expires; or

(2) The rights granted under the Design Compatibility Permit 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.

(b) **Extension.** If the applicant files an extension request with the Zoning Administrator in writing prior to expiration of the permit, the Zoning Administrator may administratively grant a one-year extension of the term of the Design Compatibility Permit. The applicant may apply to the Planning Commission for any further extension if such request is filed at least one month

prior to the permit's expiration. Such extension request shall be processed in the same manner and for the same fee as a new Design Compatibility Permit. The Planning Commission may grant an extension request for good cause, and may consider in this review the extent to which the project is consistent with current development standards and policies, whether the project is consistent in principle 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 effect public health, safety and general welfare. (Added by Ord. No. 2053CCS § 3 (part), adopted 10/8/02)

9.04.20.15.060 Revocation.

The Planning Commission may, or upon direction from the City Council, revoke any approved Design Compatibility Permit in accordance with the following procedure:

(a) A revocation hearing shall be held by the Planning Commission. Notice of the 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.

(b) After the hearing, a Design Compatibility Permit may be revoked by the Planning Commission, or by the City Council on appeal or review, if any one of the following findings are made:

(1) That the Design Compatibility Permit was obtained by misrepresentation or fraud.

(2) That the use for which the Design Compatibility Permit was granted has ceased or has been suspended for six or more consecutive calendar months.

(3) 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.

(c) A written determination of revocation of a Design Compatibility Permit shall be mailed to the property owner and the permit holder within ten days of such determination. (Added by Ord. No. 2053CCS § 3 (part), adopted 10/8/02)

9.04.20.15.070 Appeals.

The approval, conditions of approval, denial, or revocation of a Design Compatibility Permit may be appealed within fourteen consecutive calendar days of the date the decision is made in the manner provided in Santa Monica Municipal Code Part 9.04.20.24, Sections 9.04.20.24.010 through 9.04.20.24.040. (Added by Ord. No. 2053CCS § 3 (part), adopted 10/8/02)

9.04.20.15.080 Hearings.

Notice of public hearings shall be given in accordance with Santa Monica Municipal Code Section 9.04.20.22.050 to all owners and residential and commercial tenants of property within a radius of five hundred feet for a Design Compatibility Permit. (Added by Ord. No. 2053CCS § 3 (part), adopted 10/8/02)

Part 9.04.20.16 Amendments of Comprehensive Land Use and Zoning Ordinance

9.04.20.16.010 Purpose.

These provisions are intended to provide the City Council with a procedure to amend this Chapter or the Official Districting Map whenever required by public necessity, public convenience, general welfare, and good Planning and Zoning practice. (Prior code § 9120.1)

9.04.20.16.020 Initiation.

(a) A text amendment shall only be initiated in one of the following manners:

(1) A resolution of intention by the Planning Commission.

(2) A resolution of intention of the City Council directing the Planning Commission to initiate an amendment.

(3) An application from any person living, working, owning property or operating a business within the City of Santa Monica.

(b) An amendment of the Official Districting Map of the City shall only be initiated in one of the following manners:

(1) A resolution of intention by the Planning Commission.

(2) A resolution of intention of the City Council directing the Planning Commission to initiate an amendment.

(3) An application initiated by a citizen petition signed by no less than fifty persons who are property owners or tenants within the City of Santa Monica pursuant to Part 9.04.20.20, Sections 9.04.20.20.010 through 9.04.20.20.060. (Prior code § 9120.2)

9.04.20.16.030 Findings.

An amendment may be adopted by ordinance of the City Council only if the following findings of fact can be made in an affirmative manner:

(a) The proposed amendment is consistent in principle with the goals, objectives, policies, land uses, and programs specified in the adopted General Plan.

(b) The public health, safety, and general welfare require the adoption of the proposed amendment. (Prior code § 9120.3)

9.04.20.16.040 Hearing and notice.

Upon receipt in proper form of an amendment application, a public hearing shall be set before the Planning Commission and notice of such hearing given in a manner consistent with Part 9.04.20.22, Sections 9.04.20.22.010 through 9.04.20.22.140. If, from the facts presented at the hearing, the Commission makes the required findings in an affirmative manner, the Commission shall recommend such amendment or any portion thereof

to the City Council. The Commission shall make its findings and recommendation in writing and shall transmit a copy of the application together with the findings and recommendations to the Council. The Council may by Ordinance effect such amendment or any portion thereof, and if deemed advisable, before the adoption of such ordinance, may set the matter for public hearing in the same manner as provided in Part 9.04.20.22, Sections 9.04.20.22.010 through 9.04.20.22.140. Notice for amendments initiated by resolution of intention, shall be published in a newspaper of general circulation within the City not less than ten consecutive calendar days prior to the public hearing. (Prior code § 9120.4)

9.04.20.16.050 Appeal.

The denial of a change of district or text amendment to this Chapter, may be appealed to the City Council if filed within 14 consecutive calendar days of the date the decision is made in the manner provided in Part 9.04.20.24, Sections 9.04.20.24.010 through 9.04.20.24.040. (Prior code § 9120.5)

9.04.20.16.060 Interim zoning.

(a) Without following the procedures otherwise required prior to the adoption of a zoning ordinance as provided for in Sections 9.04.20.16.010 through 9.04.20.16.050, the City Council, to protect the public safety, health or welfare, may adopt an interim ordinance prohibiting or allowing any uses or establishing development standards which may otherwise be in conflict with a contemplated General Plan, Specific Plan or zoning proposal which the City Council, Planning Commission or the Director of Planning is considering or studying or intends to study within a reasonable time. An interim ordinance may be adopted as an emergency ordinance pursuant to the provisions of Section 615 of the City Charter. An interim ordinance shall be of no further force and effect sixty days from its effective date. After notice pursuant to Part 9.04.20.22, and public hearing, the City Council may extend the interim ordinance for up to fifty months and fifteen days.

(b) 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 or 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 or welfare.

(c) 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, or welfare.

(d) The City Council as part of any interim ordinance, may adopt variance procedures to modify the standards contained in the interim ordinance, and may establish procedures which differ from those contained in Part 9.04.20.20 and Part 9.04.20.22 of this Chapter. (Prior code § 9120.6; amended by Ord. No. 1561CCS, adopted 1/22/91; Ord. No. 1665CCS § 1, adopted 1/26/93; amended by Ord. No. 2086CCS § 1, adopted 7/8/03)

Part 9.04.20.18 General and Specific Plans

9.04.20.18.010 Purpose.

The purpose of this Section 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. (Prior code § 9121.1)

9.04.20.18.020 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. (Prior code § 9121.2)

9.04.20.18.030 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 citizens, 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. (Prior code § 9121.3)

9.04.20.18.040 Planning Commission action.

Prior to recommending adoption of the General Plan or any Element thereof, the Planning Commission must hold at least one public hearing. Notice of the hearing shall be given consistent with Part 9.04.20.22. The Planning Commission must make a written recommendation on 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 the Planning Commission. The Director of Planning 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. (Prior code § 9121.4)

9.04.20.18.050 City Council action.

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 Part 9.04.20.22. 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. (Prior code § 9121.5)

9.04.20.18.060 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. (Prior code § 9121.6)

9.04.20.18.070 Restriction on number of amendments.

Except as otherwise provided herein, no mandatory Element of the General Plan shall be amended more frequently than four 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 Health and Safety Code Section 56032(d).

(e) A General Plan amendment required by Public Resources Code Section 30500(b). (Prior code § 9121.7)

9.04.20.18.080 Initiation of amendments to the General Plan.

An amendment to the General Plan or any Element thereof shall only be initiated in the following manner:

(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 Part 9.04.20.20, provided that such application involves the development or modification of property located within the area affected by such amendment. (Prior code § 9121.8)

9.04.20.18.090 Planning Commission action on amendments.

(a) Upon receipt in proper form of a completed amendment application or duly adopted resolution of intention, and following any necessary investigation, but within ninety (90) days unless a longer period is prescribed by the City Council in the case of a Council-initiated amendment, a public hearing before the Planning Commission must be held and notice of such hearing given consistent with Part 9.04.20.22.

(b) The Planning Commission must make a written recommendation on the proposed amendment whether to approve, approve in modified form, or disapprove.

(c) Planning Commission action recommending that the proposed General Plan amendment be approved, or approved in modified form, must be considered for adoption by the City Council within ninety (90) days of Planning Commission action. Planning Commission action disapproving a proposed General Plan amendment, regardless of how such amendment was initiated, 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 Part 9.04.20.24. (Prior code § 9121.9)

9.04.20.18.100 City council action on amendments.

Within 60 days of the recommendation of the Planning Commission to approve a proposed General Plan amendment or of the appeal from a decision by the Planning Commission to approve or disapprove a proposed General Plan amendment, the City Council must conduct a public hearing on the amendment after first giving notice of the hearing pursuant to Part 9.04.20.22. The City Council may approve, approve with modifications, or disapprove any amendment. (Prior code § 9121.10)

9.04.20.18.110 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 regarding reasonable and practical means for implementing the General Plan or 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 periodic 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. (Prior code § 9121.11)

9.04.20.18.120 Fees.

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. (Prior code § 9121.12)

9.04.20.18.130 Specific Plans.

Upon receiving an application for a Specific Plan by any person living, working or owning property within the City of Santa Monica, 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 for the systematic implementation of the General Plan for all or a part of the area covered by the General Plan. (Prior code § 9121.13)

9.04.20.18.140 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.

(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. (Prior code § 9121.14)

9.04.20.18.150 Specific Plan criteria.

A specific plan for certain sub-areas in the City may be considered by the Planning Commission when detailed regulations, conditions, programs, standards, and guidelines are not provided for in the General Plan. (Prior code § 9121.15)

9.04.20.18.160 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. (Prior code § 9121.16)

9.04.20.18.170 Fees and charges.

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 Part 9.04.20.20, 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.

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. (Prior code § 9121.17)

Part 9.04.20.20 Application and Fees

9.04.20.20.010 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. (Prior code § 9130.1)

9.04.20.20.020 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 Zoning Administrator 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:

(a) A list or description of the information, reports, dimensioned plans and other material needed in order to deem an application complete.

(b) The criteria by which the Zoning Administrator will determine the completeness of the application.

(c) Instructions necessary to complete or supply the required information.

(d) Such other information as may be required by this Chapter or state law. (Prior code § 9130.2)

9.04.20.20.030 Determination of completeness.

(a) No application shall be processed pursuant to Part 9.04.20.22 prior to the determination by the Zoning Administrator 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.

(b) The determination shall state whether the application is complete pending payment of the required filing fee, or is incomplete and shall specify additional information to be resubmitted.

(c) A completed application shall consist of:

(1) The application form with all applicable information included on the form.

(2) The additional information, reports, dimensioned drawings and other material required with application form.

(3) 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.

(4) Payment in full of the required fee for processing the application.

(d) An application determined to be complete pending payment of the required filing fee shall be processed pursuant to Part 9.04.20.22 only upon payment of the required filing fee.

(e) If an application is deemed incomplete, the Zoning Administrator 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 deemed withdrawn if the information requested is not received by the Zoning Administrator within thirty days of the date the written determination of incompleteness is mailed.

(g) The Zoning Administrator shall determine in writing the completeness of the resubmitted application and transmit the determination to the applicant. If deemed complete, the applicant may pay the required filing fee(s) and the resubmitted application shall be processed pursuant to Part 9.04.20.22. If the application is deemed 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 Part 9.04.20.24.

(h) If the Zoning Administrator fails to make a timely determination as to completeness of an application, or resubmitted application, the application shall be automatically deemed complete. Applications that are deemed complete shall be processed pursuant to Part 9.04.20.24 upon payment in full of the required filing fee. The applicant and the Zoning Administrator may mutually agree in writing to extend these time periods.

(i) The time periods for processing any applications under this Chapter shall commence upon the date the application has been determined to be complete. (Prior code § 9130.3; amended by Ord. No. 2139CCS § 4, adopted 9/14/04)

9.04.20.20.040 Additional information.

After an application is deemed complete, the Zoning Administrator shall not subsequently request of an applicant any new information requested on the application form. The Zoning Administrator 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 Zoning Administrator may request additional information needed to prepare adequate environmental documentation. (Prior code § 9130.4)

9.04.20.20.050 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 Chapter. Applications processed concurrently shall be subject to separate fees for each application filed unless specifically exempted by the City Council. (Prior code § 9130.5)

9.04.20.20.060 Who may file application.

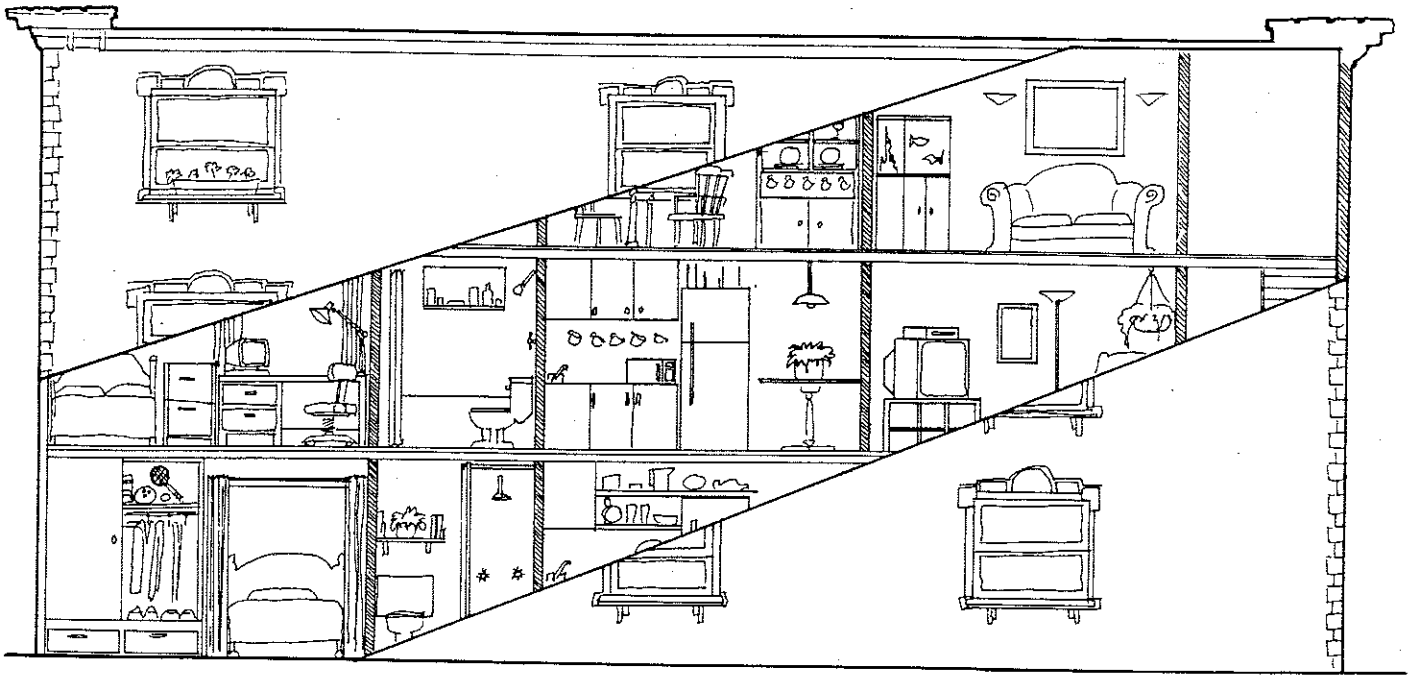
Applications for performance standards permits, variances, conditional use permit, and site plan review shall be made only by the property owner or the property owner's authorized agent. (Prior code § 9130.6)

9.04.20.20.070 Applicant notification.

At the time of filing an application, the City shall inform the applicant that he or she may make a written request to receive notice from the City of any proposal to adopt or amend the General Plan, a Specific Plan, Zoning Ordinance, or an ordinance affecting building permits which may affect the application filed. The applicant shall specify in the written request the proposed action for which notice is requested. Prior to taking any of those actions, the Zoning Administrator shall give notice to any applicant who has requested notice of the type of action proposed and whose development permit is pending before the City if the Zoning Administrator determines that the proposal is reasonably related to the applicant's pending development permit. (Prior code § 9130.7)

9.04.20.20.080 Posting of property.

Within fifteen days after an application for a conditional use permit, development review permit, or site plan review permit, has been filed, the applicant shall post the property in a manner set forth by the Zoning Administrator. The application shall not be considered complete unless the site has been posted pursuant to this Section. (Prior code § 9130.8; amended by Ord. No. 1732CCS § 8, adopted 3/8/94)



Part 9.04.20.22 Hearing Procedures

9.04.20.22.010 Purpose.

This Part defines permit processing procedures, procedures for conducting public hearings and specific requirements which must be met in connection with taking an action on a development permit and to expedite decisions on permit applications. (Prior code § 9131.1)

9.04.20.22.020 Planning Commission consideration of Zoning Administrator permits.

For any specific project, the Planning Commission, rather than the Zoning Administrator, shall approve, conditionally approve, or deny any application ordinarily subject to approval by the Zoning Administrator if the application is filed concurrently with an application for a Conditional Use Permit, Site Plan Review Permit, Subdivision Map, Land Use Ordinance Text or Map Amendment, or General Plan Amendment. The Planning Commission's determination on the application may be appealed to the City Council pursuant to Part 9.04.20.24. (Prior code § 9131.2)

9.04.20.22.030 Environmental review determination.

All determinations under the California Environmental Quality Act shall be made in accordance with the City of Santa Monica Guidelines for Implementation of the CEQA as adopted and from time to time amended by resolution. (Prior code § 9131.3)

9.04.20.22.040 Public hearing date.

A public hearing on any application shall be scheduled before the Zoning Administrator, or Planning Commission in accordance with the Permit Streamlining Act, Government Code Section 65920 et seq. or any successor legislation thereto. (Prior code § 9131.4; amended by Ord. No. 2139CCS § 5, adopted 9/14/04)

9.04.20.22.050 Notice of hearings.

Notice of public hearings shall be given in the following manner:

(a) By publication in a newspaper of general circulation within the City not less than ten consecutive calendar days prior to the public hearing; and

(b) By mailing, postage prepaid, not less than ten consecutive calendar days prior to the public hearing, to all owners and residential and commercial tenants of property within a radius of three hundred feet, or five hundred feet for Conditional Use Permits, Development Review Permits, and applications for site specific 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. The address of the residential and commercial tenants shall be determined by visual site inspection or other reasonably accurate means. The applicant shall provide a list of property owners and tenants within the prescribed area of notification and shall sign an affidavit verifying that the list has been prepared in accordance with the procedure outlined in this Section.

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. (Prior code § 9131.5)

9.04.20.22.060 Reserved.

9.04.20.22.070 Statement of official action.

Within 30 days after the decision has been made, the hearing body shall approve a statement of official action which shall include:

(a) 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.

(b) A statement of the facts found that establish compliance or non-compliance with each applicable criteria and standards.

(c) The reasons for a determination to approve or deny the application.

(d) The decision to deny or to approve with or without conditions and subject to compliance with applicable standards. (Prior code § 9131.7)

9.04.20.22.080 Notice of statement of official action.

(a) With respect to Zoning Administrator decisions, the Zoning Administrator shall transmit the statement of official action to the applicant at the address shown on the application on the same day the determination has been made concerning the application.

(b) With respect to Planning Commission and City Council decisions, The Zoning Administrator shall transmit the statement of official action to the applicant at the address shown on the application within 20 days after the decision has been made concerning the application. (Prior code § 9131.8)

9.04.20.22.090 Effective date of decision.

A decision that is subject to appeal shall not become effective for 14 consecutive calendar days following the action by the appropriate review authority in order to leave time for appeal of the decision. (Prior code § 9131.9)

9.04.20.22.100 Time limit for approving applications.

Final action on an application for the project shall be taken in accordance with the Permit Streamlining Act, Government Code Section 65920 et seq. or any successor legislation thereto. (Prior code § 9131.10; amended by Ord. No. 2139CCS § 6, adopted 9/14/04)

9.04.20.22.110 Extension of deadline for action.

One extension of the time limit for action on an application not to exceed ninety days may be requested by the applicant and approved if mutually agreed upon by the applicant and Zoning Administrator. (Prior code § 9131.11)

9.04.20.22.120 Request for delay or continuance consideration 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 Zoning Administrator.

(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 or which the application has been noticed for. The Planning Commission shall deny such request except if:

(1) There is a strong reason justifying the applicant's request which could not reasonably have been foreseen or planned for. Inconvenience, conflicting business, or voluntary change of counsel, is not considered adequate justification.

(2) There is at least ten days notice provided to staff of the request for a continuance, in which case the Zoning Administrator may grant the continuance, provided the conditions stated above have been met. If urgent conditions preclude ten days notice, any continuance shall be acted upon by the Planning Commission at the meeting for which the application was scheduled for.

(3) Any application continued under the conditions listed above shall be renoticed in the original manner, and the applicant shall be subject to payment of a re-notification fee prior to the re-scheduled hearing.

(c) 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.

(d) This Section shall not apply to continued hearings which are necessary due to factors controlled by the Planning Commission and not specifically requested by the applicant. (Prior code § 9131.12)

9.04.20.22.130 Reapplication.

No application for the same or substantially same project that has been denied may be filed within twelve months, except if a project is deemed denied without prejudice or as otherwise permitted at the time of approval or denial. (Prior code § 9131.13)

9.04.20.22.140 Amendments to approved projects and conditions of approval.

Any conditions of approval or approved project may be modified upon application by the original applicant. The matter shall be considered in the same manner in which the original application was considered. (Prior code § 9131.14)

Part 9.04.20.24 Appeals

9.04.20.24.010 Appeal of action.

(a) Any person may appeal a decision of the Zoning Administrator 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.

(b) Any person may appeal an original decision of the Planning Commission to the City Council.

(c) Once an appeal is filed, 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. (Prior code § 9132.1)

9.04.20.24.020 Filing of appeals.

(a) Appeals shall be addressed to the appellate body on a form prescribed by the Zoning Administrator pursuant to Part 9.04.20.20. The appellant shall state the specific reasons for the appeal.

(b) An appeal of a Zoning Administrator action shall be filed with the Planning and Zoning Division within fourteen consecutive calendar days following the date of action from which an appeal is taken.

(c) An appeal of a Planning Commission decision shall be filed with the Zoning Administrator within fourteen consecutive calendar days following the date of action for which an appeal is made.

(d) Appeals shall be accompanied by the required filing fee. (Prior code § 9132.2; amended by Ord. No. 1732CCS § 9, adopted 3/8/94)

9.04.20.24.030 Appeal hearings.

Public notice of an appeal hearing shall conform to the manner in which the original notice was given. (Prior code § 9132.3)

9.04.20.24.040 Effective date of appealed actions.

(a) Except as otherwise provided for in this Chapter, an action of the Zoning Administrator appealed to the Planning Commission shall not become effective unless and until approved by the Commission.

(b) An action of the Commission appealed to the City Council shall not become effective unless and until approved by the City Council. (Prior code § 9132.4)

9.04.20.24.050 Appeal fees.

Members of the City Council and Planning Commission shall not be required to pay a fee when filing an appeal. (Prior code § 9132.5)

Part 9.04.20.26 Reduced Parking Permits

9.04.20.26.010 Purpose.

A reduced parking permit is intended to permit the reduction of required automobile parking spaces for senior housing, or when shared parking, tandem parking or in-lieu parking fees are proposed as part of any development, and under certain circumstances for landmarks and historic districts. (Prior code § 9133.1; amended by Ord. No. 1653CCS § 2, adopted 10/13/92)

9.04.20.26.020 Application.

Application for a reduced parking permit shall be filed in a manner consistent with the requirements contained in Part 9.04.20.20. (Prior code § 9133.2)

9.04.20.26.030 Applicability.

The Zoning Administrator may grant a reduced parking permit for the following:

(a) **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 Zoning Administrator 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.

(b) **Senior Housing.** The Zoning Administrator may approve a reduced parking permit for the reduction in the number of parking spaces required for senior citizens and senior group housing based upon findings that the proposed development is located in direct proximity to commercial activities and services, and is adequately served by public transportation systems.

(c) **Tandem Parking.** The Zoning Administrator may approve a reduced parking permit for tandem parking for commercial and industrial uses provided the development requires two hundred fifty or more parking spaces, no more than a maximum of twenty percent of the total number of spaces are in tandem and an attendant is on duty during the hours the building is open for business.

(d) **Low-Income Housing.** The Zoning Administrator may approve a reduced parking permit for the reduction in the number of parking spaces required for low to moderate income housing developments provided additional documents, covenants, deed restrictions or other agreements as may be deemed necessary by the Zoning Administrator are executed.

(e) **Landmarks and Historic Districts.** The Zoning Administrator may approve a reduced parking permit for the reduction in the number of parking spaces required for a designated landmark or a contributing structure within a designated historic district under the following circumstances:

(1) When an addition is proposed to a single family home that is nonconforming due to the required number of parking spaces, no additional parking spaces shall be required for the addition of a bedroom, provided that the total addition to the structure does not exceed more than twenty-five percent of the square footage of the existing structure or two hundred fifty square feet, whichever is greater, and that at least one covered parking space is provided on-site. Only one such reduced parking permit may be permitted per designated structure.

(2) When an addition is proposed to a multifamily structure that is nonconforming due to the required number of parking spaces, no new parking spaces shall be required, provided that the addition does not add more than one bedroom to each dwelling unit, the addition does not result in the addition of a new dwelling unit on the parcel and that at least one parking space is already provided on-site per dwelling unit. Only one such reduced parking permit may be permitted per unit in a designated structure.

(3) When an addition is proposed to a commercial or an industrial structure that is nonconforming due to the required number of parking spaces, no additional parking space shall be required, provided that the addition does not exceed ten percent of the building's existing floor area. Only one such reduced parking permit may be permitted per designated commercial or industrial structure.

(4) Commercial or industrial structures that change to a use which has more intensive parking standards than the current use may be permitted to reduce the required parking according to the following formula:

Total Required Parking Spaces After Change of Use	Percentage Reduction From Total Required Spaces
1 to 10	Up to 50%
11 to 20	Up to 25%
21 and over	Up to 10%

(Prior code § 9133.3; amended by Ord. No. 1653CCS § 3, adopted 10/13/92)

9.04.20.26.040 Hearings and notice.

Subject to the provisions of Section 9.04.20.22.020, upon receipt in proper form a variance application, a public hearing before the Zoning Administrator shall be set in accordance with the Permit Streamlining Act, Government Code Section 65920 et seq. or any successor legislation thereto, and notice of such hearing shall be given to all property owners and tenants within three hundred feet of the exterior boundaries of the property involved in a manner consistent with Part 9.04.20.22. (Prior code § 9133.4; amended by Ord. No. 2139CCS § 7, adopted 9/14/04)

9.04.20.26.050 Term of permit.

The Reduced Parking Permit shall expire if the rights granted are not exercised within the period established by the Zoning Administrator or Planning Commission on appeal as a condition of granting the Reduced Parking Permit, or, in the absence of such established time period, either within one year, or if located in the Coastal Zone, eighteen months, from the effective date of Reduced Parking Permit approval. However, if the permit is for affordable housing or a mixed use project where housing units comprise at least seventy-five percent of the floor area of the project (collectively "housing project"), and the housing project has received City, State or Federal funding or is comprised of units at least fifty 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, in the absence of a time period established by the Planning Commission or City Council on appeal as a condition of granting the permit, the Reduced Parking Permit shall expire if the rights granted are not exercised within three years, or if

located in the Coastal Zone, three and one-half years from the effective date of permit approval.

(a) **Exercise of Rights.** "Exercise of rights" shall mean actual commencement of the use granted by the permit, unless the permit is granted in conjunction with approval of new construction.

