

Table 9.28.060: PARKING REGULATIONS BY USE AND LOCATION			
Land Use Classification	Citywide (Excluding Parking Overlay Area 1, Downtown Community Plan Area, and Bergamot Area Plan Area)	Parking Overlay Area 1	Downtown Community Plan Area (maximum parking allowed)
<i>Indoor Warehousing and Storage</i>	1 space per 1,000 sq. ft.	1 space per 1,000 sq. ft.	N/A
<i>Personal Storage</i>	1 space per 4,000 sq. ft.	1 space per 4,000 sq. ft.	N/A
<i>Wholesaling and Distribution</i>	1 space per 1,000 sq. ft.	1 space per 1,000 sq. ft.	N/A

SECTION 32. Santa Monica Municipal Code Section 9.31.300 is hereby renumbered 9.31.025 and amended to read as follows:

9.31.025 Accessory Dwelling Units and Junior Accessory Dwelling Units

Notwithstanding the accessory structure standards of Section 9.21.020, accessory dwelling units and junior accessory dwelling units shall be developed, located, and operated in accordance with the following standards.

A. Purpose. The purpose of this section is to allow and regulate accessory dwelling units and junior accessory dwelling units in compliance with California Government Code sections 65852.2 and 65852.22 and, in doing so, to increase the supply of affordable housing in the City. This section shall not be considered in the application of any City ordinance, policy, or program to limit residential growth.

B. Accessory Dwelling Unit. Accessory dwelling unit (ADU) means an attached or detached residential dwelling unit that provides complete independent living facilities for one or more persons and that is located on a parcel with a proposed or

existing primary single-unit or multi-unit dwelling. An ADU shall contain a kitchen and full bathroom separate from the primary dwelling(s) and accessible only to the inhabitants of the ADU. An ADU shall not have interior access to an existing or proposed single-unit dwelling or unit within a multiple-unit dwelling and shall have exterior access that is independent of that for any single-unit dwelling or unit within a multiple-unit dwelling. An ADU may also be: (1) an efficiency unit, as defined in Section 17958.1(b) of the Health and Safety Code; or (2) a manufactured home, as defined in Section 18007 of the Health and Safety Code. An ADU shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the primary single-unit or multiple-unit dwelling is or will be situated.

C. Junior Accessory Dwelling Unit. Junior accessory dwelling unit (JADU) means a dwelling unit that is no more than 500 square feet in size and is contained entirely within an existing or proposed single-unit dwelling. A JADU shall include a separate entrance from the main entrance to the proposed or existing single-unit dwelling, but may also provide internal access, and shall include an efficiency kitchen, which shall include (1) a cooking facility with appliances and (2) a food preparation counter and storage cabinets that are of reasonable size in relation to the size of the JADU. A JADU may include separate sanitation facilities or may share sanitation facilities with the existing structure. For purposes of providing service for water, sewer, or power, or for fire or life protection, a JADU shall not be considered a separate or new dwelling unit.

D. ADU and JADU Uses Permitted By Right. An ADU or JADU that conforms to all standards of this Section shall be permitted by right, shall be deemed to be consistent with the City's general plan and zoning designation for the parcel on which the

ADU or JADU is located, and shall be deemed to meet the allowable density for the parcel on which the ADU or JADU is located.

E. Procedures. If an ADU or JADU complies with the requirements of this Chapter, development is by right and only a building permit is required. Correction of nonconforming zoning conditions will not be required as a condition of approval, except that the City is not prohibited from enforcing compliance with applicable building standards in accordance with Health and Safety Code Section 17980.12. An application to create an ADU or JADU submitted with a permit application to create a new dwelling on the parcel shall be acted upon when or before the application for the new dwelling is acted upon. An application to establish or construct an ADU or JADU on a parcel that contains an existing single-unit or multiple-unit dwelling shall be deemed complete if not acted on within 60 days from the date that the application is complete, except that the applicant may request a delay and the 60-day time period shall be tolled for the period of the delay.

F. Establishment of ADUs and JADUs. An ADU or JADU that meets the requirements of this Section may be established on any legal parcel that is zoned to allow for single-unit or multiple-unit dwelling residential use and on which a primary single-unit dwelling or multiple-unit dwelling has been previously established or is proposed to be established in conjunction with construction of the ADU or JADU. Except as set forth in subsection (G) below, no more than one ADU and one JADU is permitted per parcel.

