

City Council Meeting: April 11, 2023

Santa Monica, California

ORDINANCE NUMBER 2742 (CCS)

(City Council Series)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA MONICA TO AMEND THE TEXT OF THE CITY'S ZONING ORDINANCE FOR CONSISTENCY WITH THE GOALS, POLICIES AND PROGRAMS OF THE 6TH CYCLE (2021-2029) HOUSING ELEMENT; FOR CONSISTENCY WITH UPDATES TO STATE LAW RELATED TO HOUSING PRODUCTION AND MINIMUM PARKING REQUIREMENTS; AND TO MAKE MINOR CHANGES, CLARIFICATIONS AND CORRECTIONS, INCLUDING CORRECTION TO PARCEL COVERAGE LIMITATIONS FOR EXISTING STRUCTURES IN THE R1 (SINGLE-UNIT RESIDENTIAL) DISTRICT AND MODIFICATIONS TO STANDARDS FOR ACCESSORY STRUCTURES

WHEREAS, the Housing Element Law, California Government Code Sections 65580 *et seq.*, requires the City to review and update the Housing Element of its General Plan every eight years; and

WHEREAS, the State is experiencing a housing supply crisis, with housing demand far outstripping supply; and

WHEREAS, in 2018, California ranked 49th out of the 50 states in housing units per capita; and

WHEREAS, the housing crisis has particularly exacerbated the need for affordable homes at prices below market rates; and

WHEREAS, the housing crisis has resulted in increased poverty and homelessness, especially first-time homelessness, forced lower income residents into crowded and unsafe housing in urban areas, and forced families into lower cost new housing in greenfields at the urban-rural interface with longer commute times and a higher exposure to fire hazard; and

WHEREAS, California needs an estimated 180,000 additional homes annually to keep up with population growth, and the Governor has called for 3.5 million new homes to be built over 7 years; and

WHEREAS, the City has received a Regional Housing Needs Assessment (“RHNA”) allocation for the 6th Cycle Housing Element of approximately 8,895 housing units, with approximately 70 percent allocated as affordable housing; and

WHEREAS, this RHNA allocation will require the City to permit approximately 1,000 housing units annually between 2021 and 2029, 700 of which are required to be affordable housing, representing an increase of approximately five times over the City’s RHNA allocation for the 5th Cycle (2013-2021) Housing Element; and

WHEREAS, in September 2020, the City commenced a public outreach process for the 6th Cycle Housing Element, which has consisted of creation of a dedicated website, presenting informational webinars, seeking input through questionnaires and surveys, forming two technical working groups, and conducting a series of study sessions with the Planning Commission, Housing Commission, Rent Control Board, and the City Council; and

WHEREAS, on or about May 24, 2021, City staff published a Draft 6th Cycle Housing Element (“Draft Housing Element”); and

WHEREAS, on June 2 and 3, 2021, the Planning Commission conducted a public hearing on the Draft Housing Element and made recommendations to the City Council; and

WHEREAS, on June 15, 2021, the City Council conducted a public hearing to discuss the Draft Housing Element and directed staff to transmit the Draft Housing

Element to the California Department of Housing and Community Development (“HCD”) with revisions; and

WHEREAS, on July 1, 2021, City staff transmitted the Draft Housing Element, as revised by the City Council, to HCD for a 60-day review period; and

WHEREAS on August 4, 2021, in accordance with Santa Monica Municipal Code Section 9.46.030(B), the Planning Commission adopted a Resolution of Intention, Resolution Number 21-007 (PCS), declaring its intention to consider recommending to the City Council that the City Council adopt amendments to the text of the Zoning Ordinance for consistency with the Goals, Policies and Programs of the 6th Cycle Housing Element, and minor changes, corrections and clarifications to the text of the Zoning Ordinance related to parcel coverage limitations for existing structures in the City’s R1 (Single-Unit Residential) Districts and standards for accessory structures for consistency with Council direction to return with amendments to the City’s home-share rules; and

WHEREAS, on August 30, 2021, in accordance with Government Code Section 65585, HCD issued a letter to report on its review of the Draft Housing Element; and

WHEREAS, HCD’s review concluded that the draft Housing Element addressed many statutory requirements, but that revisions would be necessary to substantially comply with State Housing Element Law; and

WHEREAS, in its review letter, HCD set forth recommended revisions to the Draft Housing Element to, among other things, provide additional information and analysis of the City’s: housing needs, resources, and constraints related to fair housing; population and employment trends; household characteristics; Suitable Sites Inventory (“SSI”);

zoning regulations for a variety of housing types; governmental and nongovernmental constraints on housing; special housing needs; and “at risk” housing units; and

WHEREAS, HCD further recommended that the City make revisions to housing programs set forth in the Draft Housing Element to: demonstrate adequate capacity for the RHNA allocation; address, and where legally possible, remove, constraints to the maintenance, improvement and development of housing; promote and affirmatively further fair housing; and preserve assisted housing development for low-income households; and

WHEREAS, on September 8, 2021, the Planning Commission held a discussion to consider HCD’s review and recommendations and to discuss concepts that would address those recommendations; and

WHEREAS, on September 20, 2021, the Planning Commission conducted a discussion to review proposed revisions to the Draft Housing Element to address HCD’s recommendations; and

WHEREAS, on September 24, 2021, Planning Commission conducted a duly noticed public hearing, and after considering oral and written testimony, adopted a Resolution of Recommendation, Resolution Number 21-011 (PCS), recommending to the City Council that the City Council adopt the 6th Cycle Housing Element; and

WHEREAS, on October 12, 2021, the City Council conducted a duly noticed public hearing to consider HCD’s comments and the recommendation of the Planning Commission, and, after considering oral and written testimony, adopted the 6th Cycle (2021-2029) Housing Element, which the City transmitted to HCD for review and certification; and

WHEREAS, on February 8, 2022, the City received a letter from HCD determining that although the Adopted 6th Cycle Housing Element addressed “many statutory requirements,” “revisions would be necessary to comply with State Housing Element Law”; and

WHEREAS, the City immediately began efforts to address HCD’s letter, including scheduling a teleconference with HCD staff on February 14, 2022 to determine the City’s required next steps in order to achieve an HCD-compliant Housing Element and conducting a Study Session with the Planning Commission on March 2, 2022; and

WHEREAS, since that February 14, 2022 teleconference, the City has continued to meet with HCD on a consistent basis, including most recently on August 18, 2022, in an effort to work toward addressing HCD’s concerns to allow for the submission of a compliant Housing Element; and

WHEREAS, the City also initiated other efforts to bring the 6th Cycle Housing Element into compliance, including an April 26, 2022 study session with Council, and Study Sessions with the Planning Commission on May 11 and June 1, 2022; and

WHEREAS, in consideration of the comments received in the February 8, 2022 letter, consultations with HCD, and input received during study sessions with the City Council and Planning Commission, City staff prepared draft redline revisions to the Housing Element to primarily: 1) make technical revisions; 2) address affirmatively furthering fair housing obligations; and 3) strengthen the City’s commitment to development of affordable housing on City-owned sites; and

WHEREAS on June 15, 2022, the Planning Commission considered the draft redline amendments to the 6th Cycle Housing Element in response to HCD’s comments,

that, among other things, made technical revisions, and proposed amendments to the element's affirmatively furthering fair housing requirements and program related to City-owned sites, made recommended revisions, and recommended that the City Council direct staff to transmit the redline revisions to HCD for review; and

WHEREAS, on June 21, 2022, the City Council reviewed the draft revisions to the 6th Cycle Housing Element, made recommended revisions, and directed staff to transmit to HCD for review and comment; and

WHEREAS, on July 8, 2022, the City submitted the draft revised Housing Element to HCD for review and comment; and

WHEREAS, on September 6, 2022, HCD issued a letter determining that the Draft Revised Housing Element will comply with State Housing Element Law once adopted, submitted to, and reviewed by, HCD; and

WHEREAS, AB 1398, which became effective on January 1, 2022, requires local governments that did not adopt a 6th Cycle Housing Element that HCD determined to be in substantial compliance with State Housing Element Law within 120 days of the statutory deadline for adoption to rezone to accommodate the local government's RHNA for the 6th Cycle within one year of the statutory deadline; and

WHEREAS, in accordance with AB 1398, the June 21, 2022 amended draft of the 6th Cycle Housing Element sets forth implementation dates for rezoning and related programs as of October 15, 2022, one-year after the City's statutory deadline of October 15, 2021; and

WHEREAS, on June 30, 2022, SB 197 amended the Government Code to add Section 65583.4, which extends the one-year deadline for rezoning set forth in AB 1398

to three years, or October 15, 2024, for local governments that meet certain conditions, including adopting a 6th Cycle Housing Element that is compliant with State Housing Element law within one year of the statutory deadline, or October 15, 2022; and

WHEREAS, implementation dates for the June 21, 2022 draft amended 6th Cycle Housing Element have been updated to allow for an extension for rezoning should the City meet all conditions set forth in Government Code Section 65583.4; and

WHEREAS, on September 22, 2022, Planning Commission conducted a duly noticed public hearing to consider recommending to the City Council that the City Council adopt the amended 6th Cycle Housing Element, and after considering oral and written testimony, adopted Resolution Number 22-018 (PCS) recommending that the City Council adopt the amended the 6th Cycle Housing Element; and

WHEREAS, on September 26, 2022, in accordance with Government Code Section 65585(b), the City posted the final draft of the amended 6th Cycle Housing Element incorporating the Planning Commission's recommendations for updated implementation dates on the City's website for public review, and emailed a link to all individuals and organizations that previously requested notices relating to the City's 6th Cycle Housing Element; and

WHEREAS, on October 11, 2022, the City Council conducted a duly-noticed public hearing to consider adopting the amended 6th Cycle Housing Element, and after considering oral and written testimony, adopted Resolution Number 11469 (CCS), adopting an amended 6th Cycle Housing Element, which was certified by the State on October 14, 2022; and