If the Reduced Parking Permit is granted in conjunction with approval of new construction, issuance of a building permit shall constitute exercise of rights under the Reduced Parking Permit; provided, however, that, unless otherwise specified as a condition of project approval, the Reduced Parking Permit shall expire if:

(1) The building permit expires; or

(2) The rights granted under the Reduced Parking Permit 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.

(b) **Extension.** If the applicant files an extension request with the Zoning Administrator in writing prior to expiration of the permit, the Zoning Administrator may administratively grant one six-month extension of the term of the Reduced Parking Permit, or if the project includes residential uses, a one-year extension of the term of the Reduced Parking Permit. (Prior code § 9133.5; amended by Ord. No. 1798CCS § 6, adopted 4/25/95)

9.04.20.26.060 Revocation.

The Zoning Administrator may, or upon direction from the Planning Commission, revoke any approved Reduced Parking Permit in accordance with the following procedures:

(a) A revocation hearing shall be held by the Zoning Administrator. Notice of the 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.

(b) After the hearing, a Reduced Parking Permit may be revoked by the Zoning Administrator, or by the Planning Commission on appeal or review, if any one of the following findings are made:

(1) That the Reduced Parking Permit was obtained by misrepresentation or fraud.

(2) That the use for which the Reduced Parking Permit was granted has ceased or has been suspended for six or more consecutive calendar months.

(3) 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.

(c) A written determination of revocation of a Reduced Parking Permit shall be mailed to the property owner and the permit holder within ten days of such determination. (Prior code § 9133.6)

9.04.20.26.070 Appeals.

The approval, conditions of approval, denial, or revocation of a reduced parking permit may be appealed to the Planning Commission if filed within fourteen consecutive calendar days of the date the decision is made in the manner provided in Part 9.04.20.24. (Prior code § 9133.7)

Part 9.04.20.28 Administrative Approvals

9.04.20.28.010 Purpose.

The Administrative Approval is intended to allow for the approval of projects which conform to the standards established for the zone and do not require discretionary review or approval by the Zoning Administrator, Planning Commission or City Council. The 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. (Prior code § 9134.1)

9.04.20.28.020 Permit required.

(a) An Administrative Approval, approved by the Zoning Administrator, shall be required for all new construction and new additions to existing buildings of more than one thousand square feet of floor area located in residential and nonresidential zoning districts, not otherwise subject to discretionary review and shall be issued prior to issuance of any Building Permit for the development. However, no Administrative Approval shall be required for new construction and new additions to existing buildings located in the R2, R3 and R4 Districts or for any new single-family homes or additions thereto in any zoning district. A public hearing shall not be required for issuance of an Administrative Approval. An application for an Administrative Approval shall be in a form prescribed by the Zoning Administrator and shall be filed with the Planning and Zoning Division pursuant to Part 9.04.20.20.

(b) The Zoning Administrator shall issue an Administrative Approval if the proposed development conforms precisely to the development standards for the area and does not require discretionary review or approval as outlined in this Chapter. The Zoning Administrator shall deny the Administrative Approval only if the development is not in compliance with the development standards for the area as outlined in this Chapter.

(c) The Zoning Administrator shall within ninety calendar days after a complete application has been filed, 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 ten days after the decision is rendered. (Prior code § 9134.2; amended by Ord. No. 1732CCS § 10, adopted 3/8/94; Ord. No. 2131CCS § 13, adopted 7/27/04; Ord. No. 2139CCS § 8, adopted 9/14/04; Ord. No. 2148CCS 1, adopted 1/25/05)

9.04.20.28.030 Term of permit.

The Administrative Approval shall expire if the rights granted are not exercised within one year, or if located in the Coastal Zone, eighteen months, from the date of approval. However, if the permit is for affordable housing or a mixed use project where housing units comprise at least seventy-five percent of the floor area of the project (collectively "housing project"), and the housing project has received City, State or Federal funding or is comprised of units at least fifty 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, in the absence of a time period established by the Planning Commission or City Council on appeal as a condition of granting the permit, the Administrative Approval shall expire if the rights granted are not exercised within three years, or if located in the Coastal Zone, three and one-half years from the effective date of permit approval.

(a) **Exercise of Rights.** "Exercise of rights" shall mean actual commencement of the use granted by the permit, unless the permit is granted in conjunction with approval of new construction.

If the Administrative Approval is granted in conjunction with approval of new construction, issuance of a building permit shall constitute exercise of rights under the Administrative Approval; provided, however, that, the Administrative Approval shall expire if:

(1) The building permit expires; or

(2) The rights granted under the Administrative Approval 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.

(b) **Extension.** If the applicant files an extension request with the Zoning Administrator in writing prior to expiration of the permit, the Zoning Administrator may administratively grant one six-month extension of the term of the Administrative Approval, or if the project includes residential uses, a one-year extension of the term of the Administrative Approval. (Prior code § 9134.3; amended by Ord. No. 1798CCS § 7, adopted 4/25/95)

9.04.20.28.040 Revocation.

The Zoning Administrator may, or upon direction from the Planning Commission, revoke any approved Administrative Approval in accordance with the following procedures:

(a) A revocation hearing shall be held by the Zoning Administrator. Notice of the 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.

(b) After the hearing, an Administrative Approval may be revoked by the Zoning Administrator, or by the Planning Commission on appeal or review, if any one of the following findings are made:

(1) That the Administrative Approval Permit was obtained by misrepresentation or fraud.

(2) That the use for which the Administrative Approval was granted has ceased or has been suspended for six or more consecutive calendar months.

(3) 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.

(c) A written determination of revocation of an Administrative Approval shall be mailed to the property owner and the permit holder within 10 days of such determination. (Prior code § 9134.4)

9.04.20.28.050 Appeals.

The revocation of an Administrative Approval may be appealed to the Planning Commission if filed within 7 consecutive calendar days of the date the revocation is made in the manner provided in Part 9.04.20.24. (Prior code § 9134.5)

Part 9.04.20.30 Enforcement

9.04.20.30.010 Purpose.

This Part is intended to describe the role of appropriate City departments in enforcing this Chapter. Enforcement of the provisions of this Chapter and any entitlements by the City shall be diligently pursued in order to provide for their effective administration, to ensure compliance with the terms and conditions of approval, to promote the City's Planning efforts and to protect the public health, safety, and general welfare. (Prior code § 9150.1)

9.04.20.30.020 Responsibility.

The Zoning Administrator shall have principal responsibility for monitoring and enforcing the conditions and standards imposed on all land use standards and entitlements granted by the City pursuant to this Chapter. Any use or improvement which is established, operated, erected, moved, altered, enlarged, or maintained contrary to the provisions of this Chapter or any permit or approval issued pursuant to this Chapter is unlawful and shall be subject to all remedies available by law. (Prior code § 9150.2)

9.04.20.30.030 Violation of conditions of approval.

No person shall fail to comply with the terms and conditions of any permit or approval issued pursuant to this Chapter or with any other ordinance relating to land use or development. This Section 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, if the person has notice of the terms and conditions of the permit or approval. (Prior code § 9150.3)

9.04.20.30.040 Each day separate violation.

Each day that a person violates the provisions of this Chapter or the terms and conditions of any permit or approval as provided for in Section 9.04.20.30.030 shall constitute a separate violation. (Prior code § 9150.4)

9.04.20.30.050 Enforcement.

In addition to any other remedy provided for by law, the Zoning Administrator may take the following action for any violation of this Chapter or of the terms and conditions of any permit or approval as provided for in Section 9.04.20.30.030:

(a) Institute proceedings as provided for by this Chapter to revoke or suspend any permit or approval;

(b) Revoke the business license held by any violator as provided for in Section 9.04.20.30.060;

(c) Impose an enforcement fee as provided for in Section 9.04.20.30.080;

(d) Cause to be issued a citation as provided for in Section 9.04.20.30.090;

(e) Request that the City Attorney take appropriate enforcement action. Referral by the Zoning Administrator is not a condition precedent to any enforcement action by the City Attorney. (Prior code § 9150.5; amended by Ord. No. 1645CCS § 5, adopted 9/22/92)

9.04.20.30.060 Business license revocation or suspension.

(a) Notwithstanding any other provision of this Code, the Zoning Administrator may suspend a business license for 30 days or less, or may revoke a business license issued pursuant to Article 6 of the Code, if the holder of such business license has violated the provisions of this Chapter or the terms and conditions of any permit or approval as provided for in Section 9.04.20.30.030, in accordance with the procedure set forth in this Section.

(b) Upon being notified of a second violation of this Chapter, or the terms and conditions of any permit or approval, within a three (3) year period from the date of the first violation, the Zoning Administrator shall notify the person that a third violation within such three (3) year period may result in the suspension or revocation of the person's business license.

(c) Upon being notified of a third violation of this Chapter, or the terms and conditions of any permit or approval within a three year period from the date of the first violation, the Zoning Administrator may notify the person of the revocation or suspension of the person's business license.

(d) Any notice of revocation or suspension issued pursuant to this Section shall be final upon the expiration of the appeal period if no appeal is timely filed or upon the decision of the Planning Commission if an appeal is filed. (Prior code § 9150.6; amended by Ord. No. 1645CCS § 5, adopted 9/22/92)

9.04.20.30.070 Right to appeal.

Any person may appeal the suspension or revocation of the business license in accordance with the following procedures:

(a) A notice of appeal shall be filed with the Zoning Administrator within fourteen (14) days from the date of the notice of revocation or suspension.

(b) The Planning Commission shall hold a hearing on the appeal within 60 days of the date of the filing of the appeal. The City shall give the appellant at least ten (10) days notice of the time and place of the hearing. The Planning Commission shall render a decision within 15 days of the date of the hearing.

(c) The decision of the Planning Commission shall be final except for judicial review and there shall be no appeal to the City Council.

(d) Any notice revoking or suspending a business license pursuant to this Section shall set forth the appeal rights as provided for in this Section. (Prior code § 9150.7; added by Ord. No. 1645CCS § 5, adopted 9/22/92)

9.04.20.30.080 Enforcement fees.

(a) An enforcement fee shall be paid to the City by each person who has violated the provisions of this Chapter or the terms and conditions of any permit or approval as provided for in Section 9.04.20.30.030. The purpose of this fee is to recover the costs of enforcement from any person who violates the provisions of this Chapter or any permit or approval.

(b) Fees shall be assessed as follows:

(1) For the first violation, there shall be no fee.

(2) For the second violation within a three (3) year period from the date of the first violation, the fee shall be $100.00.

(3) For the third violation and each subsequent violation, the fee shall be $200.00.

(c) The Zoning Administrator shall cause to be issued a notice imposing fees under this Section. The notice shall provide that the fee shall be due and payable within 15 days from the date of the notice. A penalty of ten percent per month shall be added to any fees that have not been paid when due.

(d) Any person upon whom fees have been imposed pursuant to this Section may appeal the action in accordance with the following procedure:

(1) A notice of appeal shall be filed with the Zoning Administrator within 10 days of the date of the notice.

(2) At the time of filing the notice of appeal, the appellant shall deposit with the City Treasurer money in the amount of all fees due. If, as a result of the hearing, it is determined that the City is not entitled to all or a portion of the money, the City shall refund to the person all or a portion of the money deposited.

(3) The Planning Commission shall hold a hearing on the appeal within 45 days of the date of filing of the appeal. The City shall give the appellant at least five days notice of the time and place of the hearing. The Planning Commission shall render a decision within 15 days of the date of the hearing. The purpose of the hearing shall be limited to whether or not the violation occurred.

(4) The decision of the Planning Commission shall be final except for judicial review and there shall be no appeal to the City Council.

(5) Any notice issued pursuant to this Section shall set forth the appeal rights as provided for in this Section. (Prior code § 9150.8; amended by Ord. No. 1645CCS § 5, adopted 9/22/92)

9.04.20.30.090 Citations.

Pursuant to Penal Code Section 836.5, the Senior Zoning Inspector and Zoning Inspectors may arrest a person whenever he or she has reasonable cause to believe that the person to be arrested has committed a misdemeanor in his or her presence which is a violation of this Chapter or the terms and conditions of any permit or approval as provided for in Section 9.04.20.30.030. In any case in which a person is arrested pursuant to this Section and the person arrested does not demand to be taken before a magistrate, the Senior Zoning Inspector or Zoning Inspector shall prepare a written notice to appear and shall release the person on his or her promise to appear as provided for in Section 3.36.070 of this Code. (Prior code § 9150.9; amended by Ord. No. 1645CCS § 6, adopted 9/22/92)

9.04.20.30.100 Criminal sanctions.

No person shall engage in any use or activity or undertake any development of property in contravention of this Chapter. Any person violating this provision 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. (Added by Ord. No. 2050CCS § 1, adopted 7/23/02)

Part 9.04.20.32 Yard Modification Permits

9.04.20.32.010 Purpose.

A yard modification permit is intended to permit a reduction in the minimum side yard, rear yard, or building spacing, in order to accommodate housing development on the rear portion of lots in the OP-2, OP-3, and OP-4 zone districts where the front portion of the lot is occupied by an existing single family dwelling. Retention of existing single family dwellings is encouraged by allowing variations in selected property development standards for new dwellings. (Prior code § 9151.1; amended by Ord. No. 1514CCS, adopted 2/27/90)

9.04.20.32.020 Application.

An application for a yard modification permit in the OP-2, OP-3, or OP-4 District shall be filed in a manner consistent with the requirements contained in Part 9.04.20.20. (Prior code § 9151.2; amended by Ord. No. 1514CCS, adopted 2/27/90)

9.04.20.32.030 Applicability.

The Zoning Administrator may grant a yard modification permit for a project in the OP-2, OP-3, or OP-4 District according to the following minimum standards for lots where there is an existing single family dwelling:

(a) **Minimum Side Yard.** The minimum side yard setback shall be 3 feet, if privacy, sunlight, and air circulated are not jeopardized for neighboring land uses or future project occupants.

(b) **Minimum Building Spacing.** The minimum spacing between the existing single family dwelling and new housing, or between two new structures on the lot, shall be ten feet.

(c) **Minimum Rear Yard.** The minimum rear yard setback shall be five feet for lots without alley access. The minimum rear yard setback for lots with alley access shall be not less than fifteen feet from the centerline of the alley.

(d) **Architectural Compatibility.** New housing should be designed to be compatible in scale, character and use of materials with the existing single family dwelling.

(e) **Retention of Single Family Dwelling.** The existing single family dwelling shall be retained and will not undergo a substantial remodel. (Prior code § 9151.3; amended by Ord. No. 1514CCS, adopted 2/27/90)

9.04.20.32.040 Hearings and notice.

Subject to the provisions of Section 9.04.20.22.020, upon receipt in proper form of a Yard Modification Permit Application, a public hearing before the Zoning Administrator shall be set in accordance with the Permit Streamlining Act, Government Code Section 65920 et seq. or any successor legislation thereto, and notice of such hearing shall be given to all property owners and tenants within three hundred feet of the exterior boundaries of the property involved in a manner consistent with Part 9.04.20.22. (Prior code § 9151.4; amended by Ord. No. 1514CCS, adopted 2/27/90; Ord. No. 2139CCS § 9, adopted 9/14/04)

9.04.20.32.050 Findings.

Following a public hearing, the Zoning Administrator shall prepare a written decision which shall contain the findings of fact upon which such decision is based. The Zoning Administrator, or Planning Commission on appeal, may approve a Yard Modification Permit application in whole or in part, with or without conditions, if all of the following findings of fact can be made in an affirmative manner:

(a) That the character and scale of the existing single family house is substantially preserved.

(b) The granting of such permit will not be detrimental or injurious to the property or improvements in the general vicinity and district in which the property is located.

(c) The yard modification would not impair the integrity and character of the district in which it is to be located.

(d) The subject site is physically suitable for the proposed yard modification.

(e) There will be adequate provisions for public access to serve the subject yard modification proposal. (Prior code § 9151.5; added by Ord. No. 1514CCS, adopted 2/27/90)

9.04.20.32.060 Term of permit.

The Yard Modification Permit shall expire if the rights granted are not exercised within the period established by the Zoning Administrator or Planning Commission on appeal as a condition of granting the Yard Modification Permit, or, in the absence of such established time period, either within one year, or if located in the Coastal Zone, eighteen months, from the date of permit approval. However, if the permit is for affordable housing or a mixed use project where housing units comprise at least seventy-five percent of the floor area of the project (collectively "housing project"), and the housing project has received City, State or Federal funding or is comprised of units at least fifty 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, in the absence of a time period established by the Planning Commission or City Council on appeal as a condition of granting the permit, the Yard Modification Permit shall expire if the rights granted are not exercised within three years, or if located in the Coastal Zone, three and one-half years from the effective date of permit approval.

(a) **Exercise of Rights.** "Exercise of rights" shall mean actual commencement of the use granted by the permit, unless the permit is granted in conjunction with approval of new construction.

If the Yard Modification Permit is granted in conjunction with approval of new construction, issuance of a building permit shall constitute exercise of rights under the Yard Modification Permit; provided, however, that, unless otherwise specified as a condition of project approval, the Yard Modification Permit shall expire if:

(1) The building permit expires; or

(2) The rights granted under the Yard Modification Permit 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.

(b) **Extension.** If the applicant files an extension request with the Zoning Administrator in writing prior to expiration of the permit, the Zoning Administrator may administratively grant one six-month extension of the term of the Yard Modification Permit, or if the project includes residential uses, a one-year extension of the term of the Yard Modification Permit. (Prior code § 9151.6; amended by Ord. No. 1514CCS, adopted 2/27/90; Ord. No. 1798CCS § 8, adopted 4/25/95)

9.04.20.32.070 Revocation.

The Zoning Administrator may, or upon direction from the Planning Commission, revoke any approved Yard Modification Permit in accordance with the following procedures:

(a) A revocation hearing shall be held by the Zoning Administrator. Notice of the 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.

(b) After the hearing, a Yard Modification Permit may be revoked by the Zoning Administrator, or by the Planning Commission on appeal or review, if any one of the following findings are made:

(1) That the Yard Modification Permit was obtained by misrepresentation or fraud.

(2) That the use for which the Yard Modification Permit was granted has ceased or has been suspended for six or more consecutive calendar months.

(3) 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.

(c) A written determination of revocation of Permit shall be mailed to the property owner and the permit holder within ten days of such determination. (Prior code § 9151.7; amended by Ord. No. 1514CCS, adopted 2/27/90)

9.04.20.32.080 Appeals.

The approval, conditions of approval, denial, or revocation of a Yard Modification Permit may be appealed to the Planning Commission if filed within fourteen consecutive calendar days to the date the decision is made in the manner provided in Part 9.04.20.24. (Prior code § 9151.8; amended by Ord. No. 1514CCS, adopted 2/27/90)

Part 9.04.20.34 Adjustments

9.04.20.34.010 Purpose.

An adjustment is intended to permit minor variations where practical difficulties, unnecessary hardships or results inconsistent with the general purpose of this Chapter would occur from its strict literal interpretation and enforcement. Adjustments are modifications of lesser significance than variations allowed by variance. (Prior code § 9152.1; added by Ord. No. 1612CCS § 7, adopted 1/14/92)

9.04.20.34.020 Application.

Application for an adjustment shall be filed in a manner consistent with the requirements contained in Part 9.04.20.20, Sections 9.04.20.20.010 through 9.04.20.20.060. (Prior code § 9152.2; added by Ord. No. 1612CCS § 7, adopted 1/14/92)

9.04.20.34.030 Applicability.

The Zoning Administrator may grant an adjustment from the requirements of this Chapter to:

(a) Allow modification of parcel coverage regulations by up to five percent of the total lot area for additions to existing structures;

(b) Allow modification of the number of required parking spaces by up to one percent of the number of required spaces;

(c) Allow the modification of fence heights by up to one foot;

(d) Allow the modification of side yard setback requirements by up to six inches, but in no case resulting in a setback of less than four feet;

(e) Allow the modification of building heights by up to six inches on parcels which have a grade differential of five feet or more, as measured from either any point on the front parcel line to any point on the rear parcel line, or from any point on a side parcel line to any point on the opposing side parcel line;

(f) Allow a garage accessory building to extend up to the rear property line of the parcel on which it is located where otherwise prohibited;

(g) Allow a building to retain nonconforming setbacks when substantially remodeled provided all of the following criteria are met:

(1) The nonconformity of the setback(s) and building may not be increased,

(2) At least thirty-five percent of the exterior walls of the building subject to the adjustment shall remain as defined in Section 9.04.02.030,

(3) There has been no prior addition under this Section;

(h) Allow a building to retain nonconforming setbacks when substantially remodeled provided that the applicant demonstrates that all of the following criteria are met:

(1) The exterior walls are required to be replaced due to concealed structural damage caused by dry rot, termites, or other factors,

(2) The structural damage was unforeseeable through reasonable due diligence prior to the issuance of a building permit for the alteration or addition,

(3) The structural damage was only discovered during the course of construction,

(4) The structural damage was verified after inspection by the Building Officer or designee, while the damaged exterior walls are still in place, and

The criteria established by this subsection (h) shall be in lieu of the findings otherwise required by Section 9.04.20.34.060. (Prior code § 9152.3; added by Ord. No. 1612CCS § 7, adopted 1/14/92; amended by Ord. No. 1664CCS § 1, adopted 1/26/93; Ord. No. 1826CCS § 2, adopted 11/7/95; and Ord. No. 2278CCS § 3, 11/25/08)

9.04.20.34.040 Notice of application.

(a) Within fourteen consecutive calendar days after determination that an application is complete, the Zoning Administrator shall give notice of the application by mail, postage prepaid, to all owners and residential and commercial tenants of property within a radius of one hundred feet 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. The address of the residential and commercial tenants determined by visual site inspection or other reasonably accurate means. The applicant shall provide a list of property owners and tenants within the prescribed area of notification and shall sign an affidavit verifying that the list has been prepared in accordance with the procedure outlined in this Section.

(b) All notices of an application for an adjustment shall state the nature of the request, the location of the property, and the manner in which additional information may be received. The notice shall also state that the deadline in which to request a public hearing is fourteen days from the mailing of the notice of application for an adjustment. (Prior code § 9152.4; added by Ord. No. 1612CCS § 7, adopted 1/14/92)

9.04.20.34.050 Request for public hearing.

Any person receiving notice pursuant to Section 9.04.20.34.040 may, within fourteen consecutive calendar days after the date of the notice, request that a public hearing be conducted. Such request must be in writing and received by the Zoning Administrator within the time indicated. If a request is timely made, a public hearing shall be held within forty-five consecutive calendar days of receipt of the request. Notice of such hearing shall be given in the manner provided in Section 9.04.20.34.040. (Prior code § 9152.5; added by Ord. No. 1612CCS § 7, adopted 1/14/92)

9.04.20.34.060 Review and findings.

Within fourteen consecutive calendar days following a public hearing or expiration of the time in which to request a hearing pursuant to Section 9.04.20.34.050, the Zoning Administrator shall prepare a written decision which shall contain the findings of fact upon which such decision is based. The Zoning Administrator may approve an adjustment application in whole or in part, with or without conditions, if all of the following findings are made:

(a) There are special circumstances or exceptional characteristics applicable to the property involved, including size, shape, topography, location, or surroundings, 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 adjustment 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 Chapter would result in practical difficulties or unnecessary hardships, not including economic difficulties or economic hardships.

(d) The granting of an adjustment will not be contrary to nor in conflict with the general purposes and intent of this Chapter, nor to the goals, objectives, and policies of the General Plan.

(e) The adjustment 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 adjustment.

(g) There are adequate provisions for water, sanitation, and public utilities and services to ensure that the proposed adjustment would not be detrimental to public health and safety.

(h) 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 Section 9.04.10.08.050 of this Chapter.

(i) All the above specified requirements need not apply to adjustments which the Zoning Administrator finds are essential or desirable to the public convenience or welfare and are not in conflict with the General Plan and where the granting of the adjustment will not be materially detrimental nor injurious to property or improvements in the general vicinity and district in which the property is located.

(j) The strict application of the provisions of this Chapter would result in unreasonable deprivation of the use or enjoyment of the property. (Prior code § 9152.6; added by Ord. No. 1612CCS § 7, adopted 1/14/92)

9.04.20.34.070 Appeals.

The approval, conditions of approval, denial, or revocation of an adjustment may be appealed to the Planning Commission within fourteen consecutive calendar days of the date the decision is made, in the manner provided in Part 9.04.20.24, Sections 9.04.20.24.010 through 9.04.20.24.050. (Prior code § 9152.7; added by Ord. No. 1612CCS § 7, adopted 1/14/92)

9.04.20.34.080 Term of permit.

The adjustment shall expire if the rights granted are not exercised within the period established by the Zoning Administrator or the Planning Commission on appeal as a condition of granting the adjustment, or, in the absence of such established time period, either within one year, or if located in the Coastal Zone, eighteen months, from the effective date of permit approval. However, if the permit is for affordable housing or a mixed use project where housing units comprise at least seventy-five percent of the floor area of the project (collectively "housing project"), and the housing project has received City, State or Federal funding or is comprised of units at least fifty 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, in the absence of a time period established by the Planning Commission or City Council on appeal as a condition of granting the permit, the adjustment shall expire if the rights granted are not exercised within three years, or if located in the Coastal Zone, three and one-half years from the effective date of permit approval.

(a) **Exercise of Rights.** "Exercise of rights" shall mean actual commencement of the use granted by the permit, unless the permit is granted in conjunction with approval of new construction.

If the adjustment is granted in conjunction with approval of new construction, issuance of a building permit shall constitute exercise of rights under the adjustment; provided, however, that, unless otherwise specified as a condition of project approval, the adjustment shall expire if:

(1) The building permit expires; or

(2) The rights granted under the adjustment 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.

(b) **Extension.** If the applicant files an extension request with the Zoning Administrator in writing prior to expiration of the permit, the Zoning Administrator may administratively grant one six-month extension of the term of the adjustment, or if the project includes residential uses, a one-year extension of the term of the adjustment. (Prior code § 9152.8; added by Ord. No. 1612CCS § 7, adopted 1/14/92; Ord. No. 1798CCS § 9, adopted 4/25/95)

9.04.20.34.090 Revocation.

The Zoning Administrator may, in his or her own discretion, or upon direction from the Planning Commission, revoke any approved adjustment in accordance with the procedures set forth in Section 9.04.20.10.070. (Prior code § 9152.9; added by Ord. No. 1612CCS § 7, adopted 1/14/92)

Chapter 9.08

REPORT OF RESIDENTIAL BUILDING RECORDS*

Sections:

9.08.010	**Intent.**
9.08.020	**Scope.**
9.08.030	**Definitions.**
9.08.040	**Report required.**
9.08.050	**Application.**
9.08.060	**Delivery of report.**

9.08.070 Criminal sanctions.
9.08.080 Validity of sale

* Prior history: Prior code Sections 9201 through 9205: Ord. No. 826CCS, adopted 1/13/70; Ord. No. 1099CCS, adopted 7/25/78; Ord. No. 1732CCS, adopted 3/8/94.

9.08.010 Intent.

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. (Added by Ord. No. 2165CCS § 7 (part), adopted 8/9/05)

9.08.020 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 two years prior to the first sale. (Added by Ord. No. 2165CCS § 7 (part), adopted 8/9/05)

9.08.030 Definitions.

(a) "Owner" shall mean any person, copartnership, association, corporation or fiduciary having legal or equitable title or any interest in any real property.

(b) "Residential building" shall mean 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.

(c) "Agreement of sale" shall mean any agreement or written instrument which provides that title to any property shall thereafter be transferred from one owner to another owner. (Added by Ord. No. 2165CCS § 7 (part), adopted 8/9/05)

9.08.040 Report required.

Prior to entering into an agreement of sale or exchange of any residential building, the owner or his/her 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 six months from the date of issuance by the City. (Added by Ord. No. 2165CCS § 7 (part), adopted 8/9/05)

9.08.050 Application.

Upon application of the owner or his/her 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 Code.