G. Permitted ADUs and JADUs. Subject to the requirements set forth in this Section, the following ADUs and JADUs shall be permitted as follows:

1. Parcel with Single-Unit Dwelling. One ADU or one JADU may be constructed or established on any parcel on which a single-unit dwelling has been previously established or is proposed to be constructed, except that one detached ADU permitted under subsection (b) below and one JADU permitted under subsection (c) below may be established or constructed and located on the same parcel.

a. Attached ADUs. One attached ADU may be established or constructed in conjunction with an existing or proposed single-unit dwelling as follows:

- i. An attached ADU may be newly constructed as an addition to an existing single-unit dwelling;
- ii. An attached ADU may be established within the footprint of a proposed single-unit dwelling; or
- iii. An attached ADU may be established by converting floor area of an existing single-unit dwelling.

b. Detached ADU. One detached ADU may be constructed or established in conjunction with an existing or proposed single-unit dwelling as follows:

- i. A detached ADU may be newly constructed; or
- ii. A detached ADU may be established by converting floor area of a legal existing detached accessory structure.

c. JADU. One JADU may be constructed or established in conjunction with an existing or proposed single-unit dwelling as follows:

i. A JADU may be established within the footprint of a proposed single-unit dwelling; or

ii. A JADU may be established by converting floor area of an existing single-unit dwelling.

2. Parcel with Existing Multiple-Unit Dwellings. One or more ADUs may be permitted on a parcel with an existing multiple-unit dwelling as set forth in this subsection. ADUs permitted under paragraphs (a) and (b) below may be located on the same parcel.

a. Conversion of Existing Multiple-Unit Dwelling Footprint to ADU(s). At least one ADU, or up to 25 percent of the existing multiple-unit dwelling total unit count, whichever is greater, may be established or constructed by converting floor area within an existing multiple-unit dwelling.

b. Detached ADUs on Multiple-Unit Parcel. No more than two detached ADUs may be established or constructed.

H. Permitted Locations for Newly Constructed ADUs and JADUs. Newly-constructed ADUs and JADUs shall be located on a parcel as set forth in this subsection and subject to all applicable setback requirements set forth in subsection (L) below.

1. Parcels with Single-Unit Dwellings.

a. An attached ADU or JADU may be located either in the front or rear half of the parcel.

b. A detached ADU shall be located on the rear half of a parcel.

c. A detached ADU shall be located a minimum of six feet from the existing single-unit dwelling, as measured between exterior walls.

d. On a reverse corner parcel, an ADU or JADU shall not be located nearer to the street side parcel line of such corner parcel than one half of the front setback depth required on the key parcel, nor be located nearer than 4 feet to the side parcel line of any key parcel.

e. On a through parcel, an ADU or JADU shall not project into any front setback except as provided under subsection (K) below. Pursuant to Section 9.04.110(B), the front setback borders the street primarily used as frontage by the majority of neighboring parcels.

2. Parcels with Multiple-Unit Dwellings.

a. A detached ADU may be located either in the front or rear half of the parcel, but shall be a minimum of six (6) feet from existing multiple-unit dwelling(s), as measured between exterior walls.

b. On a reverse corner parcel, an ADU or JADU shall not be located nearer to the street side parcel line of such corner parcel than one half of the front setback depth required on the key parcel, nor be located nearer than 4 feet to the side parcel line of any key parcel.

c. On a through parcel, an ADU or JADU shall not project into any front setback except as provided under subsection (L) below. Pursuant to Section 9.04.110(B), the front setback borders the street primarily used as frontage by the majority of neighboring parcels.

I. Standards for ADUs and JADUs Established by Converting Floor Area of Legal Existing Structures. ADUs and JADUs established by converting floor area of legal existing structures shall adhere to the following standards set forth in this subsection and subject to all applicable setback requirements set forth in subsection (L) below.

1. Parcel with Single-Unit Dwelling.

a. Attached ADU.

i. An ADU that is established by converting floor area of an existing single-unit dwelling that is located in the front setback may only expand the footprint of the single-unit dwelling up to 150 square feet into the front setback to accommodate ingress and egress. An ADU that is established by converting floor area of an existing single-unit dwelling that is not located within the front setback may expand the footprint beyond 150 square feet up to the total size permitted under subsection (J) below.

b. Detached ADU.

i. An ADU may be established by converting floor area within a legal existing accessory structure or by reconstructing the ADU in the same location and to the same dimensions as the original structure.

ii. An ADU that is established by converting floor area of a legal existing accessory structure may expand the footprint of the existing accessory structure if the addition or enlargement is made to conform to all standards set forth in this Section and is a minimum of six feet from the existing single-unit dwelling, as measured between exterior walls.

iii. An ADU that is established by converting floor area of a legal existing accessory structures located in the front setback may only expand the footprint up to 150 square feet into the front setback to accommodate ingress and egress.

c. JADU.

i. A JADU that is constructed or established by converting floor area of an existing single-unit dwelling may only expand the footprint up to 150 square feet to accommodate ingress and egress, but in no case shall such expansion result in a JADU that exceeds 500 square feet.