WHEREAS, the Housing Element includes a variety of programs intended to achieve goals and policies related to new housing production for all income categories and the preservation of existing housing, ensuring there is equitable housing access to all neighborhoods, housing for the homeless including housing assistance and supportive services to low-income households, and eliminating housing discrimination; and

WHEREAS, the Housing Element sets forth a range of goals, policies and programs, including, but not limited to, procedural changes related to streamlining the review of housing projects, updating development standards and the Affordable Housing Production Program (“AHPP”) to ensure housing projects are feasible, providing opportunities for housing in areas of the City that do not currently permit housing, incentivizing housing in areas of the City that have not historically supported housing production, amending the City’s density bonus ordinance to ensure consistency with State law and integration into the City’s land use system, and committing to the production of affordable housing on City-owned/publicly owned land; and

WHEREAS, the Housing Element requires the City to implement certain programs through amendments to the Land Use and Circulation Element of the General Plan, the Bergamot Area Plan, the Downtown Community Plan, and the Zoning Ordinance in phases, subject to specified deadlines; and

WHEREAS, on November 12, 2019, the City Council adopted Ordinance Number 2624 (CCS) (“Ordinance 2624”) amending development standards for the City’s R1 (Single-Unit Residential) Districts, which, among other things, incentivized the preservation of existing single-unit residences and encouraged residential additions rather than new construction in R1 zoning districts by establishing a 55% parcel coverage



limitation for existing residences seeking an addition and a 45% parcel coverage limitation for new construction; and

WHEREAS, on January 28, 2020, the City Council adopted Ordinance Number 2628 (CCS) (“Ordinance 2628”) to clarify that the 55% parcel coverage limitation applied to all existing structures in the City’s R1 (Single-Unit Residential) Districts, whether one- or two-story; and

WHEREAS, on September 8, 2020, the City Council adopted Ordinance Number 2649 (CCS), which among other things, amended the text of the Zoning Ordinance for consistency with State law provisions related to ADUs and JADUs; and

WHEREAS, in implementing changes related to ADUs and JADUs, the clarification made by Ordinance 2628 was inadvertently amended and the current language incorrectly states that only an “existing two-story structure with addition” is allowed 55% parcel coverage; and

WHEREAS, at its June 8, 2021 meeting, the Council directed staff to return with proposed amendments to the Home-Sharing and Vacation Rentals Ordinance to allow the home-sharing of detached accessory buildings located more than six feet from the main residential building occupied by the host who wishes to home-share the accessory building; and

WHEREAS, changes to standards for accessory structures as set forth in Santa Monica Municipal Code 9.21.020 may be necessary for consistency with any such changes that are adopted by the City Council; and

WHEREAS, on August 4, 2021, the Planning Commission adopted a Resolution of Intention, Resolution Number 21-007 (PCS), declaring its intention to consider

recommending to the City Council that the City Council amend the text of the Zoning Ordinance for consistency with the goals, policies and programs of the 6th Cycle Housing Element; to clarify that the 55% parcel coverage limitation applied to all existing structures in the City's R1 (Single-Unit Residential) Districts, whether one- or two-story, and to revise standards for accessory structures to allow the home-sharing of detached accessory buildings located more than six feet from the main residential building occupied by the host who wishes to home-share the accessory building; and

WHEREAS, on September 28, 2021, the Governor signed SB 478, which requires local agencies to ensure that certain qualifying housing projects are permitted minimum floor area ratios; and

WHEREAS, on September 22, 2022, the Governor signed AB 2097 into law, which prohibits prohibit a public agency from imposing minimum parking requirements on residential, commercial, or other development projects located within 1/2 mile of public transit, with certain limited exceptions, as a means of increasing housing production and reducing greenhouse gas emissions; and

WHEREAS, on September 28, 2022, the Governor signed a housing and homelessness package into law designed to further combat the City's housing crisis, which included AB 2011 and SB 6, two bills designed to streamline the housing approval process and create jobs throughout the State; and

WHEREAS, the 2022 housing and homelessness package also includes AB 2221 and SB 897, which further restrict the City's ability to regulate accessory dwelling units and junior accessory dwelling units as a means of encouraging and increasing their production; and

WHEREAS, on December 14, 2022, the Planning Commission adopted Resolution Number 22-019 (PCS), declaring its intention to consider recommending to the City Council that the City Council amend the text of the Zoning Ordinance for consistency with recent change to State law implemented through SB 478, AB 2097, and the 2022 housing and homelessness package; and

WHEREAS, the City desires to undertake the first phase of amendments to the text of the Zoning Ordinance for consistency with the goals, policies, and programs set forth in the 6th Cycle Housing Element, including all or portions of Programs 1A, By-Right Approvals for Housing Projects; 1B, Streamline the Architectural Review Process and Ensure Design Review Objectivity for Housing Projects; 1D, Reduce Minimum Parking Requirements for Housing Projects; 1F, Revise the Downtown Community Plan Development Standards to Support Housing Projects; 1J, Rezoning by Revising Development Standards to Ensure that Housing Projects are Feasible and Incentivized Over Commercial Development; 2C, Update the City's Affordable Housing Production Program to Increase the Number of Affordable Housing Units at all Income Levels; and 4A, Zoning Ordinance Amendment to Permit Multiple-Unit Housing in Non-Residential Zones Where Not Currently Permitted; and

WHEREAS, the City desires to further amend the text of the Zoning Ordinance for consistency with changes to State law implemented through SB 478, AB 2097, and the 2022 housing and homelessness package and to make minor changes, clarifications and corrections, including modifications to parcel coverage limitations for existing structures in the R1 (Single-Unit Residential) District and modifications to standards for accessory structures; and

WHEREAS, on February 1, 2023, the Planning Commission conducted a duly noticed public hearing, and, after considering oral and written testimony regarding the proposed amendments to the text of the Zoning Ordinance, adopted Resolution Number 23-003 (PCS), recommending that the City Council amend the text of the Zoning Ordinance based on the following findings:

1. The proposed amendments to the text of the Zoning Ordinance are consistent with the General Plan in that the amendments are required to implement all or portions of 6th Cycle Housing Element Programs 1A, By-Right Approvals for Housing Projects; 1B, Streamline the Architectural Review Process and Ensure Design Review Objectivity for Housing Projects; 1C, Incentivize Housing Development on Surface parking Lots in Residential Zones; 1D, Reduce Minimum Parking Requirements for Housing Projects; 1F, Revise the Downtown Community Plan Development Standards to Support Housing Projects; 1G, Incentivize and Facilitate the Development of Accessory Dwelling Units through an ADU Accelerator Program; 1J, Rezoning by Revising Development Standards to Ensure that Housing Projects are Feasible and Incentivized Over Commercial Development; 2A, Establish a Moderate-Income Affordable Housing Overlay; 2C, Update the City's Affordable Housing Production Program to Increase the Number of Affordable Housing Units at all Income Levels; 2D, Update Density Bonus Ordinance to Ensure Consistency with State Law and Integration into the City's Land Use System; 4A, Zoning Ordinance Amendment to Permit Multiple-Unit Housing in Non-Residential Zones

Where Not Currently Permitted; 4B, Facilitate the Development of Housing on Surface Parking Lots Owned by Community Assembly Uses; and 4C, Provide New Housing Choices and Affordability in High Opportunity Areas Through Incentives for Additional ADUs in R1-Zone Neighborhoods and are otherwise consistent with the goals and policies of the General Plan.

2. The proposed amendments are consistent with the purpose of the Zoning Ordinance to promote the growth of the City in an orderly manner and to promote and protect the public health, safety and welfare in that the amendments are necessary to implement housing programs in the 6th Cycle Housing Element and to achieve the level of housing production mandated by the City's Regional Housing Needs Allocation, ensure consistency with State law, and otherwise maintain the existing policies, standards and regulations of the Zoning Ordinance that promote the public health, safety and welfare.

WHEREAS, on March 21, 2023, the City Council conducted a duly noticed hearing, and, after considering all oral and written testimony, desires to adopt the proposed Zoning Ordinance amendments as set forth below.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SANTA MONICA DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Based upon the oral and written testimony presented to the City Council at the public hearing on March 21, 2023, regarding the proposed changes to the text of the Zoning Ordinance, the City Council hereby makes the following findings:

1. The amendments to the text of the Zoning Ordinance are consistent with the General Plan in that the amendments are required to implement all or portions of 6th Cycle Housing Element Programs 1A, By-Right Approvals for Housing Projects; 1B, Streamline the Architectural Review Process and Ensure Design Review Objectivity for Housing Projects; 1C, Incentivize Housing Development on Surface parking Lots in Residential Zones; 1D, Reduce Minimum Parking Requirements for Housing Projects; 1F, Revise the Downtown Community Plan Development Standards to Support Housing Projects; 1G, Incentivize and Facilitate the Development of Accessory Dwelling Units through an ADU Accelerator Program; 1J, Rezoning by Revising Development Standards to Ensure that Housing Projects are Feasible and Incentivized Over Commercial Development; 2A, Establish a Moderate-Income Affordable Housing Overlay; 2C, Update the City's Affordable Housing Production Program to Increase the Number of Affordable Housing Units at all Income Levels; 2D, Update Density Bonus Ordinance to Ensure Consistency with State Law and Integration into the City's Land Use System; 4A, Zoning Ordinance Amendment to Permit Multiple-Unit Housing in Non-Residential Zones Where Not Currently Permitted; 4B, Facilitate the Development of Housing on Surface Parking Lots Owned by Community Assembly Uses; and 4C, Provide New Housing Choices and Affordability in High Opportunity Areas Through Incentives for Additional ADUs in R1-Zone Neighborhoods and are otherwise consistent with the goals and policies of the General Plan.

2. The amendments are consistent with the purpose of the Zoning Ordinance to promote the growth of the City in an orderly manner and to promote and protect the public health, safety and welfare in that the amendments are necessary to implement housing programs in the 6th Cycle Housing Element and to achieve the level of housing production mandated by the City's Regional Housing Needs Allocation, ensure consistency with State law, and otherwise maintain the existing policies, standards and regulations of the Zoning Ordinance that promote the public health, safety and welfare.