(c) The occupancy as indicated and established by permits of record.

(d) Variances, conditional use permits, exceptions, and other pertinent legislative acts of record, and

(e) Any special restrictions in use or development which may apply to the subject property. (Added by Ord. No. 2165CCS § 7 (part), adopted 8/9/05)

9.08.060 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. (Added by Ord. No. 2165CCS § 7 (part), adopted 8/9/05)

9.08.070 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. (Added by Ord. No. 2165CCS § 7 (part), adopted 8/9/05)

9.08.080 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. (Added by Ord. No. 2165CCS § 7 (part), adopted 8/9/05)

Chapter 9.12

PLANNING, ZONING AND LAND USE FEES

Sections:

9.12.010 Planning, zoning and land use fees.

9.12.010 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 therefor, 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. (Prior code § 9210; added by Ord. No. 1437CCS, adopted 4/12/88)

Chapter 9.16

TRANSPORTATION MANAGEMENT*

Sections:

9.16.010	**Findings.**
9.16.020	**Purpose and objectives.**
9.16.030	**Definitions.**
9.16.040	**Applicability.**
9.16.050	**Transportation fee.**
9.16.060	**Deposit and use of fees.**
9.16.070	**Contents of emission reduction plans.**
9.16.080	**Requirements for employers of ten to forty-nine employees.**
9.16.090	**Procedures for submission of emission reduction plans and worksite transportation plans.**
9.16.100	**Transportation management associations (TMAs).**
9.16.110	**Developer emission reduction plans.**
9.16.120	**Procedure for submission of developer plans.**
9.16.130	**Enforcement.**
9.16.140	**Administrative appeals.**

* Prior history: Prior code Sections 9220 through 9234; Ord. No. 1604CCS, adopted 11/12/91; Ord. No. 1679CCS, adopted 3/30/93; Ord. No. 1698CCS, adopted 8/10/93; Ord. No. 1708CCS, adopted 10/26/93; Ord. No. 1787CCS, adopted 2/14/95.

9.16.010 Findings.

The City Council finds and declares:

(a) Expected growth in population and employment opportunities in the City will be accompanied by concomitant increases in traffic congestion.

(b) Transportation and traffic studies project that future traffic levels on surface streets will be severe unless measures are taken to reduce commute hour traffic levels.

(c) Air quality studies indicate that ozone and carbon monoxide concentrations exceed State and Federal standards some days in the City.

(d) Traffic along some major routes in the City has or is expected to reach level of service "F" during peak hours, indicating conditions where excessive delays develop repeatedly due to vehicles arriving at rates greater than capacity and where emergency vehicle travel is impeded.

(e) New development and major additions to existing development by the year 2010 will have an adverse impact on the existing transportation systems by adding approximately seventeen thousand trips to the existing demand of over twenty thousand p.m. peak-hour trips from nonresidential land uses.

(f) The City's General Plan calls for formation of a plan to implement the transportation management policies of the Circulation Element, an uncongested traffic circulation system, energy conservation, and maintenance of noise and air quality levels within established standards.

(g) The transportation system is impacted citywide by the traffic and parking requirements of development.

(h) Transportation systems management, transportation demand management and transportation facility development strategies can improve service and operations to increase mobility and the general efficiency of the system. These strategies encompass traffic operations, ridesharing and bicycle improvements as well as transit planning and management of the system. These strategies enhance vehicle flow or shift demand on an existing transportation facility and can be effective to mitigate negative effects of transportation, such as air quality, energy use and noise levels.

(i) Reduction of congestion and the time of commute trips will improve the quality of life in the City and improve quality and level of access for residents and employees and patrons of local businesses.

(j) Coordination of transportation systems management, transportation demand management and transportation facility development strategies with other cities and counties in the region and through regional agencies will assist in meeting the goals of this Chapter. (Added by Ord. No. 1847CCS § 1 (part), adopted 4/23/96)

9.16.020 Purpose and objectives.

The purpose and objectives of this Chapter are to establish an emission reduction plan that will:

(a) Allow for any growth permitted by the land use plans of the City while minimizing peak-hour automobile commute trips from new and existing places of employment.

(b) Reduce traffic impacts within the community and region through a reduction in the number of vehicular trips and total vehicle miles traveled.

(c) Reduce the vehicular air pollutant emissions, energy usage and ambient noise levels through a reduction in the number of vehicular trips, total vehicle miles traveled and traffic congestion.

(d) Ensure City compliance with South Coast Air Quality Management District Rule 2202, and require employers both to meet Rule 2202 emission reduction targets and to achieve City traffic objectives.

(e) Achieve a commuter average vehicle ridership of 1.50 or the equivalent in emission reductions within one year for employers of one hundred employees or more.

(f) Achieve citywide commuter average vehicle ridership of 1.50 or the equivalent in emission reductions within three years.

(g) Maintain levels of service on streets and intersections during peak hours at or below capacity for as long a period of time as feasible.

(h) Prevent levels of service on streets and intersections that have not reached level of service "E" during peak hours from reaching that level.

(i) Improve levels of service on streets and intersections that have already reached level of service "E" during peak hours.

(j) Minimize the percentage of employees traveling to and from work at the same time and during peak-hour periods in single-occupant vehicles.

(k) Assist in attainment of the requirements of the Federal Clean Air Act.

(l) Implement several air quality control measures required of local governments by the 1991 Air Quality Management

Plan adopted by the South Coast Air Quality Management District and subsequent updates.

(m) Promote and increase work-related transit use, ridesharing, walking and bicycling to minimize parking needs and to protect critical intersections from severe overload.

(n) Decrease the government cost of transportation and parking facility construction and improvements.

(o) Maximize the use of commute modes other than the single-occupancy vehicle through transportation systems management, transportation demand management and transportation facilities development. (Added by Ord. No. 1847CCS § 1 (part), adopted 4/23/96)

9.16.030 Definitions.

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

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.

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 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 averaging period cannot contain a holiday and shall represent a normal situation so that a projection of the average vehicle ridership during the year is obtained.

An example of morning AVR using a weekly averaging period 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:

Monday	300
Tuesday	300
Wednesday	300
Thursday	300
Friday	300
Total	1,500

Number of vehicles driven to the worksite by these employees:

Monday	270
Tuesday	250
Wednesday	280
Thursday	265
Friday	262
Total	1,327

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 week (one thousand five hundred) by the number of vehicles driven to the worksite between the same hours during the week (one thousand three hundred twenty-seven):

$$\frac{1500}{1327} = 1.13 \text{ AVR}$$

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.

AVR Target. The AVR that an emission reduction plan is designed to achieve for a particular worksite. The AVR target for worksites in Santa Monica is 1.5 AVR.

AVR Verification Method. A method approved by the City's Transportation Management Coordinator for determining an employer's current AVR.

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.).

Carpool. A motor vehicle occupied by two or more persons traveling together to and from the worksite for the majority (at least fifty-one percent) of the total commute.

Commute Trip. A home-to-work or work-to-home trip.

Compliance Inspection. An unannounced inspection by the City of an employer's activities related to the fulfillment of ongoing implementation and monitoring of an approved emission reduction plan.

Compressed Work Week. This applies to employee(s) who, as an alternative to completing the basic work requirement 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 9.16 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).

Consultant 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.

Developer. Any person responsible for development of a non-residential development project that will result in ten or more peak period trips.

Disabled Employee. An individual with a physical or mental impairment which prevents the individual from complying with the employer's emission reduction plan.

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.

Emission Reduction Plan Appeals Board (ERP Appeals Board). The administrative review body for decisions of the City's Transportation Management Coordinator. The ERP Appeals Board shall consist of the Transportation Planning Manager, the Director of Planning and Community Development, and an at-large member appointed by the City Council. The Transportation Planning 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.

Emission Reduction Target (ERT). The annual VOC, NOx and CO emissions required to be reduced based on the number of employees per worksite and the employee emission reduction factor.

Employee. Any person employed by a person(s), firm, business, educational institution, nonprofit agency or corpora-

tion, government agency or other entity who reports to work at a single worksite for six months or more, excluding paid resident students working on a school campus. Temporary employees, part-time employees, field construction workers and independent contractors shall be treated as defined.

Employee Transportation Coordinator (ETC). The designated person, with appropriate training as approved by the City who is responsible for the development, implementation and monitoring of the employee trip reduction plan. The ETC must be at the worksite a minimum of fifteen hours per week or have a certified on-site coordinator at the worksite a minimum of fifteen hours per week. All worksite-related information must be kept at the worksite. Employee transportation coordinators shall participate in City-sponsored workshops and information roundtables.

Employee Trip Reduction Plan (ETRP). A plan for implementation of strategies that are designed to reduce employee commute trips during the AVR windows.

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.

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. These employees will not be calculated in the AVR, but shall count as part of employee population when figuring the employer annual impact fee.

Holiday. Those days designated as national or State holidays, or religious or other holidays in which more than ten percent of the employee population observes by not reporting to work. These days shall not be included in the AVR survey week.

Independent Contractor. An employee who enters into a direct written contract or agreement with an employer to perform certain services and is not on the employer's payroll. These employees shall be treated as temporary employees.

Level of Service (LOS). A term to describe prevailing and projected traffic conditions on a roadway and is expressed by delay and the ratio of volume/capacity (V/C). Six levels of service are designated "A" through "F." "A" describes a free flowing condition and "F" describes forced traffic flow conditions with severe capacity deficiencies and delays. This definition is based on the Highway Capacity Manual Transportation Research Board SR 209 (1985).

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 the county in which the employer is based. Higher income employees may be considered to be "low-income" if the employee demonstrates that the plan disincentive would create a substantial economic burden.

Monitoring. The techniques used to assess progress towards complying with the transportation management plan.

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.

Multi-Tenant Worksite. A structure, or group of structures, on one worksite where more than one employer conducts a business.

On-Site Coordinator. An employee who serves as on-site contact for employees at a worksite served by a consultant ETC, or for an employer with more than one worksite located in the City of Santa Monica.

Parking Cash-Out. Assembly Bill 2109 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.

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.

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..

Peak Period Trip. An employee's commute trip that begins or ends at the worksite or a work related trip within the peak period.

Pedestrian Oriented Use. A use which is intended to encourage walk-in customers and which generally does not limit the number of customers by requiring appointments or otherwise excluding the general public. Such uses may include, but not be limited to, neighborhood commercial uses, retail uses, cultural uses, restaurants, cafes and banks.

Performance Target Zone. A geographic area that determines the employee emission reduction factor for a particular worksite. Santa Monica is located in Zone 2.

Preferential Parking. Parking spaces designated or assigned for carpool and vanpool vehicles carrying commute passengers on a regular basis and are provided at a reduced cost and/or in a location more convenient to a place of employment than parking spaces provided for single occupant vehicles.

Remote Sensing. An emissions reduction strategy in which gross-polluting vehicles are identified by exhaust gas analyzers. Remote sensors measure absorption changes in the infrared or ultraviolet light spectrum and correlates that change to exhaust emission levels. Emission reductions resulting from the subsequent repair of the identified vehicles can be used to meet commute emission reduction targets.

Ridesharing. Any mode of transportation other than a single occupancy vehicle that transports one or more persons to a worksite.

South Coast Air Quality Management District (SCAQMD). The air quality control agency that monitors and enforces air quality regulations in Los Angeles, Orange, Riverside and San Bernardino Counties.

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.

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 calculated in the AVR. The temporary employee shall also be considered an employee when figuring the employer annual impact fee.

Temporary Employer. Any employer who "leases" an employee from an employment service, or who hires an independent contractor as defined.

Training Provider. A person, firm, business, educational institution, nonprofit agency or corporation or other entity which meets requirements and is certified by the Executive Officer of the South Coast Air Quality Management District and the City of Santa Monica's Transportation Management Coordinator to provide training, as required by Chapter 9.16 of the Municipal Code, to employee transportation coordinators (ETCs).

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.

Transportation Facility Development ("TFD"). Construction of major capital improvements to a highway or transit system or installation of operating equipment that includes new construction of the existing system or construction of a new system.

Transportation Management Association ("TMA"). A group formed so that employers, employees and developers can collectively address community transportation related problems. Transportation management associations may be formed to implement TDM, TSM, and/or TFD strategies in employment clusters or at multi-tenant worksites. The primary function of a TMA is to pool resources to implement solutions to commuter-related congestion problems in conjunction with the City transportation coordinators. The City may identify employment clusters or multi-tenant worksites where an employer organization such as a TMA should be formed.

Transportation System Management ("TSM"). Strategies designed to improve traffic flow through modifications in, or coordination of, the operation of existing facilities.

Trip Reduction. The reduction in single occupant vehicle trips by private or public sector programs used during peak periods of commuting.

Vanpool. A van or similar motor vehicle in which seven or more persons commute to and from the worksite.

Vehicle. A passenger car or truck used for commute purposes including any motorized two wheeled vehicle. Vehicles shall not include bicycles, transit vehicles, 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.

Work Place 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. Employers may opt to treat more than one structure, building, or grouping of buildings as a single worksite even if they do not have the above characteristics if they are owned or leased by the same employer, and are wholly located within the City of Santa Monica. 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.

Worksite Transportation Plan ("WTP"). A plan for implementation of marketing strategies designed to provide employees with information about alternative commute options required by employers of ten to forty-nine employees.

Zero Emission Vehicle (ZEV). A motor vehicle, as certified by the California Air Resources Board (CARB), which emits no tail pipe pollutants. Currently, the only vehicle that meets the ZEV standard is the electric vehicle. (Added by Ord. No. 1847CCS § 1 (part), adopted 4/23/96; amended by Ord. No. 1938CCS § 1, adopted 3/23/99; amended by Ord. No. 1983CCS § 1, adopted 8/8/2000)

9.16.040 Applicability.

This Chapter shall apply to employers and developers as defined above. The City shall not be exempt from the requirements of this Chapter. (Added by Ord. No. 1847CCS § 1 (part), adopted 4/23/96)

9.16.050 Transportation fee.

(a) **Employer Annual Transportation Fee.** There shall be an employer annual transportation fee. The purpose of the employer annual transportation fee is to pay for the costs of administration and enforcement of this Chapter.

(1) Employers of fifty or more employees filing employee trip reduction plans (ETRPs) and employers of ten to forty-nine employees filing 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 equals:

(A) Seven dollars per employee for employers with fifty or more employees.

(B) Nine dollars per employee for employers with ten to forty-nine employees. The employee cost factor shall from time to time be amended by resolution of the City Council.

(2) The annual transportation fee for employers of fifty or more employees who choose to implement the emission reductions options described in Section 9.16.070 (a) through (c) shall be established and from time to time amended by resolution of the City Council.

(3) For purposes of calculating an employer's annual transportation fee, the definition of employee shall include full-time, part-time, temporary, seasonal, at-home or in-field contractors of consultants working at a worksite for an average of six months or more.

(4) Employers shall be notified of the employer annual transportation fee when they receive notice to submit an ERP or WTP in accordance with Section 9.16.090. Employer impact transportation fees shall be due and paid in full with the submittal of the ERP or WTP. The City shall mail notice of payment required by this subsection at least ninety calendar days prior to the due date.

(5) Once the employer annual transportation fee required pursuant to this Section has been paid, there shall be no refunds.

(6) Employers of fifty employees or more who implement an employee trip reduction plan and demonstrate attainment of a 1.5 a.m. and p.m. AVR shall receive the following reductions in their employer annual transportation fees:

(A) Attainment of a 1.5 am. and p.m. AVR for one year shall result in a forty percent reduction of employer annual transportation fees;

(B) Attainment of a 1.5 a.m. and p.m. AVR for two consecutive years shall result in a fifty percent reduction of employer annual transportation fees;

(C) Attainment of a 1.5 a.m. and p.m. AVR for a period of three or more consecutive years shall result in a sixty percent reduction of employer annual transportation fees;

(7) Employers of fifty or more employees who join a TMA certified by the City 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 a 1.5 a.m. and p.m. AVR. Fees charged by the TMA to employers for its operation and administrative costs shall be separate from the City's employer transportation fee.

(b) **Developer Impact Fee.** The purpose of the developer impact fee is to defray the costs of providing transportation facilities and services associated with new commercial development.

(1) Developers who apply for building permits for new or expanded development projects in the City shall mitigate their resultant transportation by paying a one-time transportation impact fee. The amount of the fee and manner of payment shall be established and from time to time amended by resolution of the City Council.

(2) Fees shall apply to developers who have not received certificates of occupancy as of the effective date of the resolution establishing the fees.

(3) Developers shall pay the required fee prior to issuance of a building permit. Developers who have already obtained building permits must pay the required fee prior to issuance of a certificate of occupancy.

(4) The following land uses are encouraged by the City because of their beneficial impacts and shall receive reductions from the developer impact fee: supermarkets and pedestrian oriented uses on the ground floor of a multi-story building. Both the impact fee and the reduction shall be established by resolution.

(5) Refunds of the developer impact fee shall be made upon filing of a request for refund within six months of expiration of a building permit upon verification that construction of the improvements for which the permit was issued have not commenced and no extensions of the building have been granted. No interest shall be paid on any refunded fee. (Added by Ord. No. 1847CCS § 1 (part), adopted 4/23/96; amended by Ord. No. 1942CCS § 2, adopted 3/23/99; amended by Ord. No. 1983CCS § 2, adopted 8/8/2000)

9.16.060 Deposit and use of fees.

(a) Employer transportation fees collected pursuant to Section 9.16.050(a) shall be deposited in an account separate from the General Fund and shall be allocated to TMP office administration and the development and operation of TMAs.

(b) Developer impact fees collected pursuant to Section 9.16.050(b) shall be deposited into an account separate from the General Fund and shall be allocated to the following uses:

(1) Transportation demand management (TDM) improvements.

(2) Transportation system management (TSM) improvements.

(3) Transportation facility development (TFD).

(4) Public transit improvements. (Added by Ord. No. 1847CCS § 1 (part), adopted 4/23/96)

9.16.070 Contents of emission reduction plans.

Employers of fifty or more employees are required to submit to the City, within ninety days of notification, an emission reduction plan 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 determined according to the following equation for VOC, NOx and CO, based on employee emission reduction factors specified in subsection (i) of this Section. Any employer who falls under the purview of Assembly Bill 2109 shall implement a parking cash-out program. Failure to do so will result in the disapproval of an employer's ERP.

[ERT (in lbs. per year)] =
[{employees} x {employee emission reduction factor}] -
{vehicle trip emission credit}

Where:

Employee	=	Average daily number of employees reporting to work in the window
Employee emission reduction factor	=	Determined by the year of the plan submittal as defined in subsection (i) of this Section.
Vehicle trip emission credits	=	Determined according to subsection (i) of this Section

Each employer shall choose one or more of the following options in implementing their emissions reduction plan:

Old vehicle scrapping;
Remote sensing;
Other work-related trip reductions;
Employee trip reduction plan.

(a) **Old Vehicle Scrapping.** In order to meet their emission reduction target, any employer of fifty or more employees may scrap old vehicles by purchasing mobil source emission reduction credits (MSERCs) from an SCAQMD licensed vehicle scrapper/broker, in accordance with SCAQMD Rule 1610.

(1) All scrappers/brokers must be licensed by the SCAQMD and adhere to SCAQMD Rule 1610 requirements.

(2) An annual plan indicating the amount of credits purchased and the amount of emissions reduced must be submitted to the City's Transportation Management Coordinator each year.

(3) MSERCs must be transferred to the City MSERC account no later than one hundred eighty days after the approval of the ERP by the City's Transportation Management Coordinator.

(4) Employers choosing this option must do so for a minimum period of three years.

(b) **Remote Sensing.** Any employer of fifty or more employees may implement a remote sensing program to earn credit towards their emission reduction target. Emission reductions obtained from the implementation of remote sensing shall be determined according to the following equation:

[emission reductions in lbs per year] =
[{pre-repair emission rate in lbs per mile} -
{post-repair emission rate in lbs per mile}] x
[miles traveled]

When:

Pre-repair	=	Measured emission rate prior to work.
Post-repair	=	Measured emission rate immediately following repair work.
Miles traveled	=	Number of miles traveled following repair work until the next regularly scheduled California Inspection and Maintenance Smog Check.

(1) Vehicles used in the remote sensing program may come from any source (i.e., employee vehicles, fleet vehicles, non-employee vehicles). Employers shall not require employees to repair their vehicles.

(2) An annual plan must be submitted to the City's Transportation Management Coordinator indicating:

(A) The number of vehicles repaired.

(B) The measured emission rates of each vehicle before repair.

(C) The measured emission rates after repair.

(D) The number of miles traveled for each vehicle following repair work until the next regularly scheduled California Inspection Maintenance Smog Check.

(E) Calculations indicating the emission reduction target has been met.

(c) **Other Work-Related Trip Reductions.** Employers of fifty or more employees may receive vehicle trip reduction credits (VTEC) towards meeting their emission reduction targets from employee commute reductions that occur outside of the morning and evening peak windows. VTEC obtained from work-related trip reductions shall be determined according to the following equation:

$$\text{VTEC} = \frac{[\text{CTR}] \times [\text{EF}]}{[\text{CF}]}$$

Where:

CTR (Creditable trip reductions)	=	The daily average of one-way trip reductions that are real, surplus, and quantifiable. A round trip is considered to be two one-way trips.
CF (Conversion factor)	=	2.3 for non-peak trips
EF (Emission factor)	=	Emission factor in subsection (i) of this Section.

Employers must submit an annual report to the City's Transportation Management Coordinator indicating the number of commute-related non-peak trips reduced and the amount of emissions reduced.

(d) **Employee Trip Reduction Plan.** Employers of fifty or more employees 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 a 1.5 a.m. and p.m. AVR within three years and continued achievement and maintenance of the AVR targets thereafter. The ETRP shall be in a form approved by the Transportation Management Coordinator. The ETRP shall undergo an intensive plan review by the City's Transportation Management Coordinator and Transportation Management Specialists.

(1) The ETRP shall include strategies designed to encourage employees to rideshare during the morning and evening AVR windows.

(2) The ETRP shall consist of a report that:

(A) Calculates and documents AVR levels for morning and evening peak periods;

(B) Lists plan incentives and a schedule for their implementation;

(C) Determines a marketing strategy for the plan year;

(D) Determines the use of worksite parking facilities to achieve rideshare and transit objectives (i.e., number of received spaces for carpools, vanpools, etc.);

(E) Lists the bicycle paths and routes within one-half mile of the worksite;

(F) Lists the public transit services within one-quarter mile of the worksite;

(G) Provides a general description of the type of business;

(H) Includes an emergency episode plan and a daily air quality log;

(I) Includes a sample of the employee AVR survey, or other mechanism approved by the Transportation Management Coordinator. 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 days chosen 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 of employees who report to or leave work between three p.m. and seven p.m., inclusive. Employers that achieve a ninety percent 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;

(J) Provides the name and proof of certification of the employee transportation coordinator who is responsible for implementation and monitoring of the plan;

(K) Provides the name of the on-site coordinator (if different from the ETC) for each site who is responsible for implementation and monitoring of the plan;

(L) Identifies the objectives of the plan and provides an explanation of why the plan is likely to achieve the AVR target levels;

(M) Includes a parking cash-out plan if required;

(N) 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, which includes a description of efforts taken to involve employees in the development of commute alternative strategies, a statement that employees have been notified of plan provisions at least thirty days before plan submission date, and that all data is accurate to the best of the employer's knowledge.

(3) 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 employee trip reduction plan shall include the following:

(A) AVR calculations and documentation for the plan year;

(B) Lists plan incentives, changes to plan incentives, and a schedule for their implementation;

(C) Determines a marketing strategy, indicating changes from the previous plan year;

(D) Determines the use of worksite parking facilities to achieve rideshare and transit objectives (i.e., number of spaces for carpools and vanpools, etc.);

(E) Lists the bicycle paths and routes within one-half mile of the worksite;

(F) Lists public transit services within one-fourth mile of the worksite;

(G) Provides a description of the general type of business;

(H) Includes a sample of the employee survey for the plan year as described in subsection (2) of this Section;

(I) Provides the name and proof of certification of the employee transportation coordinator who is responsible for the preparation, implementation and monitoring of the plan;

(J) Provides the name of the on-site coordinator (if different from the ETC) for each site who is responsible for implementation and monitoring of the plan;

(K) Identifies the objectives of the plan and provides an explanation of why the plan is likely to achieve the AVR target levels;

(L) Includes a management commitment letter as defined in subsection (2) of this Section;

(M) Includes update and revisions to the ETRP as the City's Transportation Management Coordinator deems appropriate, if the annual report indicates that the goals of the previously approved ETRP have not been met.

(4) The procedure for calculating AVR at a worksite shall be as follows:

(A) The AVR calculation shall be based on data obtained from an employee survey as defined in subsection (2) of this Section.

(B) 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. 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 employees arriving at or leaving the worksite without vehicles. Motorcycles shall be counted as vehicles.

(C) A child or student may be calculated in 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.

(D) 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.

(E) 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 his/her worksite.

(F) 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 travel distance by at least fifty-one percent shall be calculated as if the employee arrived at the worksite in no vehicle.

(G) Zero emission vehicles (electric vehicles) shall be calculated as zero vehicles arriving at the worksite.

(5) Employers must keep detailed records of the documents which verify the average vehicle ridership calculation for a period of two 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 two years from plan approval date. Approved ETRPs must be kept at the worksite for a period of at least three 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.

(e) **Minimum Requirements.** Employers implementing options (a), (b) or (c) as defined in this Section must meet the following minimum plan requirements:

(1) Conduct an AVR survey in accordance with the requirements of Section 9.16.070(d)(2)(I) in order to receive commute trip reduction credits (CTRCs) for employees who rideshare to and from the worksite.

(A) Failure to survey employees shall result in a default AVR of 1.0.

(B) In conducting the survey, employers must choose either the a.m. window (six a.m. to ten a.m.) or the p.m. window

(three p.m. to seven p.m.) depending on which window reflects the time period when the majority of employee trips occur.

(2) **Marketing Plan.** Employers shall include a marketing plan to educate employers about alternative commute options by making information available to employees.

Information shall be posted at the worksite, or distributed to each employee at the worksite.

(3) Information shall be updated annually.

(f) **Extensions.** In the event that an employer reasonably needs more time to submit an emission reduction plan, a written request for extension may be filed with the City's Transportation Management Coordinator. All requests must be received by the City TMP Office no later than fifteen calendar days prior to plan due date. Such requests must be made in writing and shall state why such extension is requested, what progress has been made toward developing the ERP, and for what length of time the extension is sought. The City's Transportation Management Coordinator shall notify the employer in writing whether or not the extension has been granted within fifteen calendar days of receipt of a written request for extension.

(1) An employer may request an extension up to sixty days for the initial submittal of a plan.

(2) An employer may request an extension of up to thirty days to complete a revised plan.

(3) An employer may, upon receipt of a written objection to the terms of the proposed plan by an employee, employee representative or employee organization, request a single extension for thirty calendar days. A copy of the written objection must be attached to the request. Only one such request shall be granted by the City; no subsequent extension may be granted for this purpose.

(4) The City's Transportation Management Coordinator, at his or her discretion, may grant extensions beyond sixty days in the event of an extreme emergency. Each employer's request shall be reviewed on an individual basis.

(g) **Plan Revisions.** An approved ERP may be revised between plan submittal dates by submitting a plan revision in writing to the City's Transportation Management Coordinator. Any changes to an approved plan which is in effect must be submitted in writing to the Transportation Management Coordinator. The revision shall not be effective until approved by the Transportation Management Coordinator in writing.