2. Parcel with Multiple-Unit Dwelling.

a. Conversion of Existing Multiple-Unit Dwelling Footprint to ADU(s). At least one ADU, or up to 25 percent of the existing multiple-unit dwelling total unit count, whichever is greater, may be established within portions of existing multiple-unit dwellings that are not used as livable space and are enclosed on at least three sides, such as storage rooms, boiler rooms, passageways, attics, basements, or garages, if each converted ADU complies with state building standards for dwellings. No additions to or enlargements of the footprint of the existing multiple unit dwelling shall be permitted to establish or construct ADUs in accordance with this paragraph.

J. Size. The following unit size limits apply to ADUs and JADUs:

1. The minimum size of an ADU or JADU is 220 square feet of floor area.

2. The maximum size of a detached or attached studio or one-bedroom ADU is 850 square feet of floor area.

3. The maximum size of a detached or attached ADU with more than one-bedroom is:

a. 1,000 square feet of floor area for parcels of less than 10,000 square feet; and

b. 1,200 square feet for parcels of 10,000 square feet or greater.

4. The floor area of an attached ADU shall not exceed 50 percent of the floor area of the primary dwelling.

5. The maximum size of a JADU is 500 square feet of floor area.

K. ADUs and JADUs Exempt from Floor Area and Parcel Coverage.

1. Floor area does not include ADUs and JADUs established in accordance with this Section. See Section 9.04.080, Determining Floor Area.

2. Areas covered by or directly below ADUs and JADUs established in accordance with this Section shall be excluded from the footprint area for purposes of determining parcel coverage. See Section 9.04.100, Determining Residential Parcel Coverage.

L. Setbacks. An ADU or JADU shall adhere to the following setback requirements:

1. An ADU or JADU shall not be permitted within the front setback, however, when converting floor area within an existing single-unit dwelling or a legal accessory structure located in the front setback, an ADU or JADU may expand the footprint of said structure up to 150 square feet to only accommodate

ingress and egress as set forth in subsections (I)(1)(a)(i), (I)(1)(b)(iii), and (I)(1)(c) above.

2. Side and rear setbacks of four (4) feet are required for an ADU or JADU, except that:

a. An ADU or JADU constructed or established pursuant to paragraph (G)(1)(a)(ii), (G)(1)(a)(iii), (G)(1)(b)(ii), or (G)(1)(c) above shall be subject to side and rear setbacks only as required for fire and safety if the ADU or JADU meets the following requirements:

i. The ADU or JADU is within the proposed space of a single-unit dwelling or existing space of a single-unit dwelling or accessory structure and may include an expansion of not more than 150 square feet beyond the same physical dimensions as the existing accessory structure for purposes of accommodating ingress and egress;

ii. The space has exterior access from the proposed or existing single-family dwelling; and

iii. The JADU complies with the requirements of Government Code Section 65852.22.

b. No side or rear setback shall be required for an ADU or JADU constructed or established pursuant to paragraph (G)(1)(b)(ii) above.

c. An ADU or JADU may have a side and/or rear setback equivalent to the primary dwelling(s) if the primary dwelling(s) are permitted to have a side and/or rear setback of less than four (4) feet.

M. Height. An attached ADU or JADU shall comply with the height limitations for the primary dwelling unit to which it is attached. A detached ADU shall not exceed two stories or 24 feet in height.

N. Design Standards and Exterior Features. The exterior design of an ADU or JADU, including building forms, materials, colors, exterior finishes, and landscaping, shall be compatible in size, location, and appearance with the primary single-unit dwelling or multiple-unit dwelling on the parcel and shall adhere to the following:

1. ADUs and JADUs are required to have independent exterior access separate from the primary dwelling unit(s).

2. Within the R1 District, an attached ADU or JADU located entirely or partially on the second story of a single-unit dwelling shall comply with all applicable stepback requirements set forth in 9.07.030.

3. Upper-story outdoor spaces for attached ADUs and JADUs, such as first-story roof decks, landings, upper level walkways, and balconies, shall conform to all standards set forth for the primary dwelling unit(s).

4. Upper-story outdoor spaces for detached ADUs, such as first-story roof decks, landings, upper level walkways, and balconies, shall not exceed an aggregate 35 square feet when located in the Single-Unit Residential (R1) District or 60 square feet per ADU in all other districts, and shall adhere to the following restrictions:

i. Upper-story outdoor spaces shall not be located on the side elevation closest to a side parcel line, unless that side parcel line is adjacent to a public right-of-way or alley;

ii. Upper-story outdoor spaces shall not be located on the rear elevation unless the ADU is located outside the rear setback area of the primary dwelling unit(s);

iii. When located on a permitted elevation, upper-story outdoor spaces shall be set back from the side parcel line the same distance as the minimum side setback requirement for the principal dwelling unit(s) on the parcel and shall be a minimum 5' from the rear parcel line.

iv. Roof decks above the second story are prohibited.