SECTION 2. Article 9 of the Santa Monica Municipal Code is hereby amended to read as set forth in Exhibit A, attached hereto.

SECTION 3. Any provision of the Municipal Code or appendices thereto inconsistent with the provisions of this Ordinance, to the extent of such inconsistencies and no further, is hereby repealed or modified to that extent necessary to effect the provisions of this Ordinance.

SECTION 4. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance and each and every section, subsection, sentence, clause, or phrase not declared invalid or unconstitutional without regard to whether any portion of the ordinance would be subsequently declared invalid or unconstitutional.

SECTION 5. The Mayor shall sign and the City Clerk shall attest to the passage of this Ordinance. The City Clerk shall cause the same to be published once in the official newspaper within 15 days after its adoption. This Ordinance shall become effective 30 days from its adoption. Notwithstanding its effective date, the provisions of this Ordinance shall apply to any application for a planning entitlement, building permit, including plan check, submitted on or after June 1, 2023.

APPROVED AS TO FORM:

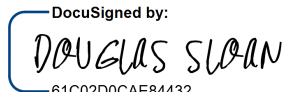
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DOUGLAS SLOAN  
City Attorney



EXHIBIT A

**Amendments to the Text of the Zoning Ordinance for Consistency with the Goals, Policies, and Programs Set Forth in the 6th Cycle Housing Element, and to Make Minor Changes, Clarifications, and Corrections to Parcel Coverage Limitations for Existing Structures in the R1 District and to Standards for Accessory Structures**

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## **DIVISION 1: INTRODUCTORY PROVISIONS**

Chapter 9.01, Title, Purpose, and Authority

Chapter 9.02, Establishment of Zoning Districts

Chapter 9.04, Rules for Measurement

## CHAPTER 9.01 TITLE, PURPOSE AND AUTHORITY

### 9.01.040      **Applicability**

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

##### 1.      ***Applicability.***

a.      This Ordinance shall apply, to the extent permitted by law, to all property within the corporate limits of the City and to property for which applications for annexation and/or subdivisions are submitted to the City, including all uses, structures and land owned by any private person, firm, corporation or organization, or the City or other local, State, or Federal agencies.

b.      **Governmental Agencies.** Any governmental agency shall be exempt from the provisions of this Ordinance only to the extent that such property may not be lawfully regulated by the City.

c.      **City Government Uses.** City government uses, including, without limitation, fire stations, police stations, and public safety facilities, may be permitted in any district subject to the approval of a conditional use permit.

d.      **Projects That Include Affordable Housing on City-Owned Property.** In accordance with Program 2.E of the 6<sup>th</sup> Cycle 2021-2029 Housing Element, this Ordinance shall not apply to property owned by the City when used for projects that include housing affordable to 80% area median income (AMI) households, subject to a public process to be determined by the City Council, and upon a determination that the project is consistent with the General Plan. Any such exemption shall apply only for the life of the project approved in accordance with this paragraph.

2. ***Compliance with Regulations.*** Except as provided in this Zoning Ordinance, land or buildings may be used and structures may be erected or altered only in accordance with the following provisions:

a. No new building shall be erected and no existing building shall be moved, altered, or enlarged, nor shall any land, building or premises be used, designed, or attempted to be used or designed for any purpose or in any manner other than a use listed in this Chapter, as permitted in the district in which the land, building, or premises is located. The lawful use or uses of all buildings, improvements, and premises existing in any district at the time of the adoption of the ordinance codified in this Chapter may be continued except as provided by this Chapter.

b. No building shall be erected nor shall any existing building be moved, reconstructed, or structurally altered to exceed in height or floor area the limit established by this Chapter for the district in which such building is located.

c. No building shall be erected nor shall any existing building be moved, altered, enlarged, or rebuilt, nor shall any open spaces surrounding any buildings be encroached upon or reduced in any manner except in conformity with the property development standards for each district in which such building is located.

d. No yard or open space provided adjacent to any building for the purpose of complying with the regulations of this Chapter shall be considered as providing a yard or open space for any other building or structure.

e. No parcel or building shall be separated in ownership, or reduced in size in any manner, so that:

- i. Any separate portion shall contain a parcel area or parcel dimension less than the minimum required for the district in which the property is located;
  - ii. Any yard area is reduced below the minimum required for the district in which the project is located;
  - iii. The parcel fails to comply with any other requirement of this Chapter;
  - iv. Any portion of a parcel that is necessary to provide the required area per dwelling unit is separated from the portion of the parcel on which the building is located.
- f. No lot or parcel of land held under common ownership which does not meet the requirements of the district in which it is located shall be separated in ownership or further reduced in size in any manner.
- g. A building or use may cross property lines only if:
  - i. The building site shall be subject to all requirements of this Chapter as though the total area comprised in the site were a single parcel;
  - ii. A covenant by the owner(s) of the parcels shall be filed with the Zoning Administrator and recorded with the County Recorder's office before any use or combination of parcels occurs. The covenant shall state the intention of the owner(s) to develop the parcels as a single building site and shall be in the form required by the Zoning Administrator.
- h. A legally-created parcel of land existing prior to the effective date of this Ordinance having less area, frontage, or dimensions than required by this Ordinance in the zoning district in which the parcel is located, shall be considered a legal conforming parcel.

**B. Relation to Other Regulations.**

1. **General.** Where conflict occurs between the provisions of the Ordinance and any other regulations, City ordinance, chapter, resolution, guideline, or regulation, the more restrictive provisions shall control, unless otherwise specified. See, e.g., Section 9.56.270(F) (the State Historic Building Code applies to alterations to historic resources and properties on the Historic Resources Inventory).

2. **Permit Streamlining Act.** All actions taken by the decision-making body pursuant to this Ordinance shall be consistent with the provisions of Government Ordinance Section 65920 et seq. (the Permit Streamlining Act) to the extent applicable.

3. **Relation to Private Agreements.** Where this Ordinance imposes greater restriction than imposed by an easement, covenant, or agreement, this Ordinance shall control.

4. **Relation to Prior Ordinance.** The provisions of this Ordinance supersede all prior Zoning Ordinances codified in Article 9 of the Santa Monica Municipal Code and all prior amendments. No provision of this Ordinance shall validate any land use or structure established, constructed, or maintained in violation of the prior Zoning Ordinance, unless such validation is specifically authorized by this Ordinance.

5. **Application during Local Emergency.** The City Council may authorize a deviation from a provision of this Ordinance during a local emergency declared and ratified under the Santa Monica Municipal Code.

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

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

1. ***Previously Approved Development.*** The erection, construction, enlargement, demolition, moving, conversion of, and excavation and grading for any building or structure for which a valid permit or building permit was issued prior to the effective date of this Ordinance and which does not subsequently expire. A permit that does not contain an express limit on the time for exercising the permit shall be deemed valid only if a building permit is obtained within one year of the effective date of this Ordinance;

2. ***Development Agreement.*** Development in accordance with the terms and conditions of a development agreement approved by the City Council pursuant to Chapter 9.60 of the Municipal Code prior to the effective date of this Ordinance;

3. ***Vesting Tentative Maps.*** Any residential project for which a vesting tentative map application was determined complete prior to the effective date of this Ordinance; and

4. ***Applications for Projects in Progress.*** Any application for a Planning entitlement, except a Development Agreement application, determined complete on or before April 15, 2015.

## CHAPTER 9.02 ESTABLISHMENT OF ZONING DISTRICTS

### 9.02.010 Establishment of Districts

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

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

**TABLE 9.02.010.A: BASE ZONING DISTRICTS**

<i>Short Name/Map Symbol</i>	<i>Full Name</i>
<b>Single-Unit Residential District</b>	
R1	Single-Unit Residential
<b>Multi-Unit Residential Districts</b>	
R2	Low Density Residential
R3	Medium Density Residential
R4	High Density Residential
<b>Ocean Park Neighborhood Districts</b>	
OP1	Ocean Park Single-Unit Residential
OPD	Ocean Park Duplex
OP2	Ocean Park Low Density Residential
OP3	Ocean Park Medium Density Residential
OP4	Ocean Park High Density Residential
<b>Mixed-Use and Commercial Districts</b>	
MUBL	Mixed-Use Boulevard Low
MUB	Mixed-Use Boulevard
GC	General Commercial
NC	Neighborhood Commercial



<b>Employment Districts</b>	
HMU	Healthcare Mixed-Use
IC	Industrial Conservation
OC	Office Campus
<b>Oceanfront Districts</b>	
OF	Oceanfront
<b>Public and Semi-Public Districts</b>	
CC	Civic Center
PL	Institutional/Public Lands
OS	Parks and Open Space
<b>Residential Mobile Home Park District</b>	
RMH	Residential Mobile Home Park
<b>Bergamot Area Plan Districts</b>	
BTV	Bergamot Transit Village
MUC	Mixed Use Creative
CAC	Conservation: Art Center
CCS	Conservation: Creative Sector
PPC	Pedestrian Priority Corridor Overlay
RP	Retail Priority Overlay
<b>Downtown Community Plan Districts</b>	
LT	Lincoln Transition
NV	Neighborhood Village
BC	Bayside Conservation
TA	Transit Adjacent
OT	Ocean Transition
WT	Wilshire Transition
<b>Memorial Park Neighborhood Area Plan Districts</b> (to be determined as part of Area Plan process)	

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

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

a. “Residential Low-Density District” shall include the following Districts: R1 Single-Unit Residential; R2 Low Density Residential; OP1 Ocean Park Single-Unit Residential; OPD Ocean Park Duplex; OP2 Ocean Park Low Density Residential.

b. “Residential Medium and High-Density Districts” shall include the following Districts: R3 Medium Density Residential; R4 High Density Residential; OP3 Ocean Park Medium Density Residential; OP4 Ocean Park High Density Residential; RMH Residential Mobile Home Park; or OF Oceanfront.

2. “Nonresidential District” shall include any base Zoning District except the Residential Districts specified in subsection (B)(1) above.