(1) If the Transportation Management Coordinator determines that the ERP marketing strategy is not being carried out to the fullest extent, the Transportation Management Coordinator may require the employer to submit quarterly marketing reports that include examples of the marketing strategies implemented for each quarter.

(2) If it is necessary for an employer to amend an ERP before the plan can be approved, the employer shall have fifteen days from the date of notice in which to submit amendments to the Transportation Management Coordinator. Employers failing to submit the amendments shall have their ERP disapproved.

(3) The Transportation Management Coordinator shall not approve any plan or plan revisions if the employer, an employee, an employee representative or organization requests, in writing, within ten calendar days of plan submittal, that the Transportation Management Coordinator delay such action for a period of time not to exceed the ninetieth calendar day after plan submittal. If the request is made by a party other than the employer, the party must concurrently submit written comments to the City's Transportation Management Coordinator and the employer setting forth the objection(s). Upon receiving such a request, the Transportation Management Coordinator shall maintain neutrality with respect to any negotiations regarding the ERP. Nothing in this paragraph shall be construed to affect the requirement to implement an approved ERP and comply with applicable deadlines.

(4) An ERP shall be disapproved if any employee(s), employee representative, or employee organization submits information demonstrating that:

(A) The plan includes strategies, such as parking charges; and

(B) Such strategies would create a widespread substantial disproportionate impact on minorities, women, low-income or disabled employees. A plan shall not be disapproved pursuant to this subdivision if it includes provisions as are necessary to ensure reasonable opportunity for employees to commute by means other than a single-occupant vehicle and thereby avoid the disproportionate impact described above. The City's Transportation Management Coordinator shall provide the employer an opportunity to review and respond in writing to information submitted by an employee, employee representative or employee organization pursuant to this subdivision. The burden of proof that a plan should be disapproved pursuant to this subdivision rests with the employee, employee representative or employee organization submitting the information.

(5) If a final determination that an element of an approved ERP violates any provision of 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 City's Transportation Management Coordinator which shall be designed to achieve an AVR equivalent to the previously approved plan.

(h) **Employee Transportation Coordinators.** Employers of fifty or more employees 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 a TMO/TMA in lieu of an ETC; provided, the consultant ETC or the TMO/TMA staff has 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. Notice of such a change must be submitted to the City's Transportation Management Coordinator 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.

(4) On-site coordinators are not required to be certified provided the ETC or consultant ETC is certified and writes and administers the ERP.

(i) **Emission Reduction Factors.** The following emission factors shall be used in calculations pursuant to this rule.

(1) The following employee emission reduction factors (pounds per year per employee) shall be used in determining the emission reduction target for the current plan year:

Emission Year	VOC	NOx	CO
1998	5.84	4.42	45.14
1999	5.12	4.11	40.01
2000	4.40	3.80	35.19
2001	4.10	3.39	32.83

(2) The following default emission factors (pounds per year per daily commute vehicle) may be used in determining vehicle trip emission credits:

Emission Year	VOC	NOx	CO
1998	17	13	132
1999	15	12	117
2000	13	11	103
2001	12	10	96

(Added by Ord. No. 1847CCS § 1 (part), adopted 4/23/96; amended by Ord. No. 1938CCS § 3, adopted 3/23/99; amended by Ord. No. 1983CCS § 3, adopted 8/8/2000)

9.16.080 Requirements for employers of ten to forty-nine employees.

(a) All employers of ten to forty-nine employees shall be required to attend a City-sponsored training seminar upon notification and submit a worksite plan (WTP) to the City in accordance with the procedures set forth in this Section. This plan shall include at a minimum:

(1) Worksite location.

(2) The name and title of the highest ranking official at the site.

(3) The name 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, and proof of employee population (i.e., payroll records, unemployment insurance records, or any records approved by the Transportation Management Coordinator).

(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 the public transit services within one-fourth mile of the worksite.

(9) Lists the bicycle paths and routes within one-half mile of the worksite.

(10) Includes a management commitment letter signed by the highest ranking official at the site.

(b) Employers of ten to forty-nine employees shall make, at a minimum, the following information available to each employee:

(1) Carpooling/vanpooling information, including information about the services provided by the regional ridesharing agency and their phone number.

(2) Transit schedules and token/pass 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, pedestrian safety and walking shoe information.

(6) Make information available to new employees upon date of hire.

(c) Employers of ten to forty-nine employees shall submit a WTP within sixty days of notification by the City.

(d) Employers of ten to forty-nine employees shall submit yearly updated WTP in accordance with this Section. Employers who fail to submit an initial plan, revised plan, or updated plan when required, shall be in violation of this Chapter.

(e) After an employer submits the WTP, the City's Transportation Management Coordinator must either approve or disapprove the plan within sixty days.

(1) Notice of approval or disapproval shall be given by mail. If the worksite plan is disapproved, the reasons shall be given in writing to the employer.

(2) Any plan disapproved by the City's Transportation Management Coordinator must be revised by the employer and resubmitted to the City's Transportation Management Coordinator within thirty calendar days of notice of disapproval or the employer shall be deemed to be in violation of this Chapter. The City has sixty calendar days to review the resubmitted plan.

(3) Upon receipt of the second disapproval notice, and until such time as a revised plan is submitted to the City's Transportation Management Coordinator, the employer is in violation of this Chapter. (Added by Ord. No. 1847CCS § 1 (part), adopted 4/23/96; amended by Ord. No. 1938CCS § 4, adopted 3/23/99)

9.16.090 Procedures for submission of emission reduction plans and worksite transportation plans.

(a) 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 days of receipt of notice to implement an ERP designed to reduce emissions related to employee commutes and to meet a worksite specific emission reduction target (ERT) specified pounds of emissions per employee for the subsequent year. This emission reduction program shall be in the form of an ERP.

(b) Employers of fifty or more employees shall identify measures in their ERP that will result in attainment of their emission reduction targets through one or all of the Emission Reduction Options specified in Section 9.16.070 within ninety days of notification by the City.

(c) Employers of ten to forty-nine employees are required to submit WTPs as defined in Section 9.16.080 within sixty days of notification by the City.

(d) Multi-site employers of two hundred fifty or more employees, with one or more sites located outside of the City of Santa Monica but within the South Coast Air Basin, 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 City's Transportation Management

Coordinator in writing no later than fifteen days prior to the plan due date.

(e) Upon the City Transportation Management Coordinator's approval of a written request, an employer may submit a single ERP or WTP encompassing all worksites subject to the requirements of this Chapter if the worksites are owned or leased by the same employer and located wholly within the City of Santa Monica.

(f) All employer ERP's and WTP's shall be consistent with any plans previously submitted by the developer of the property at which the worksite is located.

(g) If an employer's ERP 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 before the plan due date. If the plan is postmarked on or after the plan due date, the plan shall be considered late and the employer shall be considered to be in violation of this Chapter.

(i) After an employer submits a plan, the City's Transportation Management Coordinator must either approve or disapprove the plan within ninety days for an ERP and within sixty days for a WTP.

(1) Notice of approval or disapproval shall be given by mail. 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 days from the date of approval to implement all aspects of the plan.

(3) Any plan disapproved by the City's Transportation Management Coordinator must be revised by the employer and resubmitted to the City's Transportation Management Coordinator within thirty calendar days of notice of disap-

proval 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 notice, and until such time as a revised plan is submitted to the City's Transportation Management Coordinator, 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 City's Transportation Management Coordinator. The revision shall not be effective until approved by the Transportation Management Coordinator.

(k) 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 contact the City's Transportation Management Coordinator within sixty 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 mail a notification letter to the employer and ninety calendar days thereafter the employer shall submit a plan and shall be subject to all provisions of this Chapter.

(l) Employers who relocate to another worksite located within the City of Santa Monica shall notify the City of the relocation within thirty days. The City shall notify the employer to submit an updated version of the Employee Profile and Worksite Analysis of the ERP or WTP.

(m) 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 City's Transportation Management Coordinator 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.

(n) No employer of two hundred fifty or more employees shall be responsible for complying with this Chapter until such time as the City and the SCAQMD execute an agreement which provides an exception to those employers from the requirements of filing a Rule 2202 plan with the SCAQMD. If at anytime the 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. (Added by Ord. No. 1847CCS § 1 (part), adopted 4/23/96; amended by Ord. No. 1938CCS § 5, adopted 3/23/99)

9.16.100 Transportation management associations (TMAs).

(a) Transportation management associations are groups formed so that employers, employees, developers and building owners can collectively address community and worksite transportation-related problems. Transportation management associations may be formed to implement TDM, TSM and/or TFD strategies in employment clusters or at multi-tenant worksites. The primary function of a TMA is to pool resources to implement solutions to commuter-related congestion problems in conjunction with the City Transportation Coordinators.

(b) The City will certify TMAs that submit a first year work plan which outlines the following:

(1) A mission statement which describes the reasons for the association's existence and the overriding goals of the TMA.

(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 TMA and how the TMA 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 toward 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 TMA to its members, including the commute alternatives to be provided and promoted, the advocacy and marketing activities planned, and the role of the TMA staff in providing the services.

(5) A marketing plan which creates an identity for the TMA and which describes how the TMA'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 TMA'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 TMA will be accomplished, including details of public and private financing and expenditures.

(c) The TMA 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 restated based on changes in the goals and objectives of the TMA, if any.

(2) The goals and objectives shall be updated to reflect progress and changes in the TMA 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. (Added by Ord. No. 1847CCS § 1 (part), adopted 4/23/96)

9.16.110 Developer emission reduction plans.

Developers of nonresidential projects which will result in ten or more peak-period trips once the development is completed shall submit an emission reduction plan to the City for implementation of selected measures from Section 9.16.070 and required measures, as applicable, from

Section 9.16.120, at their development site in accordance with the procedures set forth in Section 9.16.120. (Added by Ord. No. 1847CCS § 1 (part), adopted 4/23/96)

9.16.120 Procedure for submission of developer plans.

(a) Developers of nonresidential projects which will generate ten or more p.m. peak-period trips who apply for building permits for new or expanded development projects in the City shall be required to submit an emission reduction plan meeting the requirements of this Chapter at the time of application for the project's first planning approval. The City's Transportation Management Coordinator shall approve or disapprove the plan within thirty days of project approval by the Planning Division or the City Council, when a Planning Division approval is appealed. Notice of approval or disapproval shall be given by registered or certified mail. If the plan is disapproved, the reasons for disapproval shall be given in writing to the developer. Any plan disapproved by the City's Transportation Management Coordinator must be revised by the developer and resubmitted to the City's Transportation Management Coordinator within thirty days of the notice of disapproval.

(b) Developer emission reduction plans shall include those items listed in Section 9.16.070(e) which relate to facility improvements that the developers may implement, plus any improvements as required in subsection (c) of this Section. Examples of developer plan elements include preferential parking areas, bicycle storage lockers, showers and lockers, and transit bays.

(c) In addition to optional or otherwise required facility improvements, the following shall be required:

(1) Nonresidential development of twenty-five thousand square feet or more shall provide, to the satisfaction of the City, a bulletin board, display case or kiosk, displaying transportation information located where the greatest number of employees are likely to see it. Information shall include, but is not limited to, the following:

(A) Current maps, routes and schedules for public transit routes serving the site;

(B) Telephone numbers for referrals on transportation information including numbers for the regional ridesharing agency and local transit operators;

(C) Ridesharing promotional material supplied by commuter-oriented organizations;

(D) Bicycle route and facility information, including regional/local bicycle maps and bicycle safety information;

(E) A list of facilities available for carpoolers, vanpoolers, bicyclists, transit riders and pedestrians at the site.

(2) Nonresidential development of one hundred thousand square feet or more shall comply with the requirements in subsection (c)(1) of this Section, and shall provide all of the following measures to the satisfaction of the City:

(A) A safe and convenient zone in which vanpool and carpool vehicles may deliver or board their passengers;

(B) Sidewalks or other designated pathways following direct and safe routes from the external pedestrian circulation system to each building in the development;

(C) If determined necessary by the City to mitigate the project impact, bus stop improvements must be provided. The City will consult with the local bus service providers in determining appropriate improvements. When locating bus stops and/or planning building entrances, entrances must be designed to provide safe and efficient access to nearby transit stations/stops.

(d) An approved emission reduction plan shall be required prior to issuance of a building permit.

(e) Developers shall not be required to update approved emission reduction plans. However, compliance with such plans shall be accomplished by the requirement set forth in Section 9.16.080 that employer worksite plans be consistent with developer plans for the worksite, unless the Transportation Management Coordinator approves alternative plan components.

(f) A developer may amend an emission reduction plan subsequent to approval of such plan by submitting a plan revision. A subsequent owner may amend a plan in the same manner. The amended plan shall not be effective until approved by the City's Transportation Management Coordinator. (Added by Ord. No. 1847CCS § 1 (part), adopted 4/23/96)

9.16.130 Enforcement.

(a) **Audits.**

(1) **City Audits.** The City shall perform follow-up audits on a selective basis. Employers shall receive at least ten days 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 an unannounced 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 fee required by this Chapter.

(2) Failure to submit an initial plan when due, annual report and update plan 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 Section 9.16.050 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 developer or 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 AVR targets, that is not a violation of this Chapter. However, the Transportation Management Coordinator shall retain the right to require the employer to provide additional incentives and marketing strategies in the ETRP with the goal of increasing the employer's AVR.

(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 a developer or 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, or the South Coast Air Quality Management District when appropriate, may take the following actions for violation of this Chapter or of the terms and conditions of any approved ERP or WTP:

(1) Require the addition of elements to a work or development site plan submitted by an employer or developer.

(2) Transfer authority for plan implementation from an employer or developer to the City.

(3) Institute proceedings to revoke any approval of an ERP or WTP.

(4) Revoke the business license held by any violator, following the procedures set forth in Section 9.04.20.30.060 of this Code.

(5) Impose an enforcement fee as provided for in Section 9.16.130(d).

(6) Request that the City Attorney take appropriate enforcement action. Referral by the City's Transportation Management Coordinator is not a condition precedent to any enforcement action by the City Attorney.

(7) Notwithstanding any other provisions of this Chapter regarding penalties or fees 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 South Coast Air Quality Management District for appropriate action under Article 3, Chapter 4, Part 4 of Division 26 of the Health and Safety Code.

(d) **Enforcement Fees.** An enforcement fee shall be paid to the City by each person who has violated the provisions of this Chapter or the terms and conditions of any ERP or WTP. The purpose of this fee is to recover the costs of enforcement from any person who violates the provisions of this Chapter or any permit or approval.

(e) **Fee Assessment Fee.** Fees shall be assessed as follows:

(1) Employers who choose any emission reduction option (excluding the employee trip reduction option) shall be fined five dollars per employee per day for each violation during the plan year.

(2) Developers, employers of ten to forty-nine employees and employers of fifty or more who choose the employee trip reduction option shall receive a warning notice for the first violation of the plan year and no fee shall be collected. For each additional violation in the plan year the employer shall receive a violation notice and the violation fee shall be five dollars per employee per day.

(3) The City's Transportation Management Coordinator shall cause to be issued a notice imposing enforcement fees under this Section. The notice shall provide that the fee shall be due and payable within fifteen days from the date of the notice. A penalty of ten percent per month shall be added to any fees that have not been paid when due.

(4) Any person upon whom fees have been imposed pursuant to this Section may appeal the action in accordance with the following procedure:

(A) A notice of appeal shall be filed with the City's Transportation Management Coordinator within ten days of the date of the notice.

(B) At the time of filing the notice of appeal, the appellant shall deposit with the City Treasurer money in the amount of all fees due. If, as a result of the hearing, it is determined that the City is not entitled to all or a portion of the money, the City shall refund to the person all or a portion of the money deposited.

(C) The Emission Reduction Plan Appeals Board ("ERP Appeals Board") shall hold a hearing on the appeal within forty-five days of the date of filing of the appeal. The City shall give the appellant at least five days notice of the time and place of the hearing. The ERP Appeals Board shall render a decision within fifteen days of the date of the hearing. The purpose of the hearing shall be limited to whether or not the violation occurred.

(D) The ERP Appeals Board shall uphold an appeal of an enforcement fee under this Section in only one of the following circumstances:

(i) An error has been made in calculating the enforcement fee.

(ii) The person is found not to have been violating the provisions of this Chapter or the terms and conditions of the ERP or WTP.

(E) The decision of the ERP Appeals Board shall be final except for judicial review and there shall be no appeal to the City Council.

(F) Any notice issued pursuant to this Section shall set forth the appeal rights as provided for in this subsection.

(G) Any notice of revocation issued pursuant to this Section shall be final upon the expiration of the appeal period if no appeal is timely filed or upon the decision of the ERP Appeals Board. (Added by Ord. No. 1847CCS § 1 (part), adopted 4/23/96; amended by Ord. No. 1938CCS § 6, adopted 3/23/99)

9.16.140 Administrative appeals.

(a) Disapproval of an ERP or WTP by the City's Transportation Management Coordinator, 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 City's Transportation Management Coordinator shall be filed with the City's Parking and Traffic Division within ten consecutive calendar days following the date of action from which an appeal is taken. If no appeal is timely filed, the action by the City's Transportation Management Coordinator shall be final.

(c) A hearing on an appeal shall be scheduled within sixty days of the date of filing an appeal. Notice of an appeal hearing shall be mailed to the appellant not less than ten consecutive calendar days prior to the hearing

scheduled before the Emission Reduction Plan Appeals Board.

(d) A written decision on an appeal shall be issued thirty days from the date of hearing.

(e) An action of the City's Transportation Management Coordinator that is appealed to the Emission Reduction Plan Appeals Board shall not become effective unless and until approved by the Emission Reduction Plan Appeals Board.

(f) A decision of the ERP Appeals Board shall be final except for judicial review and there shall be no appeal to the City Council. (Added by Ord. No. 1847CCS § 1 (part), adopted 4/23/96; amended by Ord. No. 1938CCS § 7, adopted 3/23/99)

Chapter 9.20

SUBDIVISIONS

Sections:

Subchapter 9.20.02 General Provisions and Responsibilities

9.20.02.010 Citation and authority.
9.20.02.020 Purpose.
9.20.02.030 Conformity to General Plan, specific plan and zoning ordinances.
9.20.02.040 Application.
9.20.02.050 Definitions.
9.20.02.060 City Attorney.
9.20.02.070 City Council.
9.20.02.080 City Engineer.
9.20.02.090 Planning Commission.
9.20.02.100 Director of Planning.

Subchapter 9.20.04 Maps Required

9.20.04.010 General.
9.20.04.020 Five or more parcels.
9.20.04.030 Four or less parcels.
9.20.04.040 Maps not required.

Subchapter 9.20.06 Tentative Subdivision Maps

9.20.06.010 General.
9.20.06.020 Form and contents.
9.20.06.030 Accompanying data and reports.
9.20.06.040 Submittal and processing of tentative subdivision maps.
9.20.06.050 Approval.
9.20.06.060 Vesting tentative map.

Subchapter 9.20.08 Final Subdivision Maps

9.20.08.010 General.
9.20.08.020 Survey required.
9.20.08.030 Form.
9.20.08.040 Contents.
9.20.08.050 Preliminary submittal for City approval.
9.20.08.060 Return to subdivider's engineer for corrections.
9.20.08.070 Resubmittal.
9.20.08.080 Approval by the City Engineer and Planning Director.
9.20.08.090 Approval.

Subchapter 9.20.10. Tentative Parcel Maps

9.20.10.010 General.
9.20.10.020 Form.
9.20.10.030 Content.
9.20.10.040 Accompanying data and reports.
9.20.10.050 Submittal and processing of tentative parcel maps.
9.20.10.060 Approval.
9.20.10.070 Waiver of parcel map.
9.20.10.080 Procedure for waiver of parcel maps.

Subchapter 9.20.12 Final Parcel Maps

9.20.12.010 Final parcel maps.
9.20.12.020 Survey required.
9.20.12.030 Form and content.
9.20.12.040 Preliminary submittal for city approval.
9.20.12.050 Return to subdivider's engineer for corrections.
9.20.12.060 Resubmittal.
9.20.12.070 Approval by the City Engineer and Planning Director.
9.20.12.080 Approval of final parcel map.

Subchapter 9.20.14 Procedures for Approval for Tentative Maps

9.20.14.010 Notice of public hearings.
9.20.14.020 Planning Commission action.
9.20.14.030 Approval.
9.20.14.040 Denial.
9.20.14.050 Report to City Council.
9.20.14.060 Extension of time for Planning Commission or City Council action.
9.20.14.070 Appeal.
9.20.14.080 Tenant participating conversion processing fees.

Subchapter 9.20.16 Procedures for Approval of Final Maps

9.20.16.010 Approval by City Council.
9.20.16.020 Denial by the City Council.
9.20.16.030 Filing with the County Recorder.
9.20.16.040 Submittal by units.

Subchapter 9.20.18 Expiration, Extensions and Amendments

9.20.18.010 Expiration.
9.20.18.020 Extensions.
9.20.18.030 Stay of expiration.

9.20.18.040 Amendments to approved tentative map.

Subchapter 9.20.20 Standards for Decisions

9.20.20.010 Compliance with Condominium Law.

9.20.20.020 Nondiscrimination.

9.20.20.030 Air space subdivision.

Subchapter 9.20.02 General Provisions and Responsibilities

9.20.02.010 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. (Prior code § 9300; amended by Ord. No. 1294CCS, adopted 1/24/84)

9.20.02.020 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. (Prior code § 9301; amended by Ord. No. 1294CCS, adopted 1/24/84)

9.20.02.030 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. (Prior code § 9302; amended by Ord. No. 1294CCS, adopted 1/24/84)

9.20.02.040 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. (Prior code § 9303; amended by Ord. No. 1294CCS, adopted 1/24/84)

9.20.02.050 Definitions.

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

(a) **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.

(b) **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.

(c) **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.

(d) **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.

(e) **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.

(f) **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.

(g) **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.

(h) **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 insure conformity to or implementation of the General Plan or any adopted specific plan.

(i) **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.

(j) **Final Parcel Map.** A final map for a parcel.

(k) **Final Subdivision Map.** A final map for a subdivision.

(l) **General Plan.** The General Plan of the City of Santa Monica.

(m) **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 insure conformity to or implementation of the General Plan or any adopted specific plan.

(n) **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.

(o) **Lot Line Adjustment.** A minor shift or rotation of an existing lot line or other adjustments where a greater number of parcels than originally existed is not created.

(p) **Merger.** The joining of two or more contiguous parcels of land under one ownership into one parcel.

(q) **Subdivision Map Act.** The Subdivision Map Act of the State of California.

(r) **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.

(s) **Peripheral Street.** An existing street whose right-of-way is contiguous to the exterior boundary of the subdivision.

(t) **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.

(u) **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.

(v) **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."

(w) **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.

(x) **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.

(y) **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.

(z) **Tentative Parcel Map.** A tentative map for a parcel.

(aa) **Tentative Subdivision Map.** A tentative map for a subdivision.

(bb) **Zoning Ordinance.** Chapter 9.04 of the Municipal Code. (Prior code § 9304; amended by Ord. No. 1466CCS, adopted 2/14/89; Ord. No. 1842CCS § 1, adopted 2/27/96; Ord. No. 2311CCS § 1, adopted 5/11/10)

9.20.02.060 City Attorney.

The City Attorney shall be responsible for approving as to form all CC & Rs, subdivision improvement agreements, and subdivision improvement securities. (Prior code § 9305; amended by Ord. No. 1294CCS, adopted 1/24/84)

9.20.02.070 City Council.

The City Council shall have the following responsibilities:

(a) 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.

(b) 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.

(c) 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.

(d) The City Council shall approve or deny applications for a stay of expiration of tentative subdivision or parcel maps pursuant to Section 9.20.18.030. (Prior code § 9306; amended by Ord. No. 1294CCS, adopted 1/24/84)

9.20.02.080 City Engineer.

The City Engineer shall have the following responsibilities:

(a) Establishing design and construction details, standards and specifications;

(b) Determining if proposed subdivision improvements comply with the provisions of this Chapter and the Subdivision Map Act;

(c) 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;

(d) The inspection and approval of subdivision improvements;

(e) The acceptance of private improvements. (Prior code § 9307; amended by Ord. No. 1294CCS, adopted 1/24/84)

9.20.02.090 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. (Prior code § 9308; amended by Ord. No. 1294CCS, adopted 1/24/84)

9.20.02.100 Director of Planning.

The Director of Planning 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. (Prior code § 9309; amended by Ord. No. 1294CCS, adopted 1/24/84)

Subchapter 9.20.04 Maps Required

9.20.04.010 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 Subchapter and the Subdivision Map Act. (Prior code § 9310; amended by Ord. No. 1294CCS, adopted 1/24/84)

9.20.04.020 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. (Prior code § 9311; amended by Ord. No. 1466CCS, adopted 2/14/89; Ord. No. 1842CCS § 2, adopted 2/ 27/96)

9.20.04.030 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. (Prior code § 9312; amended by Ord. No. 1466CCS, adopted 2/14/89; Ord. No. 1842CCS § 3, adopted 2/27/96)

9.20.04.040 Maps not required.

A tentative or final map shall not be required for any of the following:

(a) 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;

(b) A lot line adjustment between two or more existing adjacent parcels, provided:

(1) No additional parcels or building sites have been created,

(2) The adjustment does not create the potential to further divide either of the two parcels into more parcels than would have been otherwise possible,

(3) There are no resulting violations of the Santa Monica Municipal Code;

(c) 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;

(d) When the parcel map is waived as provided by Section 9.20.10.070. A plot map in a form as required by the City Engineer, and a certificate of compliance in accordance with Section 9.20.10.080(e) shall be required for lot line adjustments, mergers, certificates of compliance and parcel map waivers. (Prior code § 9313; amended by Ord. No. 1294CCS, adopted 1/24/84)

Subchapter 9.20.06 Tentative Subdivision Maps

9.20.06.010 General.

The form and contents, submittal and approval of tentative subdivision maps shall be governed by the provisions of this Subchapter and the Subdivision Map Act. (Prior code § 9320; amended by Ord. No. 1294CCS, adopted 1/24/84)

9.20.06.020 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:

(a) A title which shall contain the subdivision number, subdivision name, and type of subdivision;

(b) Name and address of legal owner, subdivider, and person preparing the map (including registration number);

(c) Sufficient legal description to define the boundary of the proposed subdivision;

(d) Date, north arrow, scale and contour interval;

(e) Existing and proposed land use;

(f) 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;

(g) Existing topography of the proposed site and at least one hundred feet beyond its boundary, including but not limited to:

(1) 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,

(2) Type, circumference and dripline of existing trees. Any trees proposed to be removed shall be so indicated,

(3) The approximate location and outline of existing structures identified by type. Buildings to be removed shall be so marked,

(4) The approximate location of all areas subject to inundation or storm water overflow and the location, width and direction of flow of each watercourse,

(5) The location, pavement and right-of-way width, grade and name of existing streets or highway,

(6) The widths, location and identity of all existing easements,

(7) 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,

(8) The approximate location of the 60, 65 and 70 CNEL (Community Noise Equivalent Level) contours, if any;

(h) Proposed improvements to be shown shall include but not be limited to:

(1) 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,

(2) The location and radius of all curb returns and cul-de-sacs,

(3) The location, width and purpose of all easements,

(4) The angle of intersecting streets if such angle deviates from a right angle more than four degrees,

(5) 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,

(6) 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,

(7) Proposed recreation sites, trails and parks for private or public use,

(8) Proposed commons areas to be dedicated to public open space,

(9) 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;

(i) The name or names of any geologist or soils engineer whose services were required in the preparation of the design of the tentative map;

(j) The source and date of existing contours;

(k) All letter size shall be one-eighth inch minimum;

(l) 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;

(m) The Director of Planning 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 of Planning may require other such drawings, data or other information as deemed necessary. (Prior code § 9321; amended by Ord. No. 1294CCS, adopted 1/24/84)

9.20.06.030 Accompanying data and reports.

The tentative subdivision map shall be accompanied by the following data or reports:

(a) **Title Report.** A preliminary title report, showing the legal owners at the time of filing the tentative subdivision map;

(b) **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;

(c) **Housing Element Compliance Plan.** A plan for complying with any requirements of the Housing Element;

(d) **Building Plans and Elevations;**

(e) **Landscape Plan;**

(f) **Condominium Specification Checklist;**

(g) **CC & R'S;**

(h) **Tenant Displacement List;**

(i) **Tenants' Notice of Intent to Convert;**

(j) **Notice of Intent to Convert;**

(k) **Building Condition and History Report;**

(l) **Conversion Report;**

(m) **Energy Conservation Plan;**

(n) **Application for Conditional Use Permit;**

(o) **Radius Map, Mailing List;**

(p) **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;

(q) **Other Reports.** Any other data or reports deemed necessary by the Director of Planning. (Prior code § 9322; amended by Ord. No. 1294CCS, adopted 1/24/84)

9.20.06.040 Submittal and processing of tentative subdivision maps.

The tentative subdivision map shall be accepted for filing only when such map conforms to Section 9.20.06.020 and when all accompanying data or reports as required by Section 9.20.06.030 have been submitted and accepted by the Director of Planning. The Director of Planning 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 of Planning the number of tentative maps that the Director of Planning deems necessary. (Prior code § 9323; amended by Ord. No. 1294CCS, adopted 1/24/84; Ord. No. 1842CCS § 4, adopted 2/27/96)

9.20.06.050 Approval.

The tentative subdivision map shall be approved, conditionally approved, or denied in accordance with the procedures set forth in Subchapter 9.20.14. (Prior code § 9324; amended by Ord. No. 1294CCS, adopted 1/24/84)

9.20.06.060 Vesting tentative map.

(a) 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.