O. Application of Generally Applicable Municipal Code Provisions.

Except as set forth in this Section, an ADU or JADU shall conform to the height, setbacks, parcel coverage, floor area, and other land use regulations and development standards of the district in which it is located and all other applicable provisions of this Municipal Code, including but not limited to the provisions of Article VIII, Building Regulations, and the provisions of Chapter 9.56, Landmarks and Historic Districts.

P. Exemption. Notwithstanding anything set forth herein, the development and design standards set forth in this Section shall not preclude the establishment of a detached or attached ADU with a floor area of up to 800 square feet, side and rear setbacks of at least four (4) feet, and a height of no more than 16 feet.

Q. Parking.

1. **Required Parking.** One on-site parking space, which may be unenclosed, shall be provided for an ADU. This space shall comply with all development standards set forth in Chapter 9.28, Parking, Loading, and Circulation, and the requirements for the district in which the ADU is located. A

tandem parking space may also be used to meet the parking requirement for the accessory dwelling unit and may be provided on an existing driveway. Parking shall not be required for a JADU.

2. Exemptions. Notwithstanding any other parking required by this Section or Chapter 9.28 of this Article, no parking space shall be required for an ADU in any of the following circumstances:

- a. The ADU is located within one-half mile walking distance of public transit, as defined by Government Code Section 65852.2(j)(10);
- b. The ADU is an individually designated historic resource or is located within an architecturally and historically significant historic district;
- c. The ADU is part of the existing or a proposed primary residence or an existing accessory structure;
- d. An on-street parking permit is required but not offered to the occupant of the ADU; or
- e. A car share vehicle is located within one block of the ADU.

3. No Replacement. When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an ADU or converted to an ADU, the eliminated off-street parking spaces are not required to be replaced.

R. Owner-Occupancy Requirement.

1. An ADU is not subject to an owner-occupancy requirement.
2. A JADU is subject to an owner-occupancy requirement, except that a JADU that is owned by a governmental agency, land trust, or housing organization is not subject to this requirement. With respect to a JADU that is

subject to an owner-occupancy requirement, a natural person with legal or equitable title to the property that includes the JADU must reside on the property as the person's legal domicile and permanent residence.

S. Lease Terms. An ADU or JADU shall be subject to any restrictions or requirements for lease terms that apply to all residential dwelling units in the City. In addition, an ADU or JADU shall not be used for rentals of terms of 30 days or less.

T. Limitations on Separate Sale. No ADU or JADU may be sold or otherwise conveyed separately from the parcel and the primary dwelling (in the case of a single-unit dwelling) or from the parcel and all of the dwellings (in the case of a multiple-unit dwelling).

U. JADU Deed Restriction. Prior to issuance of a building permit for a JADU, a deed restriction must be recorded against the title of the property in the County Recorder's office and a copy filed with the Director. The deed restriction shall run with the land and bind all future owners. The form of the deed restriction shall be provided by the Director and shall provide that:

1. The JADU may not be sold separately from the primary dwelling associated with the ADU or JADU.

2. The JADU is restricted to the approved size and to other attributes allowed by this section.

3. The deed restriction runs with the land and may be enforced against future property owners.

4. The deed restriction may be removed if the owner eliminates the JADU, as evidenced by, for example, removal of the kitchen facilities. To remove the deed restriction, an owner may make a written request of the Director,

providing evidence that the JADU has in fact been eliminated. Any building permits required in the removal must be approved by the Director's determination. The Director may then determine whether the evidence supports the claim that the JADU has been eliminated. Appeal may be taken from the Director's determination consistent with other provisions of this Code. If the JADU is not entirely physically removed but is only eliminated by virtue of having a necessary component of a JADU removed, the remaining structure and improvements must otherwise comply with applicable provisions of this Code.

5. The deed restriction is enforceable by the City. Failure of the property owner to comply with the deed restriction may result in legal action against the property owner, and the City is authorized to obtain any remedy available to it at law or equity, including, but not limited to, obtaining an injunction enjoining the use of the JADU in violation of the recorded restrictions or abatement of the illegal unit.

SECTION 33. Santa Monica Municipal Code Section 9.31.140 is hereby amended to read as follows:

9.31.140 Family Day Care, Large

The purpose of these standards is, consistent with Sections 1596.70-1596.7996 of the Health and Safety Code, to allow Large Family Day Cares in residential surroundings to give children a home environment that is conducive to healthy and safe development. The following standards shall apply to Large Family Day Cares.

A. Structures. A Large Family Day Care shall conform to all property development standards of the Zoning District in which it is located unless otherwise provided in this Section.