C. **Overlay Zoning Districts.** Overlay Zoning Districts, one or more of which may be combined with a base district, are established as shown in Table 9.02.010.B, Overlay Zoning Districts. The regulations of an Overlay District govern in addition to or instead of the standards set forth in the underlying base district as specified in the applicable Sections of this Ordinance.

<b>TABLE 9.02.010.B: OVERLAY ZONING DISTRICTS</b>	
<i>Short Name/Map Symbol</i>	<i>Full Name</i>
AC	Activity Center
NC	Neighborhood Conservation
A	Off-Street Parking
BCH	Beach
MHO	Moderate Income Housing Overlay
PPC	Pedestrian Priority Corridor Overlay
RP	Retail Priority Overlay

## **CHAPTER 9.04      RULES FOR MEASUREMENT**

### **9.04.150      Determining Eligibility for a Housing Project with Existing Structures.**

To determine whether a project on a parcel with an existing structure that proposes an addition consisting of residential uses, or a conversion of existing space from non-residential to residential uses, meets the definition of a Housing Project as defined by Section 9.52.020.1125, the floor area of the existing structure that will remain dedicated to non-residential uses shall be excluded.

## **DIVISION 2: BASE AND OVERLAY DISTRICTS**

Chapter 9.07, Single-Unit Residential District

Chapter 9.08, Multi-Unit Residential Districts

Chapter 9.09, Ocean Park Neighborhood Districts

Chapter 9.10, Downtown Districts

Chapter 9.11, Mixed-Use and Commercial Districts

Chapter 9.13, Employment Districts

Chapter 9.14, Oceanfront District

Chapter 9.15, Public and Semi-Public Districts

Chapter 9.18, Activity Center & Neighborhood Conservation Overlay Districts

Chapter 9.19, Moderate Income Overlay District

## **CHAPTER 9.07 SINGLE-UNIT RESIDENTIAL DISTRICT**

### **9.07.010 PURPOSE**

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

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

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

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

#### **9.07.020 Land Use Regulations.**

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

“P” designates permitted uses.

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

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

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

“—” designates uses that are not permitted.

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

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

<b>TABLE 9.07.020: LAND USE REGULATIONS—SINGLE-UNIT RESIDENTIAL DISTRICTS</b>		
<i>Use Classification</i>	<i>R1</i>	<i>Additional Regulations</i>
<b>Residential Uses</b>		
Residential Housing Types	<i>See sub-classifications below.</i>	
<i>Single-Unit Dwelling</i>	P	
<i>Accessory Dwelling Unit</i>	P	Section 9.31.025, Accessory Dwelling Units and Junior Accessory Dwelling Units
<i>Junior Accessory Dwelling Unit</i>	P	Section 9.31.025, Accessory Dwelling Units and Junior Accessory Dwelling Units
<i>Duplex</i>	P	Section 9.31.125, Duplexes and Lot Splits on Parcels Zoned for Single-Unit Residential
<i>Multiple-Unit Dwelling</i>	L(1)	Section 9.31.195, Multiple-Unit Dwelling Projects
Family Day Care	<i>See sub-classifications below.</i>	
<i>Large</i>	P	Section 9.31.140, Family Day Care, Large
<i>Small</i>	P	
Residential Facilities	<i>See sub-classifications below.</i>	
<i>Residential Care, Limited</i>	P	
<i>Hospice, Limited</i>	P	
Supportive Housing	P	
Transitional Housing	P	Section 9.31.110, Congregate and Transitional Housing
<b>Public and Semi-Public Uses</b>		
Adult Day Care	CUP	
Child Care and Early Education Facility	CUP	Section 9.31.120, Child Care and Early Education Facilities



Bed and Breakfast	CUP	Within Designated Landmarks only. Section 9.31.090, Bed and Breakfasts
Community Assembly	CUP	Section 9.31.100, Community Assembly
Community Gardens	P	
Park and Recreation Facilities, Public	P	
Schools, Public or Private	CUP	
<b>Transportation, Communication, and Utilities Uses</b>		
City Bikeshare Facility	P	
Utilities, Minor	P	
<b><u>Specific Limitations</u></b>		
<p>(1) Permitted only on parcels with existing surface parking lots:</p> <p>(a) Owned in whole or in part by a Community Assembly use in accordance with requirements of Section 9.31.196, Multiple-Unit Dwelling Projects Located on Community Assembly Surface Parking Lots; or</p> <p>(b) Associated with existing multiple-unit dwellings or commercial uses in accordance with requirements of Section 9.31.197, Multiple-Unit Dwelling Projects Located on Residentially Zoned Surface Parking Lots.</p>		

### 9.07.030 Development Standards.

Table 9.07.030 prescribes the development standards for the Single-Unit Residential (R1) District. Additional regulations, including incentives for the retention of existing homes, are denoted with Section numbers throughout the table. Specific R1 District design review criteria is located directly following the table:

<b>TABLE 9.07.030: DEVELOPMENT STANDARDS—SINGLE-UNIT RESIDENTIAL DISTRICT</b>		
<i>Standard</i>	<i>R1</i>	<i>Additional Regulations</i>
<b>Parcel and Density Standards</b>		
Minimum Parcel Area (sq. ft.)	5,000	
Maximum Parcel Area (sq. ft.)	See Section 9.21.030(B)	
Minimum Parcel Width (ft.)	50	For parcels bounded by the centerlines of

<b>TABLE 9.07.030: DEVELOPMENT STANDARDS—SINGLE-UNIT RESIDENTIAL DISTRICT</b>		
<i>Standard</i>	<i>RI</i>	<i>Additional Regulations</i>
Minimum Parcel Depth (ft.)	100	First Court Alley, Seventh Street, Montana Place North Alley, and Adelaide Drive, the minimum parcel width is 100 ft. and the minimum parcel depth is 175 ft.
Maximum Allowable Density	1 unit per parcel	<p>Accessory Dwelling Units and Junior Accessory Dwelling Units shall be permitted as provided in Section 9.31.125, Accessory Dwelling Units and Junior Accessory Dwelling Units</p> <p>A duplex shall be permitted as provided in Section 9.31.125, Duplexes and Lot Splits on Parcels Zoned for Single-Unit Residential</p>
Maximum Parcel Coverage (% of Parcel Area)		
<i>One-story structure less than 18 ft. in height</i>	50%	For parcels less than 5,000 sq. ft., a maximum parcel coverage equaling 2,500 sq. ft. shall be permitted.
<i>One-story structure 18 ft. or more in height</i>	45%	For parcels less than 5,000 sq. ft., a maximum parcel coverage equaling 2,250 sq. ft. shall be permitted.
<i>Two-story structure</i>	45%  Parcel coverage shall be the sum of ground floor parcel coverage and second story parcel coverage.	For parcels less than 5,000 sq. ft., a maximum parcel coverage equaling 2,250 sq. ft. shall be permitted with no more than 1,125 sq. ft. allowable on the second story.
<i>Existing structure with addition</i>  <i>(Applies to projects that do not result in a demolition as defined in Chapter 9.25, Demolition and Relocation.)</i>	55%  For a two-story structure, parcel coverage shall be the sum of ground floor parcel coverage and second story parcel coverage.	For parcels less than 5,000 sq. ft., a maximum parcel coverage equaling 2,750 sq. ft. shall be permitted with no more than 1,375 sq. ft. allowable on the second story.
<b>Building Form and Location</b>		
Maximum Number of Stories	2	

Maximum Building Height (ft.)		
<i>Parcels up to 20,000 sq. ft. in area</i>	28 ft.  with no wall height above 23 ft.	Walls associated with roof structure design such as gables and dormers are permitted above 23 ft., provided such walls comply with upper-story stepback requirements.
<i>Parcels greater than 20,000 sq. ft. in area and with a front parcel line at least 200 ft. in length</i>	<ul style="list-style-type: none"><li>• 28 ft. for flat roof</li><li>• 32 ft. for pitched roof</li></ul>	
<i>Projections into Height Limits</i>	See Section 9.21.060, Height Projections	
Minimum Setbacks (ft.)		
<i>Front</i>	Per Official Districting Map or 20 ft. if not specified	
<i>Side - One-story structure less than 18 ft. in height</i>	10% of parcel width or 3.5 ft., whichever is greater, but no more than 15 ft. required	
<i>Side - Aggregate of both sides for a two-story structure or one-story structure 18 ft. or more in height</i>	30% of parcel width, but no more than 45 ft. required and each side shall be at least 10% of the parcel width or 3.5 ft., whichever is greater	<p>The aggregate side setback requirement does not apply to the following:</p> <ul style="list-style-type: none"><li>• New structures on parcels that are 45 ft. or less in parcel width</li><li>• Additions to existing structures on parcels that are less than 50 ft. in width</li><li>• Structures on parcels less than 5,000 sq. ft.</li></ul>
<i>Rear</i>	15 ft. from rear parcel line	

Additional Minimum Stepbacks for Upper Stories		
<p><i>Front Upper-Story Stepback</i></p>	<p>The sum of all stepback areas along the entire front building elevation shall be at least 1% of total parcel area and comply with the requirements below. However, if the entire upper story is set back at least 3% of total parcel depth from the required front setback, no front upper-story stepback is required.</p> <ul style="list-style-type: none"> <li>• Each stepback area shall begin at the required front setback and shall comply with the following: <ul style="list-style-type: none"> <li>◦ The minimum stepback depth shall be 3% of total parcel depth and shall be measured from the required front setback.</li> <li>◦ The maximum stepback depth shall be 6% of total parcel depth and shall be measured from the required front setback.</li> <li>◦ Any stepback depth beyond 6% of total parcel depth shall not be included in calculating compliance with this standard.</li> </ul> </li> <li>• Any stepback area used to comply with a side upper-story stepback requirement shall not be included in calculating compliance with this standard.</li> </ul>	