(b) 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.

(c) A vesting tentative map shall be processed in the manner provided in Sections 9.20.06.040 and 9.20.06.050 of this Chapter. A vesting tentative map shall be filed in the same form and with the same content as provided in Sections 9.20.06.020 and 9.20.06.030 of this Chapter except that the words "Vesting Tentative Map" shall be conspicuously printed on the face thereon.

(d) 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.

(e) 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.

(f) Notwithstanding subsection (e), 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:

(1) 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.

(2) The condition or denial is required in order to comply with State or Federal law.

(g) 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:

(1) 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.

(2) The initial time period provided in subsection (g)(1) 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.

(3) 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.

(4) 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.

(h) 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.

(i) 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 (e), the City may grant these approvals or issue these permits to the extent that the departures are authorized under applicable law. (Prior code § 9325; amended by Ord. No. 1347CCS, adopted 11/26/85; Ord. No. 1842CCS § 5, adopted 2/27/96)

Subchapter 9.20.08 Final Subdivision Maps

9.20.08.010 General.

The form, contents, accompanying data, and filing of the final subdivision map shall conform to the provisions of this Subchapter 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. (Prior code § 9330; amended by Ord. No. 1294CCS, adopted 1/24/84)

9.20.08.020 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 final map shall not exceed 1/10,000 for field closures and 1/20,000 for calculated closures.

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. (Prior code § 9331; amended by Ord. No. 1294CCS, adopted 1/24/84)

9.20.08.030 Form.

The form of the final subdivision map shall conform to the Subdivision Map Act and as set forth below:

(a) 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.

(b) 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.

(c) 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.

(d) The final form of the final subdivision map shall be as approved by the City Engineer. (Prior code § 9332; amended by Ord. No. 1294CCS, adopted 1/24/84)

9.20.08.040 Contents.

The contents of the final subdivision map shall conform to the Subdivision Map Act and as set forth below:

(a) **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.

(b) **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."

(c) **Certificates.** The following certificates shall appear only once on the cover sheet.

(1) **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.

(2) **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.

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.

The certificate shall be in the form required by the Subdivision Map Act.

(3) **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.

(4) **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.

(5) **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.

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.

(6) **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.

(d) **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.

(e) **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.

(f) **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:

(1) The intersection of street centerlines;

(2) Beginning and end of curves in centerlines;

(3) At other locations as may be required by the City Engineer.

(g) **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.

(h) **City Boundaries.** City boundaries which cross or join the subdivision shall be clearly designated.

(i) **Street Names.** The names of all streets, alleys, or highways within or adjoining the subdivision shall be shown.

(j) **Easements.** 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.

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.

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.

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.

(k) **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.

(l) 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. (Prior code § 9333; amended by Ord. No. 1294CCS, adopted 1/24/84; Ord. No. 1842CCS § 6, adopted 2/27/96)

9.20.08.050 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:

(a) **Improvement Plans.** Improvement plans as required by the Planning Commission or City Council.

(b) **Title Report.** A title report showing the legal owners at the time of submittal of the final subdivision map.

(c) **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.

(d) **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.

(e) **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.

(f) **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.

(g) **Hydrology and Hydraulic Calculations.** Complete hydrology and hydraulic calculations of all storm drains.

(h) **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.

(i) 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. (Prior code § 9334; added by Ord. No. 1294CCS, adopted 1/24/84)

9.20.08.060 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. (Prior code § 9335; added by Ord. No. 1294CCS, adopted 1/24/84)

9.20.08.070 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. (Prior code § 9336; added by Ord. No. 1294CCS, adopted 1/24/84)

9.20.08.080 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. (Prior code § 9337; added by Ord. No. 1294CCS, adopted 1/24/84)

9.20.08.090 Approval.

The final map shall be approved or denied in accordance with procedures set forth in Subchapter 9.20.16. (Prior code § 9338; added by Ord. No. 1294CCS, adopted 1/24/84)

Subchapter 9.20.10. Tentative Parcel Maps

9.20.10.010 General.

The form and contents, submittal, and approval of tentative parcel maps shall conform to the provisions of this Subchapter and the Subdivision Map Act. The tentative parcel map shall be prepared by a registered civil engineer or licensed land surveyor. (Prior code § 9340; added by Ord. No. 1294CCS, adopted 1/24/84)

9.20.10.020 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 (⅛) inch minimum in height. The final form shall be approved by the City Engineer. (Prior code § 9341; added by Ord. No. 1294CCS, adopted 1/24/84)

9.20.10.030 Content.

The tentative parcel map shall show the following information:

(a) 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.

(b) Assessor's parcel number.

(c) Date prepared, north arrow, scale and contour interval.

(d) Existing and proposed land use.

(e) Title.

(f) A vicinity map, sufficient to show the relation to the local community.

(g) Existing topography of the site and at least one hundred (100) feet from its boundary, including but not limited to:

(1) Existing contours at two (2) feet intervals, if the existing ground slope is less than ten percent and not less than five (5) feet intervals for existing ground slopes greater than or equal to ten percent. Existing contours shall be represented by screened or dashed lines.

(2) Type, circumference, and dripline of exiting trees. Any trees proposed to be removed shall be so indicated.

(3) The approximate location and outline of existing structures identified by type. Structures to be removed shall be so marked.

(4) The approximate location of all areas subject to inundation or storm water overflow and the location, width and direction of flow of each watercourse.

(5) The location, pavement, and right-of-way width, and grade and name of existing streets or highways.

(6) Location and type of street improvements.

(7) The location, size, and slope of existing storm drains. The location of existing overhead utility lines on peripheral streets.

(8) The location, width, and identity of exiting easements.

(h) Any improvements proposed by the owner shall be shown.

(i) If the site is to be graded, proposed contours shall be shown or on an approved grading plan.

(j) The proposed lot layout and lot areas.

(k) Proposed easements or rights-of-way.

(l) The source and date of existing contours.

(m) A preliminary report of title showing the current vested owner.

(n) A soils and/or engineering geology report may be required by the City Engineer. (Prior code § 9342; added by Ord. No. 1294CCS, adopted 1/24/84)

9.20.10.040 Accompanying data and reports.

The tentative parcel map shall be accompanied by the following data or reports:

(a) **Title Report.** A preliminary title report, showing the legal owners at the time of filing the tentative parcel map.

(b) **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.

(c) **Housing Element Compliance Plan.** A plan for complying with any requirements of the Housing Element.

(d) **Building Plans and Elevations.**

(e) **Landscape Plan.**

(f) **Condominium Specification Checklist.**

(g) **CC & R'S.**

(h) **Tenant Displacement List.**

(i) **Tenants' Notice of Intent to Convert.**

(j) **Notice of Intent to Convert.**

(k) **Building Condition and History Report.**

(l) **Conversion Report.**

(m) **Energy Conservation Plan.**

(n) **Application for Conditional Use Permit.**

(o) **Radius Map, Mailing List.**

(p) **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.

(q) **Other Reports.** Any other data or reports deemed necessary by the Director of Planning. (Prior code § 9343; added by Ord. No. 1294CCS, adopted 1/24/84)

9.20.10.050 Submittal and processing of tentative parcel maps.

The tentative parcel map shall be accepted for filing only when such map conforms to Section 9.20.10.030 and when all accompanying data or reports required by Section 9.20.10.040 have been submitted and accepted by the Director of Planning. The Director of Planning 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 of Planning the number of tentative parcel maps that the Director of Planning deems necessary. (Prior code § 9344; added by Ord. No. 1294CCS, adopted 1/24/84)

9.20.10.060 Approval.

The tentative map shall be approved, conditionally approved, or denied in accordance with the procedures set forth in Subchapter 9.20.16. (Prior code § 9345; added by Ord. No. 1294CCS, adopted 1/24/84)

9.20.10.070 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. (Prior code § 9346; amended by Ord. No. 1466CCS, adopted 2/14/89)

9.20.10.080 Procedure for waiver of parcel maps.

The following procedure shall be followed for the waiver of a parcel map:

(a) 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.

(b) 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.

(c) 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 9.20.14.010.

(d) 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.

(e) 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. (Prior code § 9347; added by Ord. No. 1294CCS, adopted 1/24/84)

Subchapter 9.20.12 Final Parcel Maps

9.20.12.010 Final parcel maps.

The form and contents, submittal, approval and filing of parcel maps shall conform to the provisions of this Subchapter 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. (Prior code § 9350; added by Ord. No. 1294CCS, adopted 1/24/84)

9.20.12.020 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. (Prior code § 9351; added by Ord. No. 1294CCS, adopted 1/24/84)

9.20.12.030 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 9.20.08.030 and 9.20.08.040 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". (Prior code § 9352; added by Ord. No. 1294CCS, adopted 1/24/84)

9.20.12.040 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:

(a) **Improvement Plans.** Improvement plans as required by the Planning Commission or City Council.

(b) **Title Report.** A title report showing the legal owners at the time of submittal of the final parcel map.

(c) **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.

(d) **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.

(e) **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.

(f) **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).

(g) **Hydrology and Hydraulic Calculations.** Complete hydrology and hydraulic calculations of all storm drains.

(h) **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.

(i) 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. (Prior code § 9353; added by Ord. No. 1294CCS, adopted 1/24/84)

9.20.12.050 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. (Prior code § 9354; added by Ord. No. 1294CCS, adopted 1/24/84)

9.20.12.060 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. (Prior code § 9355; added by Ord. No. 1294CCS, adopted 1/24/84)

9.20.12.070 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. (Prior code § 9356; added by Ord. No. 1294CCS, adopted 1/24/84)

9.20.12.080 Approval of final parcel map.

A final parcel map shall be approved or denied in accordance with the procedures set forth in Subchapter 9.20.16. (Prior code § 9357; added by Ord. No. 1294CCS, adopted 1/24/84)

Subchapter 9.20.14 Procedures for Approval for Tentative Maps

9.20.14.010 Notice of public hearings.

Upon receipt of a valid application and upon receipt of the report and recommendations for the proposed tentative map by the Director of Planning, 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. (Prior code § 9360; added by Ord. No. 1294CCS, adopted 1/24/84)

9.20.14.020 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. (Prior code § 9361; added by Ord. No. 1294CCS, adopted 1/24/84)

9.20.14.030 Approval.

(a) 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.

(b) 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. (Prior code § 9362; added by Ord. No. 1294CCS, adopted 1/24/84)

9.20.14.040 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:

(a) The proposed map is not consistent with applicable general and specific plans as specified in Government Code Section 65451.

(b) The design or improvement of the proposed subdivision is not consistent with applicable general and specific plans.

(c) The site is not physically suitable for the type of development.

(d) The site is not physically suitable for the proposed density of development.

(e) 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.

(f) The design of the subdivision or the type of improvement is likely to cause serious public health problems.

(g) 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.

(h) The proposed subdivision is inconsistent with any ordinance or law of the City of Santa Monica. (Prior code § 9363; added by Ord. No. 1294CCS, adopted 1/24/84)

9.20.14.050 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 of Planning shall make a written report to the City Council within five (5) days of such approval. (Prior code § 9364; added by Ord. No. 1294CCS, adopted 1/24/84)

9.20.14.060 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. (Prior code § 9365; added by Ord. No. 1294CCS, adopted 1/24/84)

9.20.14.070 Appeal.

(a) **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 9.20.14.010. 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.

(b) **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 9.20.14.010 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. (Prior code § 9366; added by Ord. No. 1294CCS, adopted 1/24/84)

9.20.14.080 Tenant participating conversion processing fees.

The City Council of the City of Santa Monica shall establish and amend from time to time processing fees for tenant participating conversion applications pursuant to Article XX of the City Charter. (Prior code § 9367; added by Ord. No. 1294CCS, adopted 1/24/84)

Subchapter 9.20.16 Procedures for Approval of Final Maps

9.20.16.010 Approval by City Council.

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.

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. (Prior code § 9370; added by Ord. No. 1294CCS, adopted 1/24/84)

9.20.16.020 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. (Prior code § 9371; added by Ord. No. 1294CCS, adopted 1/24/84)

9.20.16.030 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. (Prior code § 9372; added by Ord. No. 1294CCS, adopted 1/24/84)

9.20.16.040 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. (Prior code § 9373; added by Ord. No. 1294CCS, adopted 1/24/84)

Subchapter 9.20.18 Expiration, Extensions and Amendments

9.20.18.010 Expiration.

(a) An approved or conditionally approved tentative map shall expire twenty-four (24) months after its approval or conditional approval.

(b) The period of time specified in Subdivision (a) shall not include any period of time specified in Government Code Section 66452.6(b).

(c) 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 9.20.18.030 of this Chapter.

(d) 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. (Prior code § 9380; added by Ord. No. 1294CCS, adopted 1/24/84)

9.20.18.020 Extensions.

(a) **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.

(b) **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.

(c) **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.

(d) **Time Limit of Extension.** The approved extension shall not exceed three (3) years.

(e) **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. (Prior code § 9381; added by Ord. No. 1294CCS, adopted 1/24/84)

9.20.18.030 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 9.20.14.010 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. (Prior code § 9382; added by Ord. No. 1294CCS, adopted 1/24/84)

9.20.18.040 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 of Planning, provided:

(a) No lots, units or building sites are added.

(b) Such changes are consistent with the intent and spirit of the original tentative map approval.

(c) 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 9.20.14. Any approved amendment shall not alter the expiration date of the tentative map. (Prior code § 9383; added by Ord. No. 1294CCS, adopted 1/24/84)

Subchapter 9.20.20 Standards for Decisions

9.20.20.010 Compliance with Condominium Law.

No tentative map shall be approved under this Chapter for any subdivision or parcel that does not meet the requirements of the Condominium Law contained in prior code Section 9122 of this Code. (Prior code § 9391; added by Ord. No. 1294CCS, adopted 1/24/84)

9.20.20.020 Nondiscrimination.

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

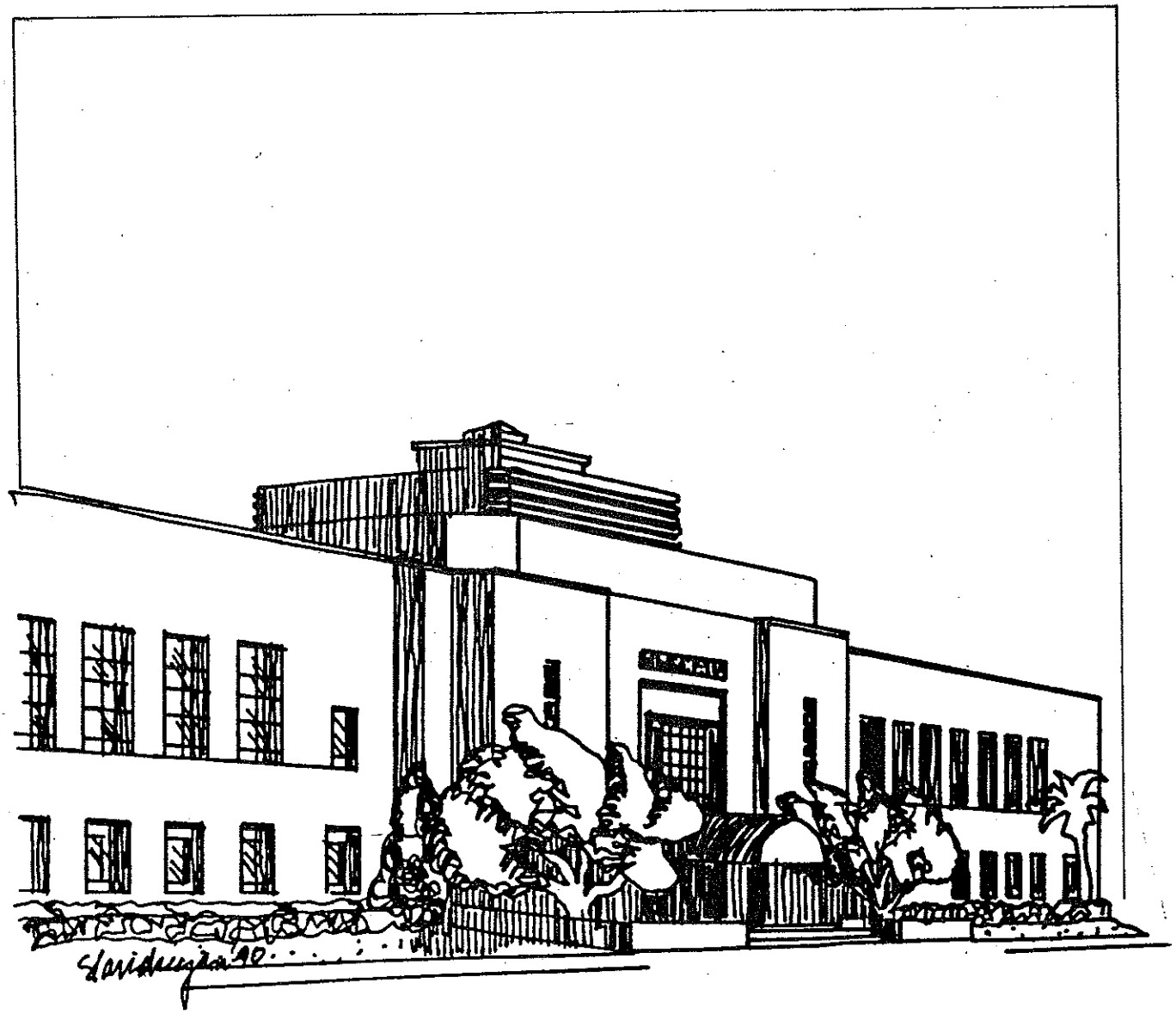
"No unit owner shall execute or file for record any instrument which imposes a restriction upon the sale, leasing or occupancy of his or her unit on the basis of sex, race, color, religion, ancestry, national origin, age, pregnancy, marital status, family composition, or the potential or actual occupancy 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." (Prior code § 9392; added by Ord. No. 1294CCS, adopted 1/24/84)

9.20.20.030 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:

(a) 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

(b) 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. (Added by Ord. No. 1842CCS § 7, adopted 2/27/96)



Chapter 9.24

MASTER PLAN

Sections:

9.24.010	Purpose.
9.24.020	Conservation plan.
9.24.030	Land use plan.
9.24.040	Recreation plan.
9.24.050	Streets and highway plan.
9.24.060	Transportation plan.
9.24.070	Transit plan.
9.24.080	Public services and facilities.
9.24.090	Public buildings.
9.24.100	Community design.
9.24.110	Housing.
9.24.120	Additional plans and data.
9.24.130	Amendments, extensions and additions.
9.24.140	New or revised elements.
9.24.150	General purposes of the plan.
9.24.160	Adoption of a master plan.

9.24.010 Purpose.

It shall be the function and duty of the Planning Commission to prepare and adopt a master plan for the physical development of the municipality, including any area outside its boundaries which in the Commission's judgment, bears relation to the planning for the City. The master plan, with the accompanying maps, plats, charts, and descriptive and explanatory matter, shall show the Commission's recommendations for the said physical development and may comprise any, all, or any combination of the plans specified in this Chapter as follows: (Prior code § 9400; added by Ord. No. 231CCS, adopted 10/10/50)

9.24.020 Conservation plan.

For the conservation, development and utilization of natural resources, including water, soils, beaches, harbors, fisheries, wild life, minerals and other natural resources. Such plan also shall cover the reclamation of land and waters, flood control, prevention and control of the pollution of waters, regulation of the use of land areas required for the accomplishment of the conservation plan, prevention, control and correction of the erosion of soils, beaches and shores. (Prior code § 9401; added by Ord. No. 231CCS, adopted 10/10/50)

9.24.030 Land use plan.

An inventory and classification of land types and of existing land uses, and comprehensive plans for the most desirable utilization of land. (Prior code § 9402; added by Ord. No. 231CCS, adopted 10/10/50)

9.24.040 Recreation plan.

Showing a comprehensive system of recreation areas, including parks, beaches, playgrounds and other recreation areas, including when practicable, the locations and proposed development thereof. (Prior code § 9403; added by Ord. No. 231CCS, adopted 10/10/50)

9.24.050 Streets and highway plan.

Showing the general locations and widths of a comprehensive system of major traffic thoroughfares and other traffic ways and of streets; the recommended treatment thereof, and a system of street naming or numbering, and house numbering, with recommendations concerning proposed changes. (Prior code § 9404; added by Ord. No. 231CCS, adopted 10/10/50)

9.24.060 Transportation plan.

Showing a comprehensive transportation system, including locations or rights of way, terminals, viaducts and grade separations. Such plan also may include port, harbor, aviation and related facilities. (Prior code § 9405; added by Ord. No. 231CCS, adopted 10/10/50)

9.24.070 Transit plan.

Showing a proposed system of transit lines, including rapid transit, street car, motor coach and trolley coach lines and related facilities. (Prior code § 9406; added by Ord. No. 231CCS, adopted 10/10/50)

9.24.080 Public services and facilities.

Showing general plans for sewerage, drainage and utilities, and rights of way, easements and facilities therefor. (Prior code § 9407; added by Ord. No. 231CCS, adopted 10/10/50)

9.24.090 Public buildings.

Showing locations and arrangement of civic centers and all other public buildings, including the architecture thereof and the landscape treatment of the grounds thereof. (Prior code § 9408; added by Ord. No. 231CCS, adopted 10/10/50)

9.24.100 Community design.

Standards and principles governing the subdivision of land and recommended patterns for community design and development. (Prior code § 9409; added by Ord. No. 231CCS, adopted 10/10/50)

9.24.110 Housing.

Survey of housing conditions and needs, and plans and procedure for improvement of housing standards and for provision of adequate housing. (Prior code § 9410; added by Ord. No. 231CCS, adopted 10/10/50)

9.24.120 Additional plans and data.

The Commission may prepare and adopt, as part of the master plan, other and additional plans and data dealing with such other subjects as in its judgment may relate to the physical development of the City, and nothing contained in this Chapter shall be deemed to prohibit the preparation and adoption of any such subject as a part of the master plan. (Prior code § 9411; added by Ord. No. 231CCS, adopted 10/10/50)

9.24.130 Amendments, extensions and additions.

The Commission may from time to time amend, extend, or add to the plan or carry any part of subject matter into greater detail. (Prior code § 9411A; added by Ord. No. 231CCS, adopted 10/10/50)

9.24.140 New or revised elements.

In addition to those elements previously set forth in this Chapter, the following new or revised elements shall be included in the general plan: a land use element, a circulation element, a housing element, a conservation element, an open space element, a seismic safety element, a safety element, a noise element, and a scenic highway element, in conformity with State requirements. Such other and further elements, or amendments to the above elements may be added or made from time to time, to comply with State requirements. (Prior code § 9411B; added by Ord. No. 231CCS, adopted 10/10/50)

9.24.150 General purposes of the plan.

In the preparation of the master plan, the Commission shall make careful and comprehensive surveys and studies of the existing conditions and probably future growth of the municipality and its environs. The plan shall be made with the general purpose of guiding and accomplishing a coordinated, adjusted, and harmonious development of the municipality which, in accordance with existing and future needs, will best promote public health, safety, morals, convenience, prosperity, or the general welfare, as well as efficiency and economy in the process of development. (Prior code § 9412; added by Ord. No. 231CCS, adopted 10/10/50)

9.24.160 Adoption of a master plan.

The Commission may prepare and adopt all or any part of the master plan and may recommend such plans to the City Council for adoption as official plans. Before recommending to the City Council any such plan, or any amendment thereto, the Planning Commission shall hold at least one public hearing, notice of the time and place of which shall be given by one publication in a newspaper of general circulation in the City and by such other means as the Commission may deem necessary. The adoption of the plan or any part, amendment, or addition, shall be by resolution carried by the affirmative votes of not less than a majority of all of the members of the Commission. The resolution shall refer expressly to the maps, descriptive matter and other matters intended by the Commission to form the whole or part of the plan and the action taken shall be recorded on the adopted plan or part thereof by the identifying signature of the secretary of the Commission, and a copy of the plan or part thereof shall be certified to the City Council.

Upon receipt of a certified copy of the master plan, or any part thereof, or amendment thereto, as adopted by the Planning Commission, the City Council shall adopt such parts thereof as reasonably may be applied to the development of the City for a reasonable period of time ensuing. Such parts shall thereupon be endorsed and certified as official plans thus adopted for the territory covered and hereby are declared to be established to conserve and promote the public health, safety and general welfare. Before adopting any such plan or part thereof or amendment thereto, the City Council shall hold at least one public hearing thereon, notice of the time and place of which shall be published at least once in a newspaper of general circulation in the City at least ten days before the day of such hearing. No change in or addition to the master plan or any part thereof, or amendment thereto, as adopted by the Planning Commission, shall be made by the City Council in adopting the same as an official plan until the said proposed change or addition shall have been referred to the Planning Commission for a report thereon and an attested copy of such report shall have been filed with the City Council. Failure of the Planning Commission so to report within forty days, or such longer period as may be designated by the City Council, after such reference, shall be deemed to be approval of the proposed change or addition. (Prior code § 9413; added by Ord. No. 231CCS, adopted 10/10/50)

Chapter 9.32

ARCHITECTURAL REVIEW

Sections:

9.32.010	**Purpose.**
9.32.020	**Definitions.**
9.32.030	**Architectural Review Board—Membership.**
9.32.040	**Guidelines and standards.**
9.32.050	**Guidelines and standards—Submission for approval—Maintenance and availability of copies.**
9.32.060	**Appointment and term of office.**
9.32.070	**Rules.**
9.32.080	**Officers, election of officers.**
9.32.090	**Secretary.**
9.32.100	**Meetings.**
9.32.110	**Architectural review districts.**
9.32.120	**Jurisdiction.**
9.32.130	**Procedure for review.**
9.32.140	**Criteria.**
9.32.150	**Site plans.**
9.32.160	**Appeals.**
9.32.170	**Architectural review district boundaries.**
9.32.180	**Posting of property.**

9.32.010 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. (Prior code § 9501; added by Ord. No. 959CCS, adopted 7/9/74)

9.32.020 Definitions.

For purposes of this Chapter, the following definitions shall have the meanings defined herein:

(a) **Chapter** — Shall refer to Chapter 9.32, Article 9, Santa Monica Municipal Code.