<p><i>Side Upper-Story Stepbacks</i></p>	<p>The sum of all stepback areas on each side building elevation shall be at least 1% of total parcel area and comply with the requirements below. However, if the entire upper story is set back at least 20% of total parcel width from the side parcel line, no side upper-story stepback is required for the subject elevation.</p> <ul style="list-style-type: none"> <li>• Each stepback area shall begin at each respective minimum side setback line and shall comply with the following: <ul style="list-style-type: none"> <li>◦ The minimum stepback depth shall be 20% of total parcel width and shall be measured from the side parcel line.</li> <li>◦ The maximum stepback depth shall be 25% of total parcel width and shall be measured from the side parcel line.</li> <li>◦ Any stepback depth beyond 25% of total parcel width shall not be included in calculating compliance with this standard.</li> </ul> </li> <li>• Any stepback area used to comply with a front upper-story stepback requirement shall not be included in calculating compliance with this standard.</li> </ul>	
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<i>Sides—All portions of buildings exceeding 23 ft. in height</i>	<ul style="list-style-type: none"> <li>No portion of a building other than a permitted projection shall intersect a plane commencing at 23 ft. in height at the minimum side setback that extends at an angle of 45-degrees from the vertical toward the interior of the site.</li> <li>The 23 ft. height measurement shall be taken from the same reference grade as determined for the subject site pursuant to Section 9.04.050.</li> </ul>	
<b>Upper-Story Outdoor Space</b>		
<i>Maximum size of individual balcony, terrace, deck, first-story roof deck, or similar outdoor space</i>	3% of parcel area or 300 sq. ft., whichever is less	Individual balconies, terraces, decks, first-story roof decks, or similar outdoor spaces larger than 100 sq. ft. located in the rear half of the parcel shall be set back a minimum distance of 20% of the parcel width from the side parcel lines.
<i>Maximum size of roof deck above second story</i>	3% of parcel area or 300 sq. ft., whichever is less	Maximum of 1 per parcel with a 7 ft. minimum setback from edges of building.
<b>Openness and Use of Setbacks</b>		
Maximum Front Setback Paving (% of required front setback area)		
<i>Parcels 25 ft. or more in width</i>	50%	
<i>Parcels less than 25 ft. in width</i>	60%	
Building Projections into Setbacks	See Section 9.21.110, Projections into Required Setbacks	

Excavation for Lightwells, Stairwells, and Access to Subterranean Garages and Basements		
<i>Basements and subterranean garages</i>	No basement or subterranean garage shall extend into any setback area, except for any basement or garage located beneath an accessory building which is otherwise permitted within a setback area, if such basement, semi-subterranean, or subterranean garage is located at least 5 ft. from any parcel line	
<i>Lightwells and stairwells</i>	<ul style="list-style-type: none"><li>• Side and rear setbacks may be utilized for lightwells or stairways to below-grade areas</li><li>• Excavated areas shall be set back a minimum of 10% of the parcel width from any parcel line measured to the interior wall surface of these excavated areas</li></ul>	<ul style="list-style-type: none"><li>• For parcels where the aggregate side setback is not required, up to a total of 50 sq. ft. within the side and rear setbacks may be utilized for lightwells or stairways to below-grade areas.</li><li>• Retaining walls shall not be included in calculations for these excavated areas.</li></ul>
<i>Excavation for access</i>	Excavation in the front setback area for a driveway, stairway, doorway, or other such element for access purposes shall be no deeper than 3 ft. below existing grade	
Vehicle Accommodation		
Parking	<ul style="list-style-type: none"><li>• See Sections 9.28.070, Location of Parking</li><li>• Section 9.28.120, Parking Design and Development Standards</li></ul>	
Driveways	<ul style="list-style-type: none"><li>• On parcels less than 100 ft. in width, no more than one driveway permitted</li><li>• See Section 9.28.120, Parking Design and Development Standards</li></ul>	
Incentives for Retention of Existing Homes		
Building Additions	Section 9.21.170, Building Additions Extending into Minimum Side Setbacks	

Modifications to Development Standards	Chapter 9.43, Modification and Waivers
<b>Architectural Review</b>	
Architectural Review	See Section 9.07.030(A)
<b>Additional Standards</b>	
Accessory Buildings and Structures	Section 9.21.020, Accessory Buildings and Structures
Accessory Dwelling Units	Section 9.31.025, Accessory Dwelling Units and Junior Accessory Dwelling Units
Affordable Housing Production Program	Chapter 9.64, Affordable Housing Production Program
Basements	Section 9.52.020.0230, Basement Definition
Duplexes and Lot Splits on Parcels Zoned for Single-Unit Residential	Section 9.31.125, Duplexes and Lot Splits on Parcels Zoned for Single-Unit Residential
Fences, Walls, and Hedges	Section 9.21.050, Fences, Walls, and Hedges
Home Occupation	Section 9.31.160, Home Occupation
Junior Accessory Dwelling Units	Section 9.31.025, Accessory Dwelling Units and Junior Accessory Dwelling Units
Landscaping	Chapter 9.26, Landscaping
Lighting	Section 9.21.080, Lighting
Multiple-Unit Dwelling Projects	Section 9.31.195, Multiple-Unit Dwelling Projects
Multiple-Unit Dwelling Projects Located on Community Assembly Surface Parking Lots	Section 9.31.196, Multiple-Unit Dwelling Projects Located on Community Assembly Surface Parking Lots
Multiple-Unit Dwelling Projects Located on Residentially Zoned Surface Parking Lots	Section 9.31.197, Multiple-Unit Dwelling Projects Located on Residentially Zoned Surface Parking Lots
Off-Street Parking	Chapter 9.28, Parking, Loading, and Circulation



Private Tennis Courts	Section 9.31.250, Private Tennis Courts
Projections from Buildings into Minimum Setbacks	Section 9.21.110, Projections from Buildings into Minimum Setbacks
Projections into Height Limits	Section 9.21.060, Height Projections
Refuse and Recycling Screening and Enclosure	Section 9.21.130, Resource Recovery and Recycling Standards
Solar Energy Systems	Section 9.21.150, Solar Energy Systems

**A. Architectural Review.**

1. Proposed development in the R1 Single-Unit District shall not be subject to architectural review if it conforms to the development standards set forth above except as follows:

a. The Architectural Review Board shall review any proposed duplex pursuant to Section 9.55.140.

b.

i. The Architectural Review Board shall review proposed development that is located on a parcel with a grade differential of 12.5 feet or more between the front and rear parcel lines, and associated with the following:

(a) New residential building; or

(b) A 50% or greater square foot addition to an existing dwelling unit.

ii. A proposed structure may be approved if its size, mass, and placement are found to be compatible with improvements in the immediate neighborhood.

2. The Architectural Review Board shall review and may approve proposed development that does not conform to the development standards set forth above as follows:

a. The Architectural Review Board shall review any proposed addition of 500 square feet or less that is regarded as a third story that is located on a parcel with a grade differential of 12.5 or more between the front and rear parcel lines. The Architectural Review Board may approve such an addition if the following findings of fact are made

i. The street frontage and overall massing are compatible with the existing scale and neighborhood context;

ii. The addition does not enlarge the first-story of the existing residence such that a nonconforming condition is expanded; and

iii. The properties in the immediate neighborhood will not be substantially impacted.

b.

i. The Architectural Review Board shall review the following:

(a) Any proposed new structure on a parcel that is more than 45 feet in width that does not comply with the minimum aggregate side setback but that is set back a minimum of 10% of parcel width on each side;

(b) Any proposed addition to an existing structure on a parcel 50 feet or more that does not comply with the minimum aggregate side setback but that is set back a minimum of 10% of parcel width on each side;

(c) Any proposed two-story structure that does not conform to the standard set forth above for additional minimum stepbacks for upper stories;

(d) Any proposed structure that does not conform to the standards for subterranean garages and basements set forth in Table 9.07.030, Chapter 9.28 (Parking), and Section 9.52.020.230 of this Code;

(e) Any proposed individual upper story balcony, terrace, deck, first-story roof deck, or similar outdoor space that does not conform to the standard set forth above;

(f) Any proposed structure with garage doors that face the public street, are located within the front half of the parcel, and: (i) are not set back from the primary façade facing the public street a minimum of 5 feet, or (ii) are more than 16 feet in width; or

(g) Any proposed structure that includes a first-story porch or second-story balcony that: (i) is open on at least three sides, (ii) has a height of no more than 14 feet, including parapets and railings, (iii) projects into the minimum front setback, and (iv) exceeds 50% of the front building width as measured at the front façade.

ii. The Architectural Review Board may approve a design modification set forth in this subsection if the following findings of fact are made:

(a) There are special circumstances or exceptional characteristics applicable to the property involved, including size, shape, topography, surroundings, or location of the existing improvements or mature landscaping on the site;

(b) Granting the design modification will not be detrimental or injurious to the property or to improvements in the general vicinity and district in which the property is located;

(c) Granting the design modification will not impair the integrity and character of surrounding context, or impact the light, air, open space, or privacy of adjacent properties;

(d) If the design modification includes a modification or addition to a building on the City's Historic Resources Inventory, the modification or addition is compatible with the building's historic architectural character, does not result in the removal of historic building features, and is consistent with the Secretary of the Interior Standards for Rehabilitation; and

(e) The design modifications comply with the criteria set forth in Section 9.55.140.

## **CHAPTER 9.08     MULTI-UNIT RESIDENTIAL DISTRICTS**

### **9.08.010     Purpose.**

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

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

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

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

**R3 Medium Density Residential.** This Zoning District is intended to provide areas for a variety of multi-unit housing types with at least one unit for each 1,500 square feet of parcel area, exclusive of State density bonus, or one unit for each 1,250 square feet of parcel area, exclusive of State density bonus, for projects that provide identified community benefits. Types of dwelling units include single-unit housing, low- and medium-scale multi-unit housing, townhouses, courtyard housing, and duplexes and triplexes. Accessory dwelling units and junior accessory dwelling units are also permitted. This District also provides for residential facilities such as transitional housing and hospice facilities, family day care, and neighborhood serving uses such as childcare, neighborhood grocery stores, and community facilities that may be appropriate in a residential environment.

**R4 High Density Residential.** This Zoning District is intended to provide areas for multi-unit housing at greater intensities than other residential districts. Housing types include single-unit housing, three- to four-story multi-unit housing projects, duplexes, and triplexes with at least one unit per 1,250 square feet of parcel area, exclusive of State density bonus, or one unit per 900 square feet of parcel area, exclusive of State density bonus, for projects that provide identified community benefits. Accessory dwelling units and junior accessory dwelling units are also permitted. This District also provides for residential facilities such as assisted living, transitional housing, and hospice facilities, hotels, family day care, and neighborhood serving uses such as childcare, neighborhood grocery stores, and community facilities that may be appropriate in a residential environment.

#### **9.08.020 Land Use Regulations**

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

“P” designates permitted uses.

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

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

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

“–” designates uses that are not permitted.

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

<b>TABLE 9.08.020: LAND USE REGULATIONS—MULTI-UNIT RESIDENTIAL DISTRICTS</b>				
<i>Use Classification</i>	<i>R2*</i>	<i>R3*</i>	<i>R4</i>	<i>Additional Regulations</i>
<i>*For uses within specified areas, see Section 9.08.030(A)</i>				
<b>Residential Uses</b>				
<b>Residential Housing Types</b>	<i>See sub-classifications below.</i>			
<i>Accessory Dwelling Unit</i>	P	P	P	Section 9.31.025, Accessory Dwelling Units and Junior Accessory Dwelling Units
<i>Junior Accessory Dwelling Unit</i>	P	P	P	Section 9.31.025, Accessory Dwelling Units and Junior Accessory Dwelling Units
<i>Duplex</i>	P	P	P	
<i>Multiple-Unit Dwelling</i>	P	P	P	Section 9.31.195, Multiple-Unit Dwelling Projects
<i>Senior Citizen Multiple-Unit Residential</i>	P	P	P	Section 9.31.195, Multiple-Unit Dwelling Projects
<i>Single-Room Occupancy Housing</i>	P	P	P	Section 9.31.330, Single Room Occupancy Structures
<i>Group Residential</i>	MUP	MUP	MUP	
<i>Congregate Housing</i>	P	P	P	Section 9.31.110, Congregate and Transitional Housing
<i>Senior Group Residential</i>	P	P	P	Section 9.31.310, Senior Group Residential
<i>Elderly and Long-Term Care</i>	CUP	CUP	CUP	
<i>Emergency Shelters</i>	–	CUP	CUP	Section 9.31.130, Emergency Shelters
<b>Family Day Care</b>	<i>See sub-classifications below.</i>			
<i>Large</i>	P	P	P	Section 9.31.140, Family Day Care, Large
<i>Small</i>	P	P	P	



<b>TABLE 9.08.020: LAND USE REGULATIONS—MULTI-UNIT RESIDENTIAL DISTRICTS</b>				
<i>Use Classification</i>				
<i>*For uses within specified areas, see Section 9.08.030(A)</i>	<i>R2*</i>	<i>R3*</i>	<i>R4</i>	<i>Additional Regulations</i>
Residential Facilities	<i>See sub-classifications below.</i>			
<i>Residential Care, General</i>	MUP	MUP	MUP	Section 9.31.270, Residential Care Facilities
<i>Residential Care, Limited</i>	P	P	P	Section 9.31.270, Residential Care Facilities
<i>Residential Care, Senior</i>	L (2)/MUP	L (2)/MUP	L (2)/MUP	Section 9.31.270, Residential Care Facilities
<i>Hospice, General</i>	MUP	MUP	MUP	
<i>Hospice, Limited</i>	P	P	P	
Supportive Housing	P	P	P	
Transitional Housing	P	P	P	Section 9.31.110, Congregate and Transitional Housing
<b>Public and Semi-Public Uses</b>				
Adult Day Care	CUP	CUP	CUP	
Child Care and Early Education Facilities	CUP	CUP	CUP	Section 9.31.120, Child Care and Early Education Facilities
Community Assembly	CUP	CUP	CUP	
Community Gardens	P	P	P	
Cultural Facilities	CUP	CUP	CUP	Limited to Designated Landmarks
Park and Recreations Facilities, Public	P	P	P	
Schools, Public or Private	CUP	CUP	CUP	
<b>Commercial Uses</b>				
Automobile/Vehicle Sales and Services	<i>See sub-classifications below.</i>			
<i>Automobile Storage Use</i>	CUP (3)	CUP (3)	–	Section 9.31.070, Automobile/Vehicle Sales, Leasing, and Storage
<i>Automobile/Vehicle Sales and Leasing</i>	L (4)/CUP	L (4)/CUP	–	Section 9.31.070, Automobile/Vehicle Sales, Leasing, and Storage
Food and Beverage Sales	<i>See sub-classifications below.</i>			
<i>General Market</i>	CUP (5)	CUP (5)	CUP (5)	Section 9.31.040, Alcoholic Beverage Sales Section 9.31.150, General Markets in Residential Districts
Lodging	<i>See sub-classifications below.</i>			
<i>Bed and Breakfast</i>	CUP	CUP	CUP	Within Designated Landmarks only. Section 9.31.090, Bed and Breakfasts
<i>Hotels and Motels</i>	–	–	CUP	
Mobile Food Truck Off-Street Venues	–	MUP (7)	–	Section 9.31.190, Mobile Food Truck Off-Street Venues
Personal Services, Physical Training	–	L (9)	–	
Retail Sales	<i>See sub-classifications below.</i>			
<i>General Retail Sales, Small-Scale</i>	–	CUP (8)	–	

<b>TABLE 9.08.020: LAND USE REGULATIONS—MULTI-UNIT RESIDENTIAL DISTRICTS</b>				
<i>Use Classification</i>	<i>R2*</i>	<i>R3*</i>	<i>R4</i>	<i>Additional Regulations</i>
<i>*For uses within specified areas, see Section 9.08.030(A)</i>				
<b>Transportation, Communication, and Utilities Uses</b>				
City Bikeshare Facility	P	P	P	
Utilities, Minor	P	P	P	
<b>Specific Limitations:</b>				
<ul style="list-style-type: none"> <li>(1) Reserved.</li> <li>(2) Facilities for 6 or fewer residents are permitted by right. Other facilities require approval of a Minor Use Permit.</li> <li>(3) Limited to automobile storage use associated with and adjacent to existing auto dealerships that were legally established before July 6, 2010, and according to the standards of Section 9.31.070, Automobile/Vehicle Sales, Leasing, and Storage.</li> <li>(4) Auto dealership uses existing as of July 6, 2010 are considered permitted uses. Expansions to existing dealerships in residential zones are subject to approval of a Conditional Use Permit and must conform to the standards in Section 9.31.070, Automobile/Vehicle Sales, Leasing, and Storage. New auto dealerships and expansions of existing dealerships inconsistent with Section 9.31.070 are prohibited.</li> <li>(5) Only stores up to 2,500 square feet may be allowed with approval of a Conditional Use Permit. Stores must be located at least 300 feet from another retail food and beverage services use.</li> <li>(6) Reserved.</li> <li>(7) Mobile food truck off-street venues shall only be located on the R3A overlay parcels located between Ocean Park Boulevard and Hill Street along the east side of Neilson Way.</li> <li>(8) Limited to bicycle and skate rental facilities along Ocean Front. Other general retail sales uses are not permitted.</li> <li>(9) Limited to youth-serving studios of less than 3,000 square feet offering performing arts, dance, martial arts, physical exercise, and similar types of instruction in buildings designed and constructed for commercial purposes across an alley from the Downtown district subject to a passenger loading and drop-off plan to be reviewed and approved by the Director.</li> </ul>				

### **9.08.030 Development Standards**

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

TABLE 9.08.030: DEVELOPMENT STANDARDS—MULTI-UNIT RESIDENTIAL DISTRICTS				
Standard				
<i>*For development standards within specified areas, see Section 9.08.030(A)</i>	<i>R2*</i>	<i>R3*</i>	<i>R4</i>	<i>Additional Regulations</i>
Parcel and Density Standards				
Minimum Parcel Size (sq. ft.)	5,000	5,000	5,000	
Maximum Parcel Size (sq. ft.)	See 9.21.030(B)(C)	See 9.21.030(B)(C)	See 9.21.030(B)(C)	
Minimum Parcel Width (ft.)	50	50	50	
Minimum Parcel Depth (ft.)	100	100	100	
Maximum Allowable Density				
<i>Tier 1—Base Standard</i>	1 unit per 2,000 sq. ft. of parcel area (or 4 total units, whichever is less)	1 unit per 1,500 sq. ft. of parcel area (or 5 total units, whichever is less)	1 unit per 1,250 sq. ft. of parcel area (or 6 total units, whichever is less)	For parcels consolidated to provide courtyards, the maximum allowable number of units shall be based on the total maximum number of units allowed on each of the parcels prior to consolidation.  For projects eligible for density bonus, see Section 9.22.050(C), Calculating Base Density
<i>Tier 2—With Provision of Community Benefits</i>	NA	1,250	900	Chapter 9.23, Community Benefits
<i>100% Affordable Housing Projects</i>	1,500	1,250	900	
Building Form and Location				
Maximum Number of Stories				
<i>Tier 1—Base Standard</i>	2	2	3	Chapter 9.23, Community Benefits
<i>Tier 2—With Provision of Community Benefits</i>	NA	3	4	
<i>100% Affordable Housing Projects</i>	No limit on number of stories as long as building complies with height limit.			
Maximum Building Height (ft.)				
<i>Tier 1—Base Standard</i>	30. See (B)	30. See (B)	30. See (B)	Chapter 9.23, Community Benefits
<i>Tier 2—With Provision of Community Benefits</i>	NA	40. See (B)	45. See (B)	
<i>100% Affordable Housing Projects</i>	30. See (B)	40. See (B)	45. See (B)	