(b) **Committee** — Shall mean the Architectural Review Committee.

(c) **Commission** — Shall mean the Santa Monica Planning Commission.

(d) **Council** — Shall mean the Santa Monica City Council.

(e) **District** — Shall mean an officially designated architectural review district.

(f) **Member** — Shall mean a voting member of the Architectural Review Committee. (Prior code § 9502; added by Ord. No. 959CCS, adopted 7/9/74)

9.32.030 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. (Prior code § 9503; added by Ord. No. 959CCS, adopted 7/9/74; amended by Ord. No. 1003CCS, adopted 7/8/75; Ord. No. 2131CCS § 14, adopted 7/27/04)

9.32.040 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 9.32.010 of this Code and shall include, but need not be limited to, consideration of the following elements:

1. The integrity of neighborhood environments:
2. Existing local, social, aesthetic, recreational and cultural facilities, designs and patterns within the district;
3. The disparate elements of neighborhood communities within a district and the architectural relationship of adjoining neighborhood communities; and
4. General patterns and standards of architectural development within the entire district. (Prior code § 9503A; added by Ord. No. 1003CCS, adopted 7/8/75)

9.32.050 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 Planning Department of the City. (Prior code § 9503B; added by Ord. No. 1003CCS, adopted 7/8/75)

9.32.060 Appointment and term of office.

The members of the Committee 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 Committee 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 Committee 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 Committee 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. (Prior code § 9504; added by Ord. No. 959CCS, adopted 7/9/74)

9.32.070 Rules.

The Committee 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 Committee shall be necessary for it to take action. No item shall be included on the consent calendar of the Committee's agenda unless all members agree to the inclusion of such item. If any member of the Committee objects to scheduling a particular application on the consent calendar, said application shall be removed from the consent calendar and set for public hearing, and the Committee shall be granted an additional fifteen days to execute action on the application. (Prior code § 9505; added by Ord. No. 959CCS, adopted 7/9/74)

9.32.080 Officers, election of officers.

As soon as practicable following the appointment or reappointment of members each year, the Committee shall organize and elect from its own membership a Chairman and a Chairman Pro Tem. (Prior code § 9506; added by Ord. No. 959CCS, adopted 7/9/74)

9.32.090 Secretary.

The Director of Planning shall 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. (Prior code § 9507; added by Ord. No. 959CCS, adopted 7/9/74)

9.32.100 Meetings.

The committee shall meet at established intervals, at least twice each month, or as otherwise determined by the Committee, on regularly scheduled dates. Meetings shall be arranged in order to process applications within the time required by this Ordinance. (Prior code § 9508; added by Ord. No. 959CCS, adopted 7/9/74)

9.32.110 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. (Prior code § 9509; added by Ord. No. 959CCS, adopted 7/9/74; amended by Ord. No. 1003CCS, adopted 7/8/75)

9.32.120 Jurisdiction.

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 9.32.070 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. 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 of Planning or the Director's delegate certifies to the Building Department 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.

With regard to plans or proposals which require the approval of the Board, including, but not limited to subdivision maps, conditional use permits, and variances, such matters shall be first considered by the Commission, and thereafter, when appropriate, shall 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. (Prior code § 9510; added by Ord. No. 959CCS, adopted 7/9/74; amended by Ord. No. 1003CCS, adopted 7/8/75)

9.32.130 Procedure for review.

(a) Preliminary sketches of the design of a proposed structure or alteration may be submitted to the Planning Department for informal review so that an applicant may be informed of Committee policies prior to preparing working drawings.

The applicant for a building permit when subject to requirements of this article shall submit to the Planning Department a site plan as defined by Section 9.32.150 and exterior elevations and such other data as will assist the Committee in evaluating the proposed building or structure. Exterior elevation drawings shall be available when Committee agendas are published.

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 9.32.150. Work not thus presented may be rejected by the Planning Director.

(b) The Planning Director shall refer said plans to the Committee at its next regular meeting. The Committee shall act on the application within thirty (30) days after the filing of full and complete data, unless an extension of time is consented to by the applicant.

(c) **Fees.** For each application for review submitted to the Architectural Review Board the Planning Director shall charge and collect a fee of twenty-five dollars ($25). (Prior code § 9511; added by Ord. No. 959CCS, adopted 7/9/74; amended by Ord. No. 1099CCS, adopted 7/25/78)

9.32.140 Criteria.

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:

a. 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.

b. 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.

c. The proposed design of the building or structure is compatible with developments on land in the general area.

d. 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.

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.

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.

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. (Prior code § 9512; added by Ord. No. 959CCS, adopted 7/9/74; amended by Ord. No. 1003CCS, adopted 7/8/75)

9.32.150 Site plans.

A site plan shall be drawn to scale and shall indicate the following sufficiently for consideration of visual, safety and economic factors:

a. Dimensions and orientation of the parcel.

b. Location of buildings and structures both existing and proposed.

c. Location of off-street parking and loading facilities.

d. Location of points of entry and exit for motor vehicles and internal circulation factors.

e. Location of walls and fences and the indication of their height and the materials of their construction.

f. Indication of exterior lighting standards and devices adequate to review possible hazards and disturbances to the public and adjacent properties.

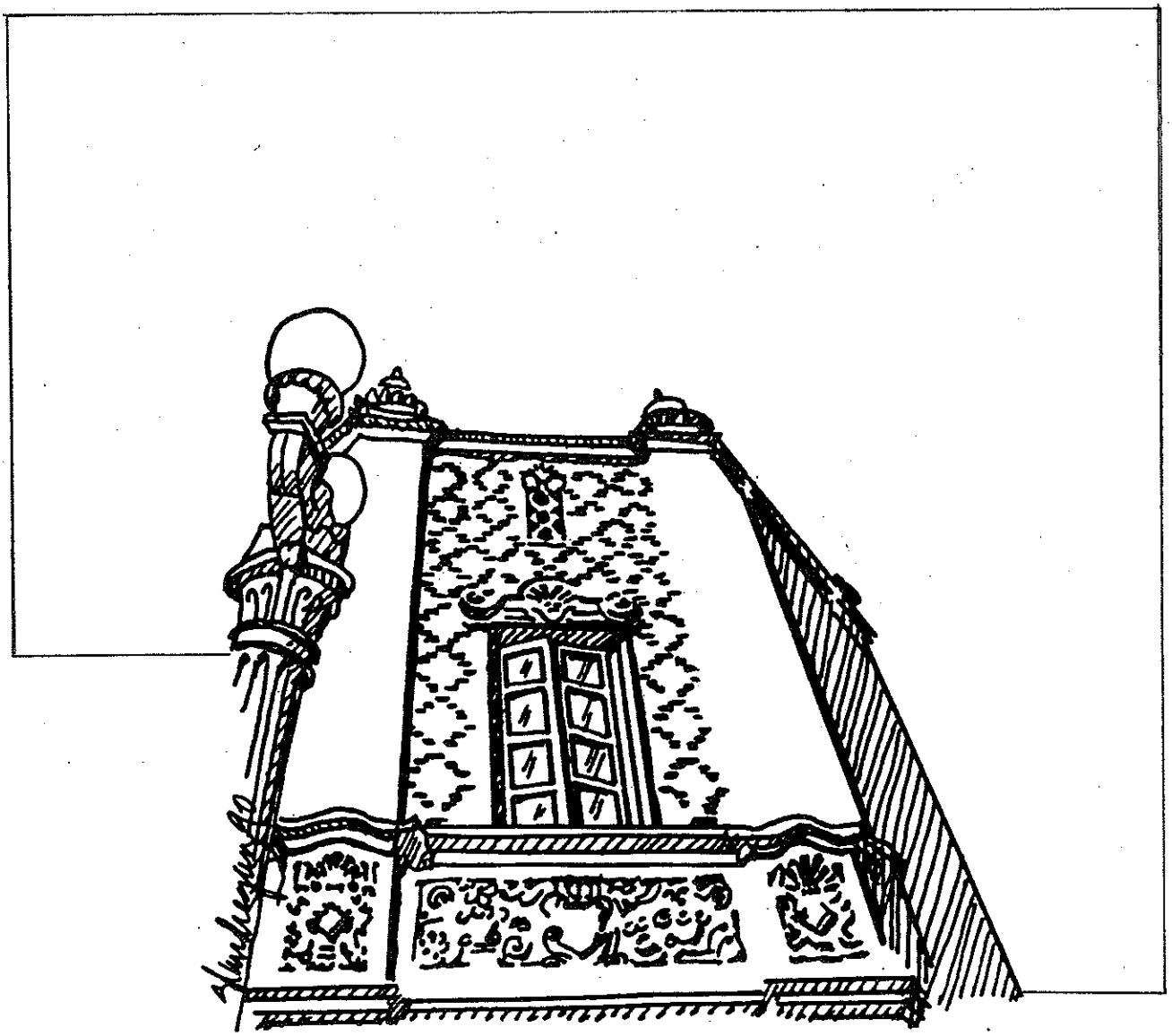
g. Location and size of exterior signs and outdoor advertising.

h. A preliminary landscaping plan.

i. Such other architectural and engineering data as may be required to permit necessary findings that the provisions of this chapter are being complied with. (Prior code § 9513; added by Ord. No. 959CCS, adopted 7/9/74; amended by Ord. No. 1003CCS, adopted 7/8/75)

9.32.160 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 Section 9151 of Chapter 9.04 Article 9 of 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



PARKHURST TOWER DETAIL

be final. (Prior code § 9514; added by Ord. No. 959CCS, adopted 7/9/74; amended by Ord. No. 1003CCS, adopted 7/8/75)

9.32.170 Architectural review district boundaries.

Pursuant to Section 9.32.110 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 R-1 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 9.36 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 R2R Medium Density Multiple Family Coastal Residential District are also exempt from Architectural Review Board district boundaries. (Prior code § 9515; amended by Ord. No. 1003CCS, adopted 7/8/75; Ord. No. 1651CCS § 1, adopted 10/13/92; Ord. No. 2131CCS § 15, adopted 7/27/04; Ord. No. 2206CCS § 4 adopted 10/3/06; Ord. No. 2207CCS § 4, adopted 10/3/06; Ord No. 2218CCS § 1, adopted 2/13/07)

9.32.180 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 Zoning Administrator 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. (Prior code § 9517; added by Ord. No. 1645CCS § 9, adopted 9/22/92; amended by Ord. No. 2089CCS § 1, adopted 7/22/03)

Chapter 9.36

LANDMARKS AND HISTORIC DISTRICTS

Sections:

9.36.010 Title.
9.36.020 Purpose.
9.36.030 Definitions.
9.36.040 Landmarks Commission.
9.36.050 Vacancies.
9.36.060 Powers.
9.36.070 Jurisdiction.
9.36.080 Structure of merit criteria.
9.36.090 Structure of merit designation procedure.
9.36.100 Landmark or Historic District designation criteria.
9.36.110 Public spaces.
9.36.120 Landmark designation procedure.
9.36.130 Historic District designation procedure.
9.36.140 Alterations and demolitions: Criteria for issuance of a certificate of appropriateness.
9.36.150 Certificate of appropriateness for structures of merit.
9.36.160 Certificate of economic hardship.
9.36.170 Certificate of appropriateness/certificate of economic hardship procedure.
9.36.180 Appeals.
9.36.190 Maintenance and repair.
9.36.200 Unsafe or dangerous conditions.
9.36.210 Ordinary maintenance.
9.36.220 Map.
9.36.230 Voluntary restrictive covenants.
9.36.240 Waiver.
9.36.250 Extension of certificate of appropriateness.
9.36.260 Recordation of landmarks and historic districts.
9.36.270 Preservation incentives.
9.36.280 CEQA time extensions.
9.36.290 The Third Street Neighborhood Historic District.
9.36.300 The Bay Craftsman Cluster Historic District.

9.36.010 Title.

This Chapter shall be known as the Landmark and Historic District Ordinance of the City of Santa Monica. (Prior code § 9600; added by Ord. No. 1028CCS, adopted 3/24/76; amended by Ord. No. 1590CCS § 1, adopted 7/23/91)

9.36.020 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. (Prior code § 9601; added by Ord. No. 1028CCS, adopted 3/24/76; amended by Ord. No. 1590CCS § 1, adopted 7/23/91)

9.36.030 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:

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.

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.

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.

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.

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.

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.

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.

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.

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. (Prior code § 9602; added by Ord. No. 1028CCS, adopted 3/24/76; amended by Ord. No. 1590CCS § 1, adopted 7/23/91; Ord. No. 2064CCS § 1, adopted 2/11/03)

9.36.040 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 of Planning, 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. (Prior code § 9603; added by Ord. No. 1028CCS, adopted 3/24/76; amended by Ord. No. 1590CCS § 1, adopted 7/23/91)

9.36.050 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 9.36.040, such vacancy shall be filled by interim appointment with a person possessing such qualifications. (Prior code § 9604; added by Ord. No. 1028CCS, adopted 3/24/76; amended by Ord. No. 1590CCS § 1, adopted 7/23/91)

9.36.060 Powers.

In addition to any other powers set forth in this Chapter, 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 9.36.110, 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. (Prior code § 9605; added by Ord. No. 1028CCS, adopted 3/24/76; amended by Ord. No. 1590CCS § 1, adopted 7/23/91; Ord. No. 2064CCS § 2, adopted 2/11/03)

9.36.070 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. (Prior code § 9606; added by Ord. No. 1028CCS, adopted 3/24/76; amended by Ord. No. 1590CCS § 1, adopted 7/23/91)

9.36.080 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. (Prior code § 9606.1; added by Ord. No. 1590CCS § 1, adopted 7/23/91)

9.36.090 Structure of Merit designation procedure.

Structures of Merit shall be designated by the Landmarks Commission in accordance with the following procedure:

(a) Any person may request the designation of an improvement as a Structure of Merit by properly filing with the Director of Planning an application for such designation on a form furnished by the Planning 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 Administrator 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 of Planning 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 City Clerk. 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 of Planning 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 of Planning.

(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 City Clerk.

(h) Subject to other provisions of this Section and Section 9.36.180 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 take 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 9.36.130 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 9.36.130, then the Structure of Merit designation shall be automatically nullified without any action required by the Commission. (Prior code § 9606.2; added by Ord. No. 1590CCS § 1, adopted 7/23/91; Ord. No. 2064CCS § 3, adopted 2/11/03)

9.36.100 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 9.36.100(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. (Prior code § 9607; added by Ord. No. 1028CCS, adopted 3/24/76; amended by Ord. No. 1590CCS § 1, adopted 7/23/91)

9.36.110 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 9.36.100. (Prior code § 9607.1; added by Ord. No. 1590CCS § 1, adopted 7/23/91)

9.36.120 Landmark designation procedure.

Landmarks shall be designated by the Landmarks Commission in accordance with the following procedure:

(a) Any person may request the designation of an improvement as a Landmark by filing a complete application for such designation with the City Planning Division on a form furnished by the Division. 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 Administrator 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 of Planning 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 concluded 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 9.36.180 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. (Prior code § 9608; added by Ord. No. 1028CCS, adopted 3/24/76; amended by Ord. No. 1083CCS, adopted 2/28/78; Ord. No. 1590CCS § 1, adopted 7/23/91; Ord. No. 2064CCS § 4, adopted 2/11/03; Ord. No. 2166CCS § 1, adopted 8/9/05)

9.36.130 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 Administrator 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 subsection (c) of this Section may apply to the Director of Planning, 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 of Planning 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 City Clerk. 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 of Planning 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 City Clerk.

(m) Subject to other provisions of this Section, 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. (Prior code § 9609; added by Ord. No. 1028CCS, adopted 3/24/76; amended by Ord. No. 1590CCS § 1, adopted 7/23/91; Ord. No. 2064CCS § 5, adopted 2/11/03; Ord. No. 2476CCS § 1, adopted 12/16/14)

9.36.140 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 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, 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, 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 9.36.160.

(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 9.36.110, 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. (Prior code § 9610; added by Ord. No. 1028CCS, adopted 3/24/76; amended by Ord. No. 1083CCS, adopted 2/28/78; Ord. No. 1590CCS § 1, adopted 7/23/91; Ord. No. 2064CCS § 6, adopted 2/11/03)

9.36.150 Certificate of appropriateness for structures of merit.

(a) 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 Planning Division. An application shall be processed in accordance with the same procedures set forth in Sections 9.36.170 and 9.36.180 of this Code and shall be reviewed in accordance with the standards set forth in Section 9.36.140.

(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 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. (Prior code § 9610.1; added by Ord. No. 1590CCS § 1, adopted 7/23/91; Ord. No. 2064CCS § 7, adopted 2/11/03)

9.36.160 Certificate of economic hardship.

(a) Application for a certificate of economic hardship shall be made on a form furnished by the Planning Division. An application shall be processed in accordance with the same procedures set forth in Sections 9.36.170 and 9.36.180 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. (Prior code § 9610.5; added by Ord. No. 1590CCS § 1, adopted 7/23/91)

9.36.170 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 of Planning an application for such certificate of appropriateness or certificate of economic hardship on a form furnished by the Planning Division. 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 deemed complete within thirty days after the Planning Division 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 Planning Division 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 of Planning 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 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 City Clerk. 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 deemed approved. 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 9.36.160(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 9.36.180 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 Planning Division.

(g) Subject to other provisions of this Section 9.36.170 and Section 9.36.180 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 9.36.170, 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 refiled 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 refiled application shall be processed in the manner outlined in this Section 9.36.170. 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 refiled. 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 refiled 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 refiled application shall be processed in the manner outlined in this Section 9.36.170. 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 refiled. This application shall be subject to the same conditions as the prior application.

(l) Under the authority of Section 9.36.060, 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. (Prior code § 9611; added by Ord. No. 1028CCS, adopted 3/24/76; amended by Ord. No. 1429CCS, adopted 12/8/87; Ord. No. 1590CCS § 1, adopted 7/23/91; Ord. No. 2064CCS § 8, adopted 2/11/03)

9.36.180 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 City Planning Division on a form furnished by the Planning Division. 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.

(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 City Planning Division. 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) 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 of Planning by at least one publication in a daily newspaper of general circulation, and shall be mailed to:

(1) The appellant;

(2) The owner and residential or commercial tenants of the Landmark in the case of any action regarding a Landmark;

(3) The owners of all real property within the Historic District in the case of any action regarding an entire Historic District;

(4) 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;

(5) 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;

(6) 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.

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. (Prior code § 9612; added by Ord. No. 1028CCS, adopted 3/24/76; amended by Ord. No. 1429CCS, adopted 12/8/87; Ord. No. 1590CCS § 1, adopted 7/23/91; Ord. No. 2166CCS § 2, adopted 8/9/05)

9.36.190 Maintenance and repair.

Every owner, or person in charge, of a Landmark, 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, 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:

(a) Façades which may fall and injure members of the public or property.

(b) Deteriorated or inadequate foundation, defective or deteriorated flooring or floor supports, deteriorated walls or other vertical structural supports.

(c) Members of ceilings, roofs, ceiling and roof supports or other horizontal members which age, split or buckle due to defective material or deterioration.

(d) Deteriorated or ineffective waterproofing of exterior walls, roofs, foundations or floors, including broken windows or doors.

(e) Defective or insufficient weather protection for exterior wall covering, including lack of paint or weathering due to lack of paint or other protective covering.

(f) Any fault or defect in the building which renders it not properly watertight or structurally unsafe.

This Section shall be in addition to any and all other provisions of law requiring such landmark, or such building or structure within a Historic District to be kept in good repair. (Prior code § 9613; added by Ord. No. 1028CCS, adopted 3/24/76; amended by Ord. No. 1590CCS § 1, adopted 7/23/91)

9.36.200 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 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. (Prior code § 9614;

added by Ord. No. 1028CCS, adopted 3/24/76; amended by Ord. No. 1590CCS § 1, adopted 7/23/91)

9.36.210 Ordinary maintenance.

Nothing contained in this Chapter shall be construed to prevent ordinary maintenance or repair of any exterior features of a Landmark, 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. (Prior code § 9615; added by Ord. No. 1028CCS, adopted 3/24/76; amended by Ord. No. 1590CCS § 1, adopted 7/23/91)

9.36.220 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. (Prior code § 9616; added by Ord. No. 1028CCS, adopted 3/24/76; amended by Ord. No. 1590CCS § 1, adopted 7/23/91)

9.36.230 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. (Prior code § 9617; added by Ord. No. 1028CCS, adopted 3/24/76; amended by Ord. No. 1590CCS § 1, adopted 7/23/91)

9.36.240 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 or she 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. (Prior code § 9618; added by Ord. No. 1028CCS, adopted 3/24/76; amended by Ord. No. 1590CCS § 1, adopted 7/23/91)

9.36.250 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 9.36.170(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 9.36.170 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. (Prior code § 9619; added by Ord. No. 1028CCS, adopted 3/24/76; amended by Ord. No. 1590CCS § 1, adopted 7/23/91; Ord. No. 2064CCS § 9, adopted 2/11/03)

9.36.260 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 authorizing the recordation. (Prior code § 9620; added by Ord. No. 1348CCS, adopted 11/26/85; amended by Ord. No. 1590CCS § 1, adopted 7/23/91)

9.36.270 Preservation incentives.

(a) **Architectural Review Exemption.** 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:

(1) All work to a designated landmark building or contributing structure to an adopted Historic District; and

(2) All additions to, modifications of, alterations of, or new construction on a landmark parcel or parcel containing a contributing structure to an adopted Historic District.

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 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 structure located in a Historic District shall be waived.

(d) 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 structures located in Historic Districts.

(g) **Historical Property Contracts.** Designated structures of merit, landmarks and contributing structures located in Historic Districts that are privately owned and not exempt from property 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 the 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. (Prior code § 9621; added by Ord. No. 1590CCS § 1, adopted 7/23/91; amended by Ord. No. 2064CCS § 10, adopted 2/11/03; Ord. No. 2206CCS § 3, adopted 10/3/06; Ord. No. 2464CCS § 1, adopted 7/22/14)

9.36.280 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). (Prior code § 9622; added by Ord. No. 1590CCS § 1, adopted 7/23/91)

9.36.290 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 Sermonte Del Monte Assembleas 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 9.36.130, 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. (Prior code § 9630; added by Ord. No. 1535CCS, adopted 8/7/90; amended by Ord. No. 1590CCS § 1, adopted 7/23/91)

9.36.300 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 exemplify, symbolize, and manifest 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.

(B) The location of the Bay Street Cluster adjacent to the old Pacific Electric railway line is significant from a cultural and social perspective as it provides a link to the City's original development of Ocean Park, and particularly Main Street as a new commercial area. Neilson Way was originally the Pacific Electric right-of-way known as the "Trolley way," and became a vehicular street in the 1930s. When the Pacific Electric street railway was linked between Los Angeles and Ocean Park in 1896, summer vacationers and weekend fun seekers were able to travel from the city to the coast in only forty minutes. This new transportation mode spurred growth in the area as it drew more visitors and crowds. Hotels and rooming houses sprang up to accommodate the weekend onslaught. Beach cottages, or small houses that were simply constructed, were built both speculatively for the tourist trade, and by individual families for occasional use.

(C) By the close of the 1910s, a substantial portion of Ocean Park had been improved. The 1920s and 1930s gave rise to a near-complete buildout of the area. This pattern of development has continued in the post World War II era, with the result that Ocean Park is characterized by a multi-layered historical legacy in terms of the ages, styles, and building types it contains. The Bay Cluster exemplifies typical Ocean Park development during the earliest portion of the twentieth century.

(2) The Bay Street Cluster has aesthetic or artistic interest or value, or other noteworthy interest or value in that:

(A) These buildings retain a high integrity of design, materials, workmanship, and selling. The Craftsman architectural style is characterized by rustic-textured building materials, board roof overhangs with exposed rafter tails at the eaves, and extensive pergolas and trellises over porches.

(B) The two-story Craftsman fourplexes at the corner of Bay Street and Neilson Way (137 and 141 Bay Street) feature front-gabled apartments that are oriented end-to-end. Articulated bargeboards, or boards attached to the projecting end of the gable roof, outline the shingled buildings. Horizontal slat vents are also located in the gable ends. A smaller gable, similarly pitched and detailed, covers an entry on the first floor of the southern elevation. Tripartite windows are visible on the lower story along the side elevations and above the entry gable on the south elevation. A continuous wood-railed balcony is attached to the west elevation where a series of glazed doors, double-hung sash windows, and tripartite openings also appear.

(C) The two buildings at 145 and 147 Bay Street are also intact examples of a Craftsman fourplex. Each of the buildings is two stories, capped by a front, low-pitched gable roof. Three gables face forward (south), one over each projecting bay at the ends of the building, and one over the building's center bay. Extended bargeboards and exposed beams and rafters characterize the Craftsman roof-styling. Three doors are located in the recessed central bay. Tripartite windows filter bands of square light across the top and nearly fill the side bays on both stories, and wrap the corners onto the side elevations. Other than the siding material which appears to simulate brick, the fourplex remains substantially unaltered.

(3) The Bay Street Cluster 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 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 9.36.130 and 9.36.140 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. (Added by Ord. No. 1994CCS § 1, adopted 12/5/00)

Chapter 9.40

THE THIRD STREET NEIGHBORHOOD HISTORIC DISTRICT STANDARDS

Sections:

9.40.010	**Definitions.**
9.40.020	**Applicability.**
9.40.030	**Criteria for issuance of applications.**
9.40.040	**Procedures.**
9.40.050	**Demolition.**
9.40.060	**Architectural Review Board exemption.**
9.40.070	**Design guidelines.**
9.40.080	**Maintenance and repair.**
9.40.090	**Citizen participation.**
9.40.100	**Conceptual review by Landmarks Commission.**
9.40.110	**Landscape survey.**

9.40.010 Definitions.

Words or phrases as used in this Chapter shall have the meaning as defined in Section 9.36.030 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 9.40.030(b).

(b) Certificate of Appropriateness. A certificate issued for a project in the Third Street Neighborhood Historic District pursuant to Section 9.40.030(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 9.40.030(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. (Prior code § 9631; added by Ord. No. 1557CCS, adopted 11/13/90; Ord. No. 1590CCS, adopted 7/23/91)

9.40.020 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.** 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:

(1) All interior alterations.

(2) House painting resulting in no change in color.

(3) New screens.

(4) Flat concrete work in the side and rear yards.

(5) Repaving of existing front yard paving, concrete work and walkways, if the same material in appearance as existing is used.

(6) General maintenance and repair if it results in no change in existing appearance.

(7) Removal or addition of minor landscape features, including sprinkler systems and excluding mature trees.

(8) Removal of mature trees if severely damaged or diseased.

(9) Emergency repairs necessary to preserve life, health or property as determined by the Building Officer to be immediate and necessary.

(10) Rear or side yard fences.

A certificate of exemption shall be required for the following work to noncontributing buildings within the District if a building permit is required:

(1) Roofing work, other than general maintenance.

(2) Foundation work, other than general maintenance.

(3) Chimney work, other than general maintenance.

(c) **Certificate of Administrative Approval.** A certificate of administrative approval shall be required for the following work to contributing and noncontributing buildings within the District:

(1) House painting resulting in a change in color.

(2) Retaining walls.

(3) New windows or doors.

(4) Skylights.

(5) Removal of mature trees if specifically identified in a landscape survey adopted by the Landmarks Commission.

(6) Removal, demolition, addition or alteration to front yard fences.

(7) Removal, demolition, addition, alteration or repaving of front yard paving, concrete work or walkways, if material used changes existing appearance.

(8) Roof top solar equipment or exterior telecommunication equipment.

(9) Mechanical systems including air conditioning or heating.

A certificate of administrative approval shall be required for the following work to contributing buildings within the District:

(1) Roofing work, other than general maintenance.

(2) Foundation work, other than general maintenance.

(3) 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 9.40.050. (Prior code § 9632; added by Ord. No. 1557CCS, adopted 11/13/90; Ord. No. 1590CCS, adopted 7/23/91)

9.40.030 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 9.40.020(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 9.40.020(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 9.40.020(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 9.36.140:

(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 9.36.160. (Prior code § 9633; added by Ord. No. 1557CCS, adopted 11/13/90; Ord. No. 1590CCS, adopted 7/23/91)

9.40.040 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 9.40.040(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 Public Electronic Network. 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 9.40.090 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 9.36.170(a) through 9.36.170(j), except that the applicant shall also be required to post notice of the pending application as provided in Section 9.40.040(b)(3), that notice of the public hearing shall be conducted as provided in Section 9.40.040(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 Public Electronic Network. 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 9.36.170(e) through 9.36.170(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 Public Electronic Network.

(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 9.36.180.

(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 9.36.170(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. (Prior code § 9634; added by Ord. No. 1557CCS, adopted 11/13/90; Ord. No. 1590CCS, adopted 7/23/91)

9.40.050 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 9.36.160.

(b) Noncontributing Structures. The demolition of noncontributing structures located within the District shall be permitted only upon compliance with the procedures set forth in Section 9.04.10.16.010.

(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 Administrator 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. (Prior code § 9635; added by Ord. No. 1557CCS, adopted 11/13/90; Ord. No. 1590CCS, adopted 7/23/91)

9.40.060 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. (Prior code § 9636; added by Ord. No. 1557CCS, adopted 11/13/90; Ord. No. 1590CCS, adopted 7/23/91)

9.40.070 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. (Prior code § 9637; added by Ord. No. 1557CCS, adopted 11/13/90; Ord. No. 1590CCS, adopted 7/23/91)

9.40.080 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. (Prior code § 9638; added by Ord. No. 1557CCS, adopted 11/13/90; Ord. No. 1590CCS, adopted 7/23/91)

9.40.090 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 9.40.100.

(c) Procedures by which the Committee shall make recommendations to the Landmarks Commission concerning applications filed under this Chapter. (Prior code § 9639; added by Ord. No. 1557CCS, adopted 11/13/90; Ord. No. 1590CCS, adopted 7/23/91)

9.40.100 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. (Prior code § 9640; added by Ord. No. 1557CCS, adopted 11/13/90; Ord. No. 1590CCS, adopted 7/23/91)

9.40.110 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. (Prior code § 9641; added by Ord. No. 1557CCS, adopted 11/13/90; Ord. No. 1590CCS, adopted 7/23/91)

Chapter 9.44*

SEXUALLY-ORIENTED BUSINESS

Sections:

9.44.010	**Statement of purpose.**
9.44.020	**Location of sexually-oriented businesses.**
9.44.030	**Definitions.**
9.44.040	**Amortization of nonconforming uses.**
9.44.050	**Processing and approval of business license applications.**
9.44.060	**Business license validity and conditions.**
9.44.070	**Sale or transfer of business.**
9.44.080	**Displays.**
9.44.090	**Judicial review.**

* **Prior history note:** Prior code §§ 9700—9704 and Ord. No. 1193CCS, adopted 1/14/81.

9.44.010 Statement of purpose.

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. 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. It is therefore the purpose of this Chapter to establish reasonable and uniform regulations to prevent the concentration of sexuallyoriented businesses or their close proximity to incompatible uses, while permitting the location of sexually-oriented businesses in certain areas. (Added by Ord. No. 2173CCS § 1 (part), adopted 10/25/05)

9.44.020 Location of sexually-oriented businesses.

It shall be unlawful to operate or cause to be operated a sexually-oriented business except as provided in this Code:

(a) 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.

(b) 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.

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. (Added by Ord. No. 2173CCS § 1 (part), adopted 10/25/05)

9.44.030 Definitions.

(a) "Adult-oriented merchandise" shall mean any goods, products, commodities or other ware, including, but not limited to videos, CD ROMs, 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 C3, C3C, C4, C5, LMSD, M1, and BSC Districts.

(c) "Distinguished or characterized by an emphasis upon" shall mean and refer to 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" 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.

(4) The relocation of any such sexually-oriented business.

(e) "Regularly features" shall mean 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" shall mean church, convent, monastery, synagogue, mosque, or other place of religious worship.

(g) "Residential districts" shall mean the R1, R2, R2R, R2B, R3, R3R, R4, RVC, R-MH, OP1, OP-D, OP2, OP3, and OP4 Districts or any other district designated by the City Council as a residential district.

(h) "School" shall mean any child 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" shall mean any of the following:

(1) "Adult arcade" shall mean 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" shall mean 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) which 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" shall mean 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" shall mean 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" shall mean an establishment that has thirty percent or more of its stock in adult-oriented merchandise.

(6) "Adult theater" shall mean 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" 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; or

(3) Fondling or other erotic touching of human genitals, pubic region, buttock, anus, or female breasts;

(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" 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 discernably 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" 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.

There is a rebuttable presumption that a business constitutes a sexually-oriented business where the business (1) offers or advertises merchandise that is distinguished or characterized by an emphasis upon specified sexual activities or specified anatomical areas and (2) fails to make revenue and inventory related business records available to the City upon reasonable advance notice. (Added by Ord. No. 2173CCS § 1 (part), adopted 10/25/05)

9.44.040 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. (Added by Ord. No. 2173CCS § 1, adopted 10/25/05)

9.44.050 Processing and approval of business license applications.

The City shall act upon any application for a business license to operate a sexually-oriented business within thirty days. The failure to act on the application within thirty 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:

(a) 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.

(b) The application does not contain the information required by this Chapter or Chapter 6 of this Code.

(c) All required fees have not been paid.

(d) The operation of the sexually-oriented business is or would be in violation of one or more provisions of this Chapter.

(e) The premises where the sexually-oriented business is or would be located do not comply with all applicable laws, including, but not limited to the City's building, health, zoning and fire ordinances.

(f) 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.

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. (Added by Ord. No. 2173CCS § 1, adopted 10/25/05)

9.44.060 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. (Added by Ord. No. 2173CCS § 1, adopted 10/25/05)

9.44.070 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 or 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. (Added by Ord. No. 2173CCS § 1, adopted 10/25/05)

9.44.080 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. (Added by Ord. No. 2173CCS § 1, adopted 10/25/05)

9.44.090 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. (Added by Ord. No. 2173CCS § 1, adopted 10/25/05)

Chapter 9.48

DEVELOPMENT AGREEMENTS

Sections:

9.48.010	**Authority and scope.**
9.48.020	**Application forms.**
9.48.030	**Fees.**
9.48.040	**Qualified applicant.**
9.48.050	**Proposed agreement.**
9.48.060	**Filing of application.**
9.48.070	**Review of application.**
9.48.080	**Duty to give notice.**
9.48.090	**Processing.**
9.48.100	**Notice of intention.**
9.48.110	**Manner of giving notice.**
9.48.120	**Failure to receive notice.**
9.48.130	**Hearing and recommendation of Planning Commission.**
9.48.140	**Hearing by City Council.**
9.48.150	**Decision by City Council.**
9.48.160	**Approval of development agreement.**
9.48.170	**Amendment and cancellation.**
9.48.180	**Recordation.**
9.48.190	**Periodic review.**
9.48.200	**Modification or termination.**
9.48.210	**Irregularity in proceedings.**

9.48.010 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 agreements 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. (Prior code § 9800; added by Ord. No. 1245CCS, adopted 2/9/82)

9.48.020 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 agreements. 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. (Prior code § 9801; added by Ord. No. 1245CCS, adopted 2/9/82)

9.48.030 Fees.

The City Council shall establish and from time to time amend by resolution a schedule of fees imposed for the filing and processing of each application and document required by this Chapter. (Prior code § 9802; added by Ord. No. 1245CCS, adopted 2/9/82)

9.48.040 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. (Prior code § 9803; added by Ord. No. 1245CCS, adopted 2/9/82)

9.48.050 Proposed agreement.

Each application shall be accompanied by the form of development agreement proposed by the applicant. (Prior code § 9804; added by Ord. No. 1245CCS, adopted 2/9/82)

9.48.060 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. (Prior code § 9805; added by Ord. No. 1245CCS, adopted 2/9/82)

9.48.070 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. (Prior code § 9806; added by Ord. No. 1245CCS, adopted 2/9/82)

9.48.080 Duty to give notice.

The Planning Director shall give all notices required by this Chapter. (Prior code § 9807; added by Ord. No. 1245CCS, adopted 2/9/82)

9.48.090 Processing.

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.

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. (Prior code § 9808; added by Ord. No. 1245CCS, adopted 2/9/82; Ord. No. 2418CCS § 1, adopted 2/26/13)

9.48.100 Notice of intention.

Upon completion of the staff report required by Section 9.48.070, 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. (Prior code § 9809; added by Ord. No. 1245CCS, adopted 2/9/82)

9.48.110 Manner of giving notice.

All notice required by this Chapter shall be given in the following manner:

A. 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 five hundred (500) feet of the property which is the subject of the development agreement.

B. Mailing or delivery to all tenants of property within five hundred (500) feet of the property which is the subject of the development agreement.

C. Mailing by first class mail to any person who has filed a written request therefor with the Planning Director.

D. Publication at least once in a newspaper of general circulation published and circulated in the City. (Prior code § 9810; added by Ord. No. 1245CCS, adopted 2/9/82)

9.48.120 Failure to receive notice.

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. (Prior code § 9811; added by Ord. No. 1245CCS, adopted 2/9/82)

9.48.130 Hearing and recommendation of Planning Commission.

The Planning Commission shall hold a public hearing on the proposed development agreement at the time and place specified in the notice of intention. 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.

F. Will adversely affect the orderly development of the property.

G. Will have a positive fiscal impact on the City. (Prior code § 9812; added by Ord. No. 1245CCS, adopted 2/9/82)

9.48.140 Hearing by City Council.

After the recommendation of the Planning Commission or after the expiration of the time period specified in Section 9.48.090, the Planning Director shall give notice of a public hearing before the City Council in the manner provided for in Sections 9.48.100 and 9.48.110. (Prior code § 9813; added by Ord. No. 1245CCS, adopted 2/9/82)

9.48.150 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. (Prior code § 9814; amended by Ord. No. 1245CCS, adopted 2/9/82)

9.48.160 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. (Prior code § 9815; amended by Ord. No. 1245CCS, adopted 2/9/82)

9.48.170 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 9.48.200 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. (Prior code § 9816; amended by Ord. No. 1245CCS, adopted 2/9/82)

9.48.180 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. (Prior code § 9817; amended by Ord. No. 1245CCS, adopted 2/9/82)

9.48.190 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. (Prior code § 9818; amended by Ord. No. 1245CCS, adopted 2/9/82)

9.48.200 Modification or termination.

(a) If upon a finding under Section 9.48.190(d), 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;

(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. (Prior code § 9819; amended by Ord. No. 1245CCS, adopted 2/9/82)

9.48.210 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. (Prior code § 9820; amended by Ord. No. 1245CCS, adopted 2/9/82)

Chapter 9.52

SANTA MONICA SIGN CODE

Sections:

9.52.010	**Sign Code.**
9.52.020	**Findings, purposes and policies.**
9.52.030	**Definitions.**
9.52.040	**Sign permit.**
9.52.041	**Landmarks Commission review.**
9.52.050	**Fees.**
9.52.060	**Sign permit application procedures.**
9.52.070	**Review of sign permit applications.**
9.52.080	**Action on sign permit applications.**
9.52.090	**Appeal.**
9.52.100	**Time for exercising sign permit and proof of compliance.**
9.52.110	**Administrative approval of sign permits.**
9.52.120	**Sign adjustment.**
9.52.125	**Exempt signs.**
9.52.130	**Permanent signs exempt from ARB approval.**
9.52.135	**Temporary sign regulations.**
9.52.140	**Permitted signs.**
9.52.150	**Prohibited signs.**
9.52.160	**Total sign area permitted by district.**
9.52.170	**Bayside District Specific Plan area.**
9.52.180	**Maintenance.**
9.52.190	**Consent of property owner.**
9.52.200	**Signs on street.**
9.52.210	**Removal or modifications of prohibited nonconforming signs.**
9.52.220	**Building officer's powers.**
9.52.230	**Enforcement.**

9.52.010 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. (Prior code § 9900; amended by Ord. No. 1333CCS, adopted 3/12/85; and Ord. No. 2002CCS § 1, adopted 3/27/01)

9.52.020 Findings, purposes and policies.

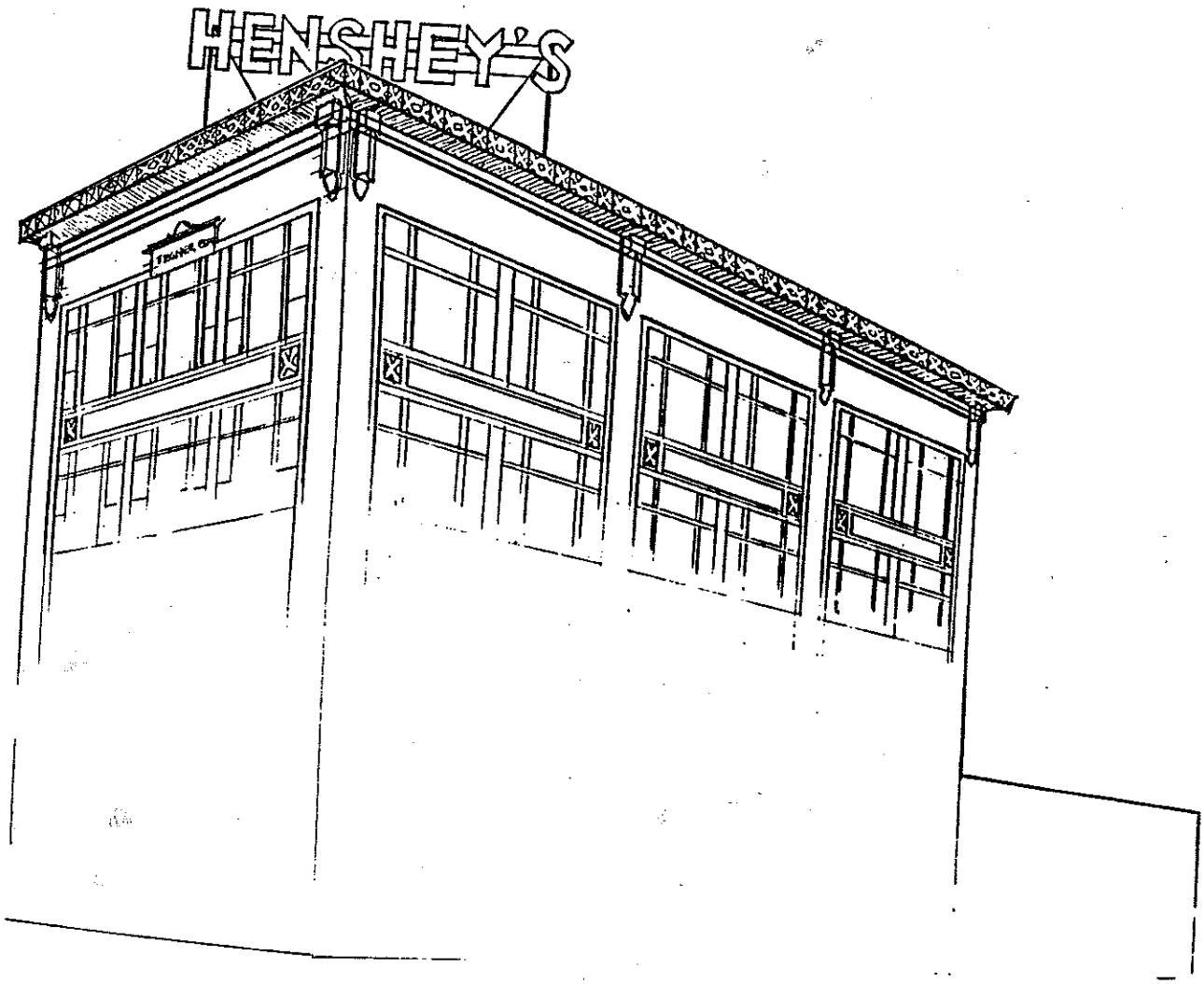
The City Council finds and declares:

(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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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.

(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. (Prior code § 9901; amended by Ord. No. 1333CCS, adopted 3/12/85; Ord. No. 2275CCS § 1, adopted 10/14/08)

9.52.030 Definitions.

The following words and phrases are used in the Santa Monica Sign Code shall have the following meanings:

(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 nonrigid 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 9.52.210 and 9.52.220 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 rooflike 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 roofmounted equipment structure and extending above a roof, parapet, or roofmounted 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 9.52.125, 9.52.130, and 9.52.135.

(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. (Prior code § 9902; added by Ord. No. 1333CCS, adopted 3/12/85; amended by Ord. No. 2275CCS § 2, adopted 10/14/08; Ord. No. 2359CCS § 1, adopted 5/24/11; Ord. No. 2396CCS § 1, adopted 4/10/12)

9.52.040 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 9.52.210(e)(3). (Prior code § 9903; added by Ord. No. 1333CCS, adopted 3/12/85)

9.52.041 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. (Added by Ord. No. 1652CCS § 1, adopted 10/13/92)

9.52.050 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. (Prior code § 9904; added by Ord. No. 1333CCS, adopted 3/12/85)

9.52.060 Sign permit application procedures.

Applications for sign permits shall be made on forms provided by the Planning Department and shall be accompanied by the following material:

(a) **Site Plan.** Scale plans indicating the location of existing signs to be retained or removed and proposed new signs.

(b) **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.

(c) **Proposed Building Elevations.** Scale drawings indicating locations of proposed signs and existing signs that are to be retained on the site.

(d) **Sign Illustration.** Scale drawing indicating dimensions, colors, materials, copy, illumination, and exterior structural fixtures of each sign on the site.

(e) **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.

(f) **Other Information.** Other information required by the guidelines and standards of the Architectural Review Board.

Within six months after the effective date of the ordinance codified in this Chapter, the Architectural Review Board shall prepare, and the Planning Commission shall approve, a standard application form meeting the requirements of this Section. (Prior code § 9905; added by Ord. No. 1333CCS, adopted 3/12/85)

9.52.070 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 9.52.110, such administrative approval shall occur within ten 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 9.32.130 of this Code. (Prior code § 9906; added by Ord. No. 1333CCS, adopted 3/12/85; amended by Ord. No. 2002CCS § 2, adopted 3/27/01)

9.52.080 Action on sign permit applications.

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:

(a) 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;

(b) 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;

(c) 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.

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.

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.

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.

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.

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. (Prior code § 9907; added by Ord. No. 1333CCS, adopted 3/12/85; amended by Ord. No. 2002 CCS § 3, adopted 3/27/01)

9.52.090 Appeal.

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 Section 9.12.010 of Chapter 9.12, Article 9 of the Santa Monica Municipal Code. 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. (Prior code § 9908; added by Ord. No. 1333CCS, adopted 3/12/85; amended by Ord. No. 2002CCS § 4, adopted 3/27/01)

9.52.100 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 six months of issuance of the sign permit or, in the case of a sign approved for a building not yet completed, six months after the issuance of the certificate of occupancy. Within thirty days of the completion of the sign, the applicant shall file with the Planning Department a color photograph at least three inches by three inches minimum in size showing completion of the sign or sign program in accordance with the sign permit. (Prior code § 9909; added by Ord. No. 1333CCS, adopted 3/12/85)

9.52.110 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 Chapter 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. (Prior code § 9910; added by Ord. No. 1333CCS, adopted 3/12/85)

9.52.120 Sign adjustment.

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:

(a) 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;

(b) 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;

(c) 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;

(d) The granting of the variance would not be inconsistent with the purposes of this Chapter.

A sign adjustment application shall be processed in accordance with the procedures for a sign permit application.

For purposes of this Section, the prohibitions contained in Section 9.52.150 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 9.52.210. (Prior code § 9911; added by Ord. No. 1333CCS, adopted 3/12/85; amended by Ord. No. 1956CCS § 1, adopted 9/28/99; Ord. No. 2002CCS § 5, adopted 3/27/01; Ord. No. 2275CCS § 3, adopted 10/14/08)

9.52.125 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 subsection (a), (b), (c), (d), (i), (j) (k), (*l*), or (m) of Section 9.52.150 or by Section 9.52.200. (Added by Ord. No. 2275CCS § 4, adopted 10/14/08)

9.52.130 Permanent signs exempt from ARB 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 two 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) 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 two 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 two per parcel for each street frontage.

(c) Public signs provided that they are not of the type prohibited by subsections (a), (b), (c), (h), (i), (j), (k), (*l*), and (m) of Section 9.52.150.

(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 twenty-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 three 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. (Prior code § 9912; added by Ord. No. 1333CCS, adopted 3/12/85; amended by Ord. No. 2002CCS § 6, adopted 3/27/01; Ord. No. 2275 § 4, adopted 10/14/08)

9.52.135 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 9.04.10.02.090.

(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) 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 thirty days.

(C) Notice will be mailed or otherwise provided within three 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.

(D) The owner of a sign may retrieve a sign collected by the City within thirty 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 six square feet in total area and not more than six feet in height; plus no more than three twelve-inch by four-inch riders, plus no more than one six-inch by eighteen-inch pennant for each twenty linear feet for street frontage, provided the sign is removed within fifteen 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 two acres in residential zones the sign area may be increased to thirty-two square feet. In no case shall the sign or signs be erected for more than twelve months.

(2) One temporary on-premises sign on property that is undergoing construction or remodeling not exceeding twenty-four square feet each in area and not more than six feet in height above grade and limited to one sign for each street frontage provided the sign is removed within seven days of completion of any construction or remodeling.

(3) One temporary on-premises sign not exceeding four square feet in area which is erected a maximum of two times per calendar year for a maximum of two days each display and which is removed by sunset on any day it is erected.

(4) Four temporary signs not exceeding six feet in height placed on private property within five 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 subsection (a), (b), (c), (i), (j), (k), or (l) of Section 9.52.150.

(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 twenty-four square feet each, are not higher than thirty inches above the second 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 fifteen days from the sale, lease or rental of the property. Properties with a lot width of fifty feet or less shall be limited to sixteen 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 twenty-four square feet each in area and not more than six feet in height above grade and limited to one sign for each street frontage provided the sign is removed within seven days of completion of any construction or remodeling.

(3) One temporary on-premises banner on a business that is newly opened not exceeding twenty percent of a business' front building façade area or one hundred square feet, which ever is less, not extending above the second floor floor line, and limited to one sixty-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 twenty percent of a business' front building façade area or one hundred square feet, which ever 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 sixteen square feet in area erected at the same time as the temporary uses allowed by Santa Monica Municipal Code Part 9.04.20.06, 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 subsection (a), (b), (c), (i), (j), (k), or (l) of Section 9.52.150.

(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 ten square feet in size.

(2) The sign face shall be no wider than two and one-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 twenty 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 subsection (a), (b), (c), (d), (e), (f), (g), (i), (j), (k), or (l) of Section 9.52.150 or by Section 9.52.200.

(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 9.52.125. (Added by Ord. No. 2275CCS § 6, adopted 10/14/08; amended by Ord. No. 2359CCS § 2, adopted 5/24/11; Ord. No. 2396CCS § 2, adopted 4/10/12; Ord. No. 2419CCS § 1, adopted 3/12/13)

9.52.140 Permitted signs.

When reviewed and approved by the Architectural Review Board, signs shall be permitted under the following provisions:

(a) **Attraction or Reader Boards.** Attraction or reader boards so long as they do not exceed twenty percent of total allowable sign area or are otherwise authorized pursuant to Section 9.52.160(g). Copy must be changed periodically during each calendar year.

(b) **Awning Signs.** Awning signs painted or printed on the surface of the awning material.

(c) **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.

(d) Light bulb strings.

(e) **Marquee Signs.** Marquee signs that do not extend more than twelve inches from the surface of the marquee, nor provide less than eight feet of clearance above ground level are permitted.

(f) Statues.

(g) **Wall Signs.** Wall signs so long as the display surface of the sign does not extend more than twelve inches from the wall, is parallel with the wall, does not project above the top of the wall or parapet or more than thirty 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 twelve inches in depth.

(h) **Permanent Window Signs.** Permanent window signs so long as the sign area does not exceed twenty percent of the first floor's total frontage glass area.

(i) **Projecting Signs.** Projecting signs so long as the sign is no greater than four and one-half square feet. (Prior code § 9913; added by Ord. No. 1333CCS, adopted 3/12/85; amended by Ord. No. 2002CCS § 7, adopted 3/27/01; Ord. No. 2275CCS § 7, adopted 10/14/08; Ord. No. 2359CCS § 3, adopted 5/24/11)

9.52.150 Prohibited signs.

The following signs, and any sign not authorized by Section 9.52.130 or 9.52.140, are prohibited:

(a) **Animated Signs.** Animated signs except that: (1) the City may use animated signs to preserve roadway safety and traffic circulation; and (2) primary and secondary schools may use animated signs on school property for school purposes.

(b) Balloon signs.

(c) **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.

(d) Freestanding and pole signs.

(e) **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.

(f) Off-premises signs.

(g) **Paper, Cloth or Plastic Streamers and Bunting.** Paper, cloth, or plastic streamers and bunting.

(h) Portable signs, except temporary signs authorized pursuant to Section 9.52.135.

(i) Roof signs.

(j) Upper level signs.

(k) **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.

(l) High-rise signs. (Prior code § 9914; amended by Ord. No. 1333CCS, adopted 3/12/85; Ord. No. 2275CCS § 8, adopted 10/14/08; Ord. No. 2359CCS § 4, adopted 5/24/11; Ord. No. 2440CCS § 1, adopted 9/24/13)

9.52.160 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 twenty square feet. If there is no public entrance, signage on that side is limited to a business identification sign, not to exceed two square feet.

(d) Notwithstanding the maximum sign area calculated by use of these factors, no single sign shall exceed one hundred 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 twenty-five square feet in area.

(f) The maximum sign area is as follows:

(1) **R1/OP1—One Family Residential District.** Applicable exempt signs;

(2) **R2R/OPD—Duplex Residential District.** Applicable exempt signs;

(3) **All Multiple Residential Districts Except the RVC 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 twenty-five square feet. Externally illuminated signs are permitted for the purpose of building name and address identification;

(4) **Hotels in R-4 Multiple 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 BSC, C3, C3C Commercial Districts, and the RVC District.** 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 9.52.160(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) **A—Off-Street Parking Districts.** The same as the sign requirements in the appropriate adjacent residential district.

(g) In the CM, BSC, and C2 Districts, one changeable copy sign that does not exceed one and one-half feet by two 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. (Prior code § 9915; amended by Ord. No. 1333CCS, adopted 3/12/85; Ord. No. 2002CCS § 8, adopted 3/27/01; Ord. No. 2359CCS § 5, adopted 5/24/11)

9.52.170 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 9.52.130, 9.52.140, 9.52.150, and 9.52.160 with respect to signs on buildings located within the Bayside District Specific Plan area. (Prior code § 9916; amended by Ord. No. 1333CCS, adopted 3/12/85; Ord. No. 1841CCS § 4, adopted 2/13/96)

9.52.180 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. (Prior code § 9917; amended by Ord. No. 1333CCS, adopted 3/12/85)

9.52.190 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. (Prior code § 9918; amended by Ord. No. 1333CCS, adopted 3/12/85)

9.52.200 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. (Prior code § 9919; amended by Ord. No. 1333CCS, adopted 3/12/85; Ord. No. 2002CCS § 9, adopted 3/27/01; Ord. No. 2275CCS § 9, adopted 10/14/08)

9.52.210 Removal or modifications of prohibited nonconforming signs.

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:

(a) Animated signs and emitting signs shall be stopped from such activity within six months from the effective date of this Chapter.