<b>Maximum Parcel Coverage</b>				
<i>Maximum Parcel Coverage (% of Parcel Area)</i>	50	50	50	For projects with a base density consisting of 8 to 10 units, an increase in parcel coverage shall be permitted as necessary to ensure a Floor Area Ratio of 1.25
<b>Minimum Setbacks</b>				
<i>Front (ft.)</i>	20 See (C)(E)	20 See (C)(E)	20 See (C)(E)	
<i>Interior Side (ft.)—Parcels 50 feet or more in width</i>	8 See (E)	8 See (E)	8 See (E)	
<i>Interior Side (ft.)—Parcels less than 50 ft in width</i>	4, or 16% of parcel width, whichever is greater. See (E)	4, or 16% of parcel width, whichever is greater. See (E)	4, or 16% of parcel width, whichever is greater. See (E)	
<i>Street Side (% of parcel width)</i>	15 See (C)(E)	15 See (C)(E)	15 See (C)(E)	
<i>Rear (ft.)</i>	15	15	15	
Parking	See Sections 9.28.070, Location of Parking and 9.28.120, Parking Design and Development Standards			
Transition Requirements Adjacent to R1 District	See (D)	See (D)	See (D)	
<b>Open Space &amp; Landscaping</b>				
Minimum Outdoor Living Area per Unit (sq. ft.)—Sites with Three or More Units				Section 9.21.090, Outdoor Living Area
<i>Private</i>	60	60	60	
<i>Total</i>	150	150	100	
Courtyards—Parcels over 99 feet in width	No less than 10% of the total parcel area. See (F)	No less than 10% of the total parcel area. See (F)	No less than 10% of the total parcel area. See (F)	
Minimum Planting Area (% of parcel area)	30. See (G)	25. See (G)	20. See (G)	Chapter 9.26, Landscaping
<b>Additional Standards</b>				
Accessory Dwelling Units	Section 9.31.025, Accessory Dwelling Units and Junior Accessory Dwelling Units			
Accessory Structures	Section 9.21.020, Accessory Buildings and Structures			
Affordable Housing Production Program	Chapter 9.64, Affordable Housing Production Program			
Density Bonus	Chapter 9.22, Density Bonus			
Exceptions to Height Limits	Section 9.21.060, Height Exceptions			
Fences and Walls	Section 9.21.050, Fences, Walls, and Hedges			
Home Occupation	Section 9.31.160, Home Occupation			
Junior Accessory Dwelling Units	Section 9.31.025, Accessory Dwelling Units and Junior Accessory Dwelling Units			
Landscaping	Chapter 9.26, Landscaping			
Lighting	Section 9.21.080, Lighting			

Multiple-Unit Dwelling Projects	Section 9.31.195, Multiple-Unit Dwelling Projects
Multiple-Unit Dwelling Projects Located on Community Assembly Surface Parking Lots	Section 9.31.196, Multiple-Unit Dwelling Projects Located on Community Assembly Surface Parking Lots
Multiple-Unit Dwelling Projects Located on Residentially Zoned Surface Parking Lots	Section 9.31.197, Multiple-Unit Dwelling Projects Located on Residentially Zoned Surface Parking Lots
Off-Street Parking and Loading	Chapter 9.28, Parking, Loading, and Circulation
Projections into Required Setbacks	Section 9.21.110, Projections into Required Setbacks
Refuse and Recycling Screening and Enclosure	Section 9.21.130, Resource Recovery and Recycling Standards
Screening	Section 9.21.140, Screening
Signs	Chapter 9.61, Signs
Solar Energy Systems	Section 9.21.150, Solar Energy Systems

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

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

**a. Uses.**

i. Permitted Uses: Single-Unit Dwelling; Accessory Dwelling Unit; Junior Accessory Dwelling Unit; Single-Room Occupancy Housing; Congregate Housing; Multiple-Unit Dwelling; Senior Group Residential; Family Day Care, Small; Supportive Housing; Transitional Housing; Hospice, Limited; One-Story Accessory Building and Structures up to 14 feet in height; Public Parks and Playgrounds.

ii. Uses Subject to Minor Use Permits: Hospice, General; One-story accessory living quarters up to 14 feet in height on parcels having a minimum area of 10,000 square feet.

iii. Conditionally Permitted Uses: Bed and Breakfast; Day Care Center; Group Residential; Residential Care Facility; Offices and Meeting Rooms for Charitable, Youth, and Welfare Organizations; Schools.

b. *Maximum Building Height.* Maximum building height shall be 40 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 30 feet, and then running parallel with the side parcel lines to a point located 5 feet in height above the top of the Palisades bluff immediately behind the pedestrian railing.

ii. No portion of the building above 23 feet for a flat roof, and 30 feet for a pitched roof may exceed 30 feet in width. Multiple projections above 23 feet for a flat roof and 30 feet for a pitched roof shall be separated by a minimum 20-foot wide unobstructed view corridor. No projections, connections, or mechanical equipment may be placed in the view corridor.

c. *Maximum Allowable Density.* For parcels 4,000 square feet or more, the maximum unit density shall be one dwelling unit for each 1,500 square feet of parcel area, or 4 total units, whichever is less. For parcels less than 4,000 square feet that existed on September 8, 1988 or parcels 40 feet or less in width, one dwelling unit may be permitted, except that more units may be otherwise permitted in accordance with Section 9.31.125, Duplexes and Lot Splits on Parcels Zoned for Single-Unit Residential. Accessory dwelling units and junior accessory dwelling units established in accordance with Section 9.31.025 shall be deemed to meet

the allowable density for the parcel on which the accessory dwelling unit or junior accessory dwelling unit is located.

d. *Maximum Parcel Coverage.* 50% of the parcel area. For projects with a base density consisting of 8 to 10 units, an increase in parcel coverage shall be permitted as necessary to ensure a Floor Area Ratio of 1.25.

e. *Front Yard Setback.* The minimum required front yard setback shall be either 20 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 30% of the building elevation above 14 feet in height shall provide an additional 5-foot average setback from the minimum required front yard setback.

f. *Beach Rear Yard Setback.* 15 feet for parcels 100 feet or less in depth and 55 feet for parcels over 100 feet in depth.

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 50 feet in width, the minimum required side yard shall be 10% of the parcel width, but in any event not less than 4 feet:

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

At least 25% of the side elevation above 14 feet in height shall provide an additional 4-foot average setback from the minimum required side yard setback.

h. *Minimum Parcel Size.* 5,000 square feet. Each parcel shall contain a minimum depth of 100 feet and a minimum width of 50 feet, except that parcels existing on September 8, 1988 shall not be subject to this requirement.

i. *View Corridor.* A structure with 70 linear 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 20 feet in width and 40 feet in height measured from the property line parallel to the Pacific Coast Highway.

j. *Parking.* 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 4 or more residential dwelling units shall provide the following minimum open space: 100 square feet per unit for projects with 4 or 5 units, and 50 square feet per unit for projects of 6 units or more. For purposes of this requirement, “residential dwelling unit” shall mean any unit 376 square feet in area or larger. Affordable housing projects may substitute one square foot of common open space for each square foot of required private open space.

l. *Projections into Beach Rear Yard Setback.* For parcels 100 feet or less in depth, balconies, decks, porches, and similar structures that are open and unenclosed on at least 2 sides shall be allowed to extend to the rear property line in the beach rear yard setback but not within the minimum side yard setbacks.

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



a. *Uses.*

i. Permitted Uses: Single Unit Dwelling; Duplex on any legal parcel that existed on August 31, 1975; Accessory Dwelling Unit; Junior Accessory Dwelling Unit; Family Day Care, Small; Family Day Care, Large; Hospice, Limited; Supportive Housing, Transitional Housing; Public Parks and Playgrounds.

ii. Uses Subject to Minor Use Permits: One-story accessory buildings up to 14 feet in height on parcels having a minimum area of 10,000 square feet, exclusive of Accessory Dwelling Units and Junior Accessory Dwelling Units; Hospice, General.

iii. Conditionally Permitted Uses: One-story accessory buildings over 14 feet in height or two-story accessory buildings up to a maximum of 24 feet, exclusive of Accessory Dwelling Units and Junior Accessory Dwelling Units.

b. *Maximum Building Height.* 2 stories, not to exceed 23 feet for a flat roof or 30 feet for a pitched roof. A “pitched roof” is defined as a roof with at least 2 sides having no less than one foot of vertical rise for every 3 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.

c. *Maximum Allowable Density.* A minimum of one unit per 1,500 square feet of parcel area, or 4 units total, whichever is less. However, one duplex shall be permitted on any legal parcel that existed on August 31, 1975. Accessory

dwelling units and junior accessory dwelling units established in accordance with Section 9.31.025 shall be deemed to meet the allowable density for the parcel on which the accessory dwelling unit or junior accessory dwelling unit is located.

d. *Maximum Parcel Coverage.* 60% of the parcel area. For projects with a base density consisting of 8 to 10 units, an increase in parcel coverage shall be permitted as necessary to ensure a Floor Area Ratio of 1.25.

e. *Minimum Parcel Size.* 3,000 square feet. Each parcel shall have a minimum depth of 100 feet and a minimum width of 30 feet, except that parcels already developed and existing on September 8, 1988, shall not be subject to this requirement.

f. *Front Yard Setback.* 10 feet.

g. *Rear Yard Setback.* 15 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 50 feet in width, the minimum required side yard setback shall be 10% of the parcel width, but in any event not less than 4 feet:

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

i. *Front Yard Paving.* No more than 50% of the area of the required front yard setback, including driveways, shall be paved.

j. *Private Open Space.* Any project containing 4 or more residential dwelling units shall provide the following minimum open space: 100 square feet per unit for projects with 4 or 5 units, and 50 square feet per unit for projects of 6 units or more. For purposes of this requirement, "residential dwelling unit" shall

mean any unit 376 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. Design Review. Pursuant to Section 9.55.170, Architectural Review District Boundaries, all projects are subject to design review subject to Chapter 9.55, Architectural Review.