(b) 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 9.52.150(m) of this Chapter; and temporary window signs above the first story level shall be removed within six months from the effective date of this Chapter.

(c) Traffic sign replicas shall be removed or modified to comply with the provisions of this Chapter within six months from the effective date of this Chapter.

(d) 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 fifteen 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.

(e) 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 fifty percent destroyed, and the destruction is other than facial copy replacement, and the display is not repaired within ninety 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 ninety 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.

(f) 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.

(g) 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 the effective date of the ordinance codified in this Chapter.

(h) 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. (Prior code § 9920; added by Ord. No. 1333CCS, adopted 3/12/85; amended by Ord. No. 1956CCS § 2, adopted 9/28/99; Ord. No. 2002CCS § 10, adopted 3/27/01)

9.52.220 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. (Prior code § 9921; added by Ord. No. 1333CCS, adopted 3/12/85)

9.52.230 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 thirty 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 thirty 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 thirty days or fails to correct the violation within sixty 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 sixty 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 ninety 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 ninety 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 thirty 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 thirty-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. (Prior code § 9922; added by Ord. No. 1333CCS, adopted 3/12/85; amended by Ord. No. 1956CCS § 3, adopted 9/28/99)

Chapter 9.56

AFFORDABLE HOUSING PRODUCTION PROGRAM

Sections:

9.56.010 Findings and purpose.
9.56.020 Definitions.

9.56.030 Applicability of Chapter.
9.56.040 Affordable housing obligation.
9.56.050 On-site option.
9.56.060 Off-site option.
9.56.070 Affordable housing fee.
9.56.080 Land acquisition.
9.56.090 Fee waivers.
9.56.100 Pricing requirements for affordable housing units.
9.56.110 Eligibility requirements.
9.56.120 Relation to units required by Rent Control Board.
9.56.130 Deed restrictions.
9.56.140 Enforcement.
9.56.150 Annual report.
9.56.160 Principles and guidelines.
9.56.170 Adjustments or waivers.

9.56.010 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. (Added by Ord. No. 1918CCS § 1, adopted 7/21/98; amended by Ord. No. 2174CCS § 1, adopted 11/08/05; Ord. No. 2429CCS, adopted 6/25/13)

9.56.020 Definitions.

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

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.

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.

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 50% income households.

Adjusted for Household Size. 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 for a household size of eight persons. For households of more than eight persons, adjustments shall be made in accordance with applicable HUD regulations.

Adjusted for Household Size Appropriate for the Unit. 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.

Affordable Housing Fee. A fee paid to the City by a multi-family project applicant pursuant to Section 9.56.070 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.

Affordable Housing Unit. A housing unit developed by a multi-family project applicant pursuant to Section 9.56.050 or 9.56.060 of this Chapter which will be affordable to 30% income households, 50% income households, 80% income households, or moderate-income households.

Affordable Housing Unit Development Cost. 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.

Affordable Ownership Housing Cost. 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.

Affordable Rent.

(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.

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.

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 9.04.02.030.790 or any successor thereto.

Floor Area. Floor area as defined in Santa Monica Municipal Code Section 9.04.02.030.315 or any successor thereto.

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.

HCD. The California Department of Housing and Community Development or its successor.

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.

HUD. The United States Department of Housing and Urban Development or its successor.

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.

Industrial/Commercial District. Any district designated in the Santa Monica Zoning Ordinance as a commercial or industrial district.

Market Rate Unit. A dwelling unit as to which the rental rate or sales price is not restricted by this Chapter.

Moderate Income Household. A household whose gross income exceeds the maximum income for a eighty percent income household and whose gross income does not exceed the lesser of: (a) 120% of the area median income, adjusted for household size, as published and periodically updated by HCD; or (b) twice the income limit for fifty percent income households, adjusted for household size, as published and periodically updated by HUD.

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.

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.

Multi-Family Residential District. Any district designated in the Santa Monica Zoning Ordinance as a multi-family residential district.

Parcel. Parcel as defined in Santa Monica Municipal Code Section 9.04.02.030.570 or any successor thereto.

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.

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 9.04.10.16 et seq., or any successor thereto. (Added by Ord. No. 1918CCS § 1, adopted 7/21/98; amended by Ord. No. 1926CCS § 1, adopted 10/13/98; Ord. No. 2174CCS § 2, adopted 11/08/05; Ord. No. 2191CCS § 1, adopted 6/13/06; Ord. No. 2429CCS, adopted 6/25/13)

9.56.030 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 the effective date of the ordinance codified in this Chapter. 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 9.04.02.030.025 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 the ordinance codified in this Chapter shall be subject to the provisions of Santa Monica Municipal Code Section 9.56.010 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. (Added by Ord. No. 1918CCS § 1, adopted 7/21/98; amended by Ord. No. 2191CCS § 2, adopted 6/13/06; Ord. No. 2206CCS § 5, adopted 10/3/06; Ord. No. 2285CCS § 1, adopted 3/24/09; Ord. No. 2429CCS, adopted 6/25/13)

9.56.040 Affordable housing obligation.

All multi-family project applicants shall comply with the requirements of this Chapter in the following manner:

(a) 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:

(1) Providing affordable housing units on-site in accordance with Section 9.56.050;

(2) Providing affordable housing units off-site in accordance with Section 9.56.060.

(b) In addition to the options established in subsections (a)(1) and (2), all other multi-family project applicants may also choose one of the following options:

(1) Paying an affordable housing fee in accordance with Section 9.56.070;

(2) Acquiring land for affordable housing in accordance with Section 9.56.080.

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. (Added by Ord. No. 1918CCS § 1, adopted 7/21/98; amended by Ord. No. 2191CCS § 3, adopted 6/13/06; Ord. No. 2429CCS, adopted 6/25/13)

9.56.050 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 eighty percent 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 fifty percent 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 thirty percent 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 eighty percent 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) fifteen percent of the total units as rental units for fifty percent 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 thirty percent 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 thirty percent income households; (2) ten percent of the total units of the project for fifty percent income households; (3) twenty percent of the total units of the project for eighty percent income households; or (4) one hundred percent of the total units of a project for moderate income households in an Industrial/Commercial District.

(d) 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 9.56.070(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 thirty percent income households, fifty percent income households, eighty percent 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 thirty percent income households, fifty percent income households, or eighty percent 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, 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 9.56.070(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 and minimum number of occupants, 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 9.04.10.14.040 or any successor thereto and 9.04.10.14.050 or any successor thereto and the waiver/modification of development standards provided by Section 9.04.10.14.060 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. (Added by Ord. No. 1918CCS § 1, adopted 7/21/98; amended by Ord. No. 2191CCS § 4, adopted 6/13/06; Ord. No. 2350CCS § 7, adopted 2/22/11; Ord. No. 2385CCS § 1, adopted 12/13/11; Ord. No. 2429CCS, adopted 6/25/13; Ord. No. 2468CCS § 1, adopted 10/14/14)

9.56.060 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 9.56.050(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 9.56.050(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 9.56.050.

(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. (Added by Ord. No. 1918CCS § 1, adopted 7/21/98; amended by Ord. No. 2191CCS § 5, adopted 6/13/06; Ord. No. 2385CCS § 2, adopted 12/13/11; Ord. No. 2429CCS, adopted 6/25/13)

9.56.070 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 9.56.050:

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. No later than July 1, 2015, and approximately every five-year period thereafter, the City will conduct a comprehensive study of these fees and the results of the comprehensive study shall be reported to the City Council. 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. No later than July 1, 2015, and approximately every five-year period thereafter, the City will conduct a comprehensive study of these fees and the results of the comprehensive study shall be reported to the City Council. 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. (Added by Ord. No. 1918CCS § 1, adopted 7/21/98; amended by Ord. 1926CCS § 2, adopted 10/13/98; Ord. No. 2174CCS § 3, adopted 11/8/05; Ord. No. 2191CCS § 6, adopted 6/13/06; Ord. No. 2363CCS § 1, adopted 6/28/11; Ord. No. 2409CCS § 1, adopted 10/23/12; Ord. No. 2429CCS, adopted 6/25/13)

9.56.080 Land acquisition.

A multi-family project applicant may meet the affordable housing obligations established by this Chapter by making an irrevocable offer: (a) dedicating land to the City or a non-profit housing provider; (b) selling of land to the City or a non-profit housing provider at below market value; or (c) 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. 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. (Added by Ord. No. 1918CCS § 1, adopted 7/21/98; amended by Ord. No. 2429CCS, adopted 6/25/13)

9.56.090 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 shall be waived for required affordable housing units and for thirty percent, fifty percent, eighty percent and moderate-income dwelling units developed by the City or its designee using affordable housing fees. 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. (Added by Ord. No. 1918CCS § 1, adopted 7/21/98; amended by Ord. No. 2285CCS § 2, adopted 3/24/09; Ord. No. 2429CCS, adopted 6/25/13)

9.56.100 Pricing requirements for affordable housing units.

The City shall publish, on an annual basis, the thirty percent, fifty percent, eighty percent and moderate income household levels, and affordable rents for affordable housing units, adjusted for household size appropriate for the unit. (Added by Ord. No. 1918CCS § 1, adopted 7/21/98; amended by Ord. No. 2285CCS § 3, adopted 3/24/09; Ord. No. 2429CCS, adopted 6/25/13)

9.56.110 Eligibility requirements.

(a) Only thirty percent, fifty percent, eighty percent 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. (Added by Ord. No. 1918CCS § 1, adopted 7/21/98; amended by Ord. No. 2285CCS § 4, adopted 3/24/09; Ord. No. 2429CCS, adopted 6/25/13)

9.56.120 Relation to units required by Rent Control Board.

Thirty percent, fifty percent, eighty percent 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. (Added by Ord. No. 1918CCS § 1, adopted 7/21/98; amended by Ord. No. 2285CCS § 5, adopted 3/24/09; Ord. No. 2429CCS, adopted 6/25/13)

9.56.130 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. (Added by Ord. No. 1918CCS § 1, adopted 7/21/98; amended by Ord. No. 2429CCS, adopted 6/25/13)

9.56.140 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. (Added by Ord. No. 1918CCS § 1, adopted 7/21/98; amended by Ord. No. 2429CCS, adopted 6/25/13)

9.56.150 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. (Added by Ord. No. 1918CCS § 1, adopted 7/21/98; amended by Ord. No. 2429CCS, adopted 6/25/13)

9.56.160 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. (Added by Ord. No. 1918CCS § 1, adopted 7/21/98; amended by Ord. No. 2285CCS § 6, adopted 3/24/09; Ord. No. 2429CCS, adopted 6/25/13)

9.56.170 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 Part 9.04.20.24, Sections 9.04.20.24.010 through 9.04.20.24.050 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. (Added by Ord. No. 2174CCS § 4, adopted 11/8/05; amended by Ord. No. 2207CCS § 10, adopted 10/3/06; Ord. No. 2429CCS, adopted 6/25/13)

Chapter 9.60

HISTORIC RESOURCE DISCLOSURE

Sections:

9.60.010 Definitions.
9.60.020 Disclosure of historic resources.
9.60.030 Remedies.

9.60.010 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, copartnership, 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. (Added by Ord. No. 2103 § 1, adopted 12/16/03)

9.60.020 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, 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 as soon as practicable before transfer of title. 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. (Added by Ord. No. 2103 § 1, adopted 12/16/03)

9.60.030 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 9.60.020 may bring a civil action for damages. (Added by Ord. No. 2103 § 1, adopted 12/16/03)

Chapter 9.64

CITY COUNCIL CEQA APPEALS

Section:

9.64.010 City Council CEQA appeals.

9.64.010 City Council CEQA appeals.

Any person may appeal to the City Council from the decision of a nonelected decisionmaking 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 decisionmaking 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. (Added by Ord. No. 2139CCS § 10, adopted 9/14/04)

Chapter 9.68

CHARITABLY FUNDED PUBLIC PROJECTS

Section:

9.68.010 Processing of charitably funded public projects.

9.68.010 Processing of charitably funded public projects.

Any project intended for recreational, cultural, educational or other public use which is, or will be upon completion, owned by the City and which is funded or partially funded by a grant from a charitable foundation or private, charitable donor, shall be given priority in:

(a) Permit processing;

(b) Plan check review; and

(c) Administrative appeals.

Additionally, any such project shall be exempt from permit and appeal fees. (Added by Ord. No. 2190CCS § 1, adopted 6/13/06)

Chapter 9.72

CHILD CARE LINKAGE PROGRAM

Sections:

9.72.010 Findings and purpose.
9.72.020 Applicability of Chapter.
9.72.030 Definitions.
9.72.040 Child care requirement.
9.72.050 Fee adjustments or waivers.
9.72.060 Fee revenue account.
9.72.070 Use of funds.
9.72.080 Automatic annual adjustment.
9.72.090 Annual report.
9.72.100 Refunds.
9.72.110 Fee revision by resolution.
9.72.120 Regulations.

9.72.010 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. (Added by Ord. No. 2211CCS § 1, adopted 12/5/06)

9.72.020 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. (Added by Ord. No. 2211CCS § 1, adopted 12/5/06)

9.72.030 Definitions.

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

Child Care Facility. A child day care facility as defined in California Health and Safety Code Section 1596.76.

Child Care Linkage Fee. A fee paid to the City by an applicant pursuant to Section 9.72.040 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.

Child Care Provider. An organization which operates a child day-care facility as defined in California Health and Safety Code Section 1596.791.

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.

Hotel. Hotel as defined at Santa Monica Municipal Code Section 9.04.02.030.410 and Motel as defined at Santa Monica Municipal Code Section 9.04.02.030.515, or any successor legislation.

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.

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 9.04.02.030.540, or any successor legislation.

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 9.04.02.030.315, 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 9.72.050 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.

Residential Development. Development of a multi-family dwelling units for a household as those terms are defined in Sections 9.04.02.030.270 and 9.04.02.030.415, 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.

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 9.04.02.030.345, or any successor legislation. (Added by Ord. No. 2211CCS § 1 (part), adopted 12/5/06)

9.72.040 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:

(i) Office: five dollars and twenty-seven cents per square feet.

(ii) Retail: three dollars and seventy-seven cents per square feet.

(iii) Hotel: two dollars and sixty-four cents per square feet.

(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 Part 9.04.20.24, Sections 9.04.20.24.010 through 9.04.20.24.040 of this Code. (Added by Ord. No. 2211CCS § 1 (part), adopted 12/5/06)

9.72.050 Fee adjustments or waivers.

(a) A developer of any project subject to the fee described in Section 9.72.040(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 Part 9.04.20.24, Sections 9.04.20.24.010 through 9.04.20.24.040 of this Code. 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. (Added by Ord. No. 2211CCS § 1 (part), adopted 12/5/06)

9.72.060 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. (Added by Ord. No. 2211CCS § 1 (part), adopted 12/5/06)

9.72.070 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. (Added by Ord. No. 2211CCS § 1 (part), adopted 12/5/06)

9.72.080 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. (Added by Ord. No. 2211CCS § 1, adopted 12/5/06)

9.72.090 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). (Added by Ord. No. 2211CCS § 1, adopted 12/5/06)

9.72.100 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). (Added by Ord. No. 2211CCS § 1, adopted 12/5/06)

9.72.110 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. (Added by Ord. No. 2211CCS § 1, adopted 12/5/06)

9.72.120 Regulations.

The City Manager, or her/his designee, is authorized 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 9.72 of the Santa Monica Municipal Code or as otherwise designated by the City Clerk. All such administrative regulations or guidelines must be in writing. (Added by Ord. No. 2211CCS § 1, adopted 12/5/06)

Chapter 9.73

TRANSPORTATION IMPACT FEE PROGRAM

Sections:

9.73.010	**Findings and purpose.**
9.73.020	**Applicability of Chapter.**
9.73.030	**Definitions.**
9.73.040	**Transportation mitigation requirement.**
9.73.050	**Fee adjustments and waivers.**
9.73.060	**Fee revenue account.**
9.73.070	**Distribution of transportation impact fee funds.**
9.73.080	**Periodic review and adjustment of transportation impact fees.**
9.73.090	**Fee refunds.**
9.73.100	**Fee revision by resolution.**
9.73.110	**Regulations.**

9.73.010 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. (Added by Ord. No. 2420CCS § 1, adopted 3/12/13)

9.73.020 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 requirements of Santa Monica Municipal Code Section 9.04.02.030.065 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. (Added by Ord. No. 2420CCS § 1, adopted 3/12/13)

9.73.030 Definitions.

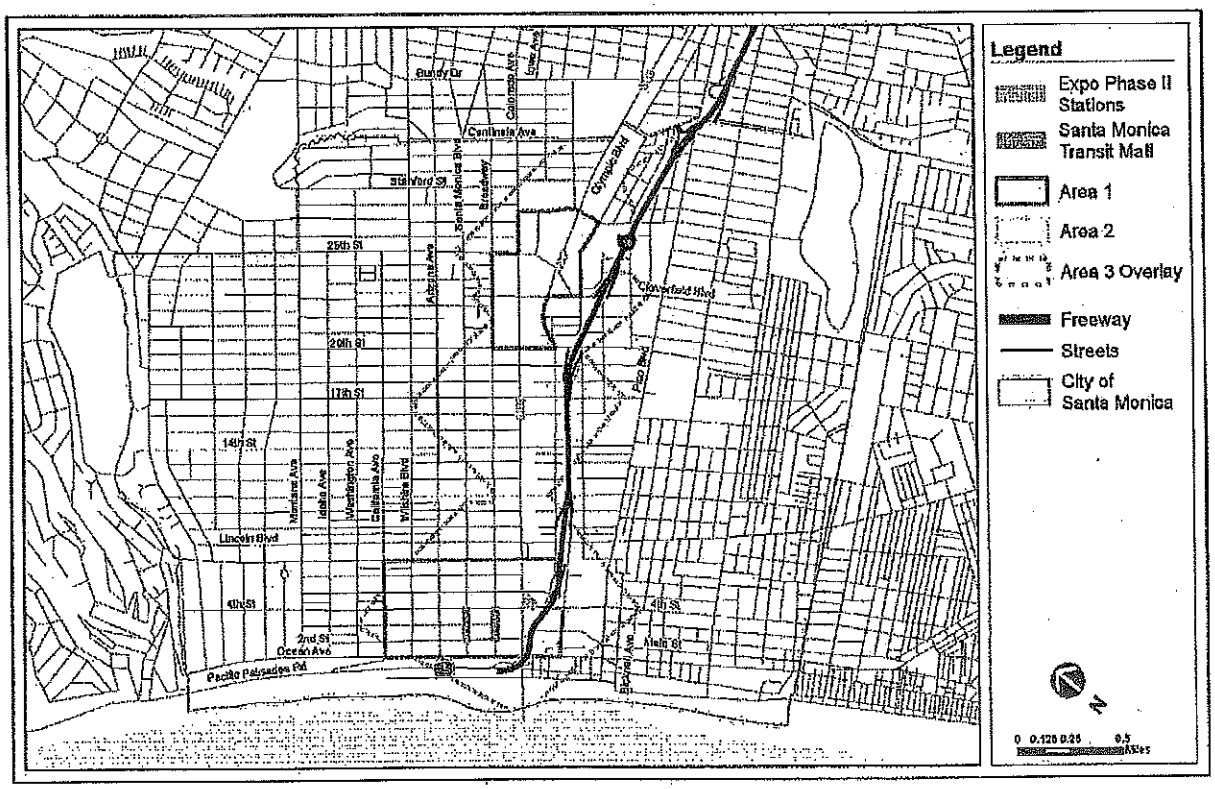
For the purpose of this Chapter, the following terms shall be defined as follows:

(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 9.73.040(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 9.04.02.030.315, 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 9.73.050 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 9.73.040 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"). (Added by Ord. No. 2420CCS § 1, adopted 3/12/13)

9.73.040 Transportation mitigation requirement.

Except as provided in Section 9.73.050, 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. (Added by Ord. No. 2420CCS § 1, adopted 3/12/13)

9.73.050 Fee adjustments and waivers.

(a) A developer of any project subject to the fee described in Section 9.73.040(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 Planning and Community Development Director, 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 Part 9.04.20.24, Sections 9.04.20.24.010 through 9.04.20.24.040 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. (Added by Ord. No. 2420CCS § 1, adopted 3/12/13)

9.73.060 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. (Added by Ord. No. 2420CCS § 1, adopted 3/12/13)

9.73.070 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. (Added by Ord. No. 2420CCS § 1, adopted 3/12/13)

9.73.080 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. (Added by Ord. No. 2420CCS § 1, adopted 3/12/13)

9.73.090 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 Planning and Community Development Director 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. (Added by Ord. No. 2420CCS § 1, adopted 3/12/13)

9.73.100 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. (Added by Ord. No. 2420CCS § 1, adopted 3/12/13)

9.73.110 Regulations.

The Planning and Community Development Director, 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. (Added by Ord. No. 2420CCS § 1, adopted 3/12/13)

Chapter 9.74

AFFORDABLE HOUSING COMMERCIAL LINKAGE FEE PROGRAM

Sections:

9.74.010	**Purpose and findings.**
9.74.020	**Applicability of Chapter.**
9.74.030	**Definitions.**
9.74.040	**Affordable housing mitigation requirement.**
9.74.050	**Fee adjustments and waivers.**
9.74.060	**Fee revenue account.**
9.74.070	**Distribution of affordable housing commercial linkage fee funds.**
9.74.080	**Periodic review and adjustment of affordable housing commercial linkage fees.**
9.74.090	**Fee refunds.**
9.74.100	**Fee revision by resolution.**
9.74.110	**Regulations.**

9.74.010 Purpose and findings.

(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 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 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. (Added by Ord. No. 2470CCS § 1, adopted 10/14/14)

9.74.020 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 the ordinance codified in this Chapter. 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 Chapter, 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. (Added by Ord. No. 2470CCS § 1, adopted 10/14/14)

9.74.030 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 9.04.02.030.315, 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 9.74.040 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. (Added by Ord. No. 2470CCS § 1, adopted 10/14/14)

9.74.040 Affordable housing mitigation requirement.

Except as provided in Section 9.74.050, 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: nine dollars and seventy-five cents per square foot.

(B) Office: eleven dollars and twenty-one cents per square foot.

(C) Hotel/lodging: three dollars and seven cents per square foot.

(D) Hospital: six dollars and fifteen cents per square foot.

(E) Industrial: seven dollars and fifty-three cents per square foot.

(F) Institutional: ten dollars and twenty-three cents per square foot.

(G) Creative office: nine dollars and fifty-nine cents per square foot.

(H) Medical office: six dollars and eighty-nine cents per square foot.

(2) The land use categories identified in subsections (a)(1)(A) through (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 offices, 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. (Added by Ord. No. 2470CCS § 1, adopted 10/14/14)

9.74.050 Fee adjustments and waivers.

(a) A developer of any project subject to the fee described in Section 9.73.040(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 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 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 Part 9.04.20.24, Sections 9.04.20.24.010 through 9.04.20.24.050 of this Code or any successor thereto.

(d) 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 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 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. (Added by Ord. No. 2470CCS § 1, adopted 10/14/14)

9.74.060 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. (Added by Ord. No. 2470CCS § 1, adopted 10/14/14)

9.74.070 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. (Added by Ord. No. 2470CCS § 1, adopted 10/14/14)

9.74.080 Periodic review and adjustment of affordable housing commercial linkage fees.

To account for inflation in affordable housing development costs, the fee imposed by this Chapter shall be adjusted automatically on July 1st 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 months. (Added by Ord. No. 2470CCS § 1, adopted 10/14/14)

9.74.090 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 Planning and Community Development Director 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. (Added by Ord. No. 2470CCS § 1, adopted 10/14/14)

9.74.100 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. (Added by Ord. No. 2470CCS § 1, adopted 10/14/14)

9.74.110 Regulations.

The City Manager, 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. (Added by Ord. No. 2470CCS § 1, adopted 10/14/14)

Chapter 9.75

PARKS AND RECREATION DEVELOPMENT IMPACT FEE PROGRAM

Sections:

9.75.010	**Findings and purpose.**
9.75.020	**Applicability of Chapter.**
9.75.030	**Definitions.**
9.75.040	**Parks and recreation mitigation requirement.**
9.75.050	**Fee adjustments and waivers.**
9.75.060	**Fee revenue account.**
9.75.070	**Distribution of parks and recreation development impact funds.**
9.75.080	**Periodic review and adjustment of parks and recreation development impact fees.**
9.75.090	**Fee refunds.**
9.75.100	**Fee revision by resolution.**
9.75.110	**Regulations.**

9.75.010 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 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 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. (Added by Ord. No. 2471CCS § 1, adopted 10/14/14)

9.75.020 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 the ordinance codified in this Chapter. Any project subject to the provisions of this Chapter shall not be required to comply with

Chapter 6.80 or Part 9.04.10.12 of the Santa Monica Municipal Code, Project Mitigation Measures.

(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 9.04.02.030.025 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; 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 Chapter, 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. (Added by Ord. No. 2471CCS § 1, adopted 10/14/14)

9.75.030 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 9.04.02.030.315, 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 9.75.040 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. (Added by Ord. No. 2471CCS § 1, adopted 10/14/14)

9.75.040 Parks and recreation mitigation requirement.

Except as provided in Section 9.75.050, 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) Seven thousand six hundred thirty-six dollars per single-family dwelling unit.

(2) For multi-family residential development projects that result in the addition of a dwelling unit:

(A) Four thousand one hundred thirty-eight dollars per studio/one-bedroom multi-family dwelling unit.

(B) Six thousand six hundred sixty-five dollars 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: two dollars and thirty-one cents per square foot.

(B) Medical office: one dollar and twenty-seven cents per square foot.

(C) Retail: one dollar and forty-nine cents per square foot.

(D) Lodging: three dollars and eleven cents per square foot.

(E) Industrial: one dollar and thirty cents per square foot.

(4) The land use categories identified in subsections (a)(1) through (3), above, 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) 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 cafés, 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 subsections (a)(2) and (a)(3) of this Section.

(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. (Added by Ord. No. 2471CCS § 1, adopted 10/14/14)

9.75.050 Fee adjustments and waivers.

(a) A developer of any project subject to the fee described in Section 9.75.040 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 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 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 Part 9.04.20.24, Sections 9.04.20.24.010 through 9.04.20.24.050 of this Code or any successor thereto.

(d) 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 parks and recreation 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 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. (Added by Ord. No. 2471CCS § 1, adopted 10/14/14)

9.75.060 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. (Added by Ord. No. 2471CCS § 1, adopted 10/14/14)

9.75.070 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. (Added by Ord. No. 2471CCS § 1, adopted 10/14/14)

9.75.080 Periodic review and adjustment of parks and recreation development impact fees.

To account for inflation in construction costs, the fee imposed by this Chapter shall be adjusted automatically on July 1st 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 months. (Added by Ord. No. 2471CCS § 1, adopted 10/14/14)

9.75.090 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. (Added by Ord. No. 2471CCS § 1, adopted 10/14/14)

9.75.100 Fee revision 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. (Added by Ord. No. 2471CCS § 1, adopted 10/14/14)

9.75.110 Regulations.

The City Manager, 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. (Added by Ord. No. 2471CCS § 1, adopted 10/14/14)