3. For Multi-Unit Residential District parcels bounded by Appian Way to the east, Vicente Terrace to the south, Ocean Front Walk to the west, and Seaside Terrace to the north, the following development standards shall apply in lieu of the corresponding land use regulations specified in Table 9.08.020 and development standards specified in Table 9.08.030:

a. *Uses.*

i. Permitted Uses: Single-Unit Dwellings; Multiple-Unit Dwellings; Accessory Dwelling Unit; Junior Accessory Dwelling Unit; Single-Room Occupancy Housing; Congregate Housing; Senior Citizen Multiple-Unit Residential; Senior Group Residential; Family Day Care, Small; Supportive Housing; Transitional Housing; Hospice, Limited; One-Story Accessory Building and Structures up to 14 feet in height; Public Parks and Playgrounds.

ii. Uses Subject to Minor Use Permits: One-Story Accessory Living Quarters up to 14 feet in height on parcels having a minimum area of 10,000 square feet; Hospice, General.

iii. Conditionally Permitted Uses: Bed and Breakfast; Day Care Center; Group Residential; Residential Care Facility; Community Assembly;

Emergency Shelter; One-Story Accessory Buildings over 14 feet in height or Two-Story Accessory Buildings up to a maximum of 24 feet; Offices and Meeting Rooms for Charitable, Youth, and Welfare Organizations; Schools; Convenience Market; Bicycle and Skate Rental Facilities; Underground Parking Structures provided the parcel was occupied by a surface parking lot at the time of adoption of this Chapter, the parcel is not adjacent to a parcel in the NC District, the ground level above the underground parking structure is used for residential or public park and open space uses, the structure is associated with an adjacent commercially zoned parcel, and the vehicle access to the underground parking is from the commercially zoned parcel and as far from the residentially zoned parcel as is reasonably possible.

b. *Maximum Building Height.* 2 stories, not to exceed 30 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 30 feet.

c. *Maximum Floor Area Ratio.* 1.0. For projects with a base density consisting of 8 to 10 units, a Floor Area Ratio of 1.25 is permitted.

d. *Maximum Allowable Density.* For projects on parcels of 4,000 square feet or more, one dwelling unit for each 1,500 square feet of parcel area shall be permitted, or 5 units total, whichever is less. For parcels less than 4,000 square feet, one dwelling unit may be permitted if a single-unit dwelling existed on the parcel on September 8, 1988, except that more units may be otherwise permitted in accordance with Section 9.31.125, Duplexes and Lot Splits on Parcels Zoned for Single-Unit Residential. Accessory dwelling units and junior accessory dwelling

units established in accordance with Section 9.31.025 shall be deemed to meet the allowable density for the parcel on which the accessory dwelling unit or junior accessory dwelling unit is located.

e. *Maximum Parcel Coverage.* 50% of the parcel area. For projects with a base density consisting of 8 to 10 units, an increase in parcel coverage shall be permitted as necessary to ensure a Floor Area Ratio of 1.25.

f. *Minimum Parcel Size.* 5,000 square feet. Each parcel shall contain a minimum depth of 100 feet and a minimum width of 50 feet, except that parcels existing on September 8, 1988 shall not be subject to this requirement.

g. *Front Yard Setback.* The minimum required front yard setback shall be either 20 feet, or shall comply with the minimum front yard setback for the district as set forth in the Official Districting Map, whichever area is greater.

h. *Rear Yard Setback.* 15 feet.

i. *Side Yard Setback.* The minimum required side yard setback shall be determined in accordance with the following formula, except that for lots of less than 50 feet in width, the minimum required side yard setback shall be 10% of the parcel width, but in any event not less than 4 feet:

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

j. *Private Open Space.* Any project containing 4 or more residential dwelling units shall provide the following minimum open space: 100 square feet per unit for projects with 4 or 5 units, and 50 square feet per unit for projects of 6 units or more. For purposes of this requirement, “residential dwelling unit” shall mean any unit 376 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.*

i. Additional Front Stepback Over 14 Feet in Height. For new structures or additions to existing structures, any portion of the front building elevation above 14 feet exceeding 75% of the maximum buildable front elevation shall be stepped back from the front setback line an additional average amount equal to 4% of parcel depth, but in no case resulting in a requirement stepback greater than 10 feet. As used in this Section, "maximum buildable elevation" shall mean the maximum potential length of the elevation permitted under these regulations, which includes parcel width or length (as applicable), minus required minimum setbacks.

ii. Additional Side Stepback Over 14 Feet in Height. For new structures or additions to existing structures, any portion of the side building elevation above 14 feet exceeding 50% of the maximum buildable side elevation shall be stepped back from the side setback line an additional average amount equal to 6% of parcel width, but in no case resulting in a required stepback greater than 10 feet.

iii. 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.

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

1. **R2 District.** No portion of the building volume above 23 feet shall encroach into a daylight plane starting at 23 feet above the front setback line and sloping upward at a 45-degree angle toward the rear of the parcel. The 23-foot height measurement shall be taken from the same reference grade as determined for the subject site pursuant to Section 9.04.050.

2. **R3 District.** No portion of the building volume above 35 feet shall encroach into a daylight plane starting at 35 feet above the front setback line and sloping upward at a 45-degree angle toward the rear of the parcel. The 35-foot height measurement shall be taken from the same reference grade as determined for the subject site pursuant to Section 9.04.050.

3. **R4 District.** No portion of the building volume above 40 feet shall encroach into a daylight plane starting at 40 feet above the front setback line and sloping upward at a 45-degree angle toward the rear of the parcel. The 40-foot height measurement shall be taken from the same reference grade as determined for the subject site pursuant to Section 9.04.050.

4. The covered portion of all stories above the second story in any multi-unit structure shall be set back an average of 10 feet from the second floor front façade.

**C. Front and Side Setbacks.**

1. The front yard setback on Arcadia Terrace and Seaview Terrace shall be 30 feet measured from the center line of the walkway.

2. In the R2, R3, and R4 Districts, the street side setback shall be at least 15% of the parcel width but no less than 6 feet and is not required to exceed 10 feet.

3. Where a corner parcel in an R2, R3, or R4 District abuts a parcel in an R1 District, the street side setback shall be at least half of the required front setback in the adjacent R1 District.

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

1. The maximum height within 25 feet of an R1 District is 23 feet for a building with a flat roof. A building with a pitched roof may be built to the maximum height.

2. The building setback from an R1 District boundary shall be 10 feet for interior side setbacks and 20 feet for rear setbacks.

3. A landscaped planting area, a minimum of 5 feet in width, shall be provided along all R1 District boundaries. A tree screen shall be planted in this area with trees planted at a minimum interval of 15 feet.

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

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

2. An additional 5-foot setback beyond the minimum front setback set forth in Section 9.08.030 is required for at least 25% of the width of the front façade.



This setback shall be fully integrated into the building through balconies, decks, or other elements that articulate the front of the building.

3. All required setbacks set forth in Section 9.08.030 shall be open to the sky except for permitted architectural projections contained in Section 9.21.110.

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

5. An additional 2-foot average side setback from the minimum side setback requirement set forth in Section 9.08.030 shall be provided at each story. Setback areas greater than 5 feet in depth from the minimum side yard setback, or the area used to comply with the additional setback requirements of this Section, shall not be used to satisfy compliance with this requirement.

6. The allocation of allowable parcel coverage area shall be distributed to provide clear delineation between individual units through: changes in wall plane, in plan or section; use of additional setbacks; use of decks or balconies; or other architectural and spatial manipulation. A change in plane to differentiate individual units shall be a minimum of 12 inches. However, more than one but no more than 3 units may be grouped together for the purpose of providing a shared entry, balcony or other common exterior space.

F. **Courtyards.** Parcels having a width greater than 99 feet and located in the R2, R3, or R4 District shall provide a courtyard on the lot. Courtyards shall comply with the following design criteria:

1. Courtyards shall be no less than 10% of the total lot area and in no case less than 1,000 square feet with a minimum width and length of 18 feet measured parallel to the front and side parcel lines. Required setback area shall not count toward the minimum width and length or 1,000 square foot requirement.

2. Courtyards shall be open to the sky, but may include permitted projections set forth in Section 9.21.110 for side yard projections. If mechanical or utility equipment is placed in the courtyard, it shall be screened visually and acoustically and shall not encroach into the minimum courtyard area.

3. A minimum of 50% of the courtyard's perimeter shall be enclosed by a building.

4. Courtyards shall be visible and accessible from the sidewalk and each ground floor unit. Courtyards shall be visible from the street with a minimum 10-foot wide opening that is open to the sky. For openings less than 18 feet in width into courtyards, the depth of the opening shall not exceed twice the width of the opening.

5. At least 50% of courtyard areas shall be planted pursuant to Sections 9.26.060 and 9.26.070. Planting shall be at grade or in finished planters not exceeding 18 inches above finished grade. At least one canopy tree in a tree well providing a minimum soil volume pursuant to Section 9.26.050(A)(3) shall be planted in all courtyards.

6. The majority of primary entrances to all ground floor units shall be accessed from the street frontage or courtyard.

G. **Planting Areas.** The following areas shall be landscaped and may count toward the total area of site landscaping required by Table 9.08.030.

1. ***Setback Areas Adjacent to Streets.*** All visible portions of a required setback area adjacent to a street that are not used for driveways or walks shall be dedicated for planting areas or landscaping. These areas shall be planted with the appropriate number and sizes of trees as necessary to provide shade and to increase a project's energy efficiency. Recreational vehicles, utility trailers, unmounted camper tops, boats, cars, trucks, motorcycles, or other vehicles shall not be parked or stored within a required planting or landscape area.

2. ***Interior Side Setback Areas.*** At least 50% of each required setback area shall be planting area, except that for parcels less than 50 feet in width, 50% of any one interior side setback area shall be planted.

3. ***Adjacent to R1 Districts.*** A continuous planting area having a minimum width of 5 feet is provided along interior parcel lines when an R2, R3, or R4 District is adjacent to an R1 District.

## **CHAPTER 9.09      OCEAN PARK NEIGHBORHOOD DISTRICTS**

### **9.09.020      Land Use Regulations.**

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

“P” designates permitted uses.

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

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

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

“–” designates uses that are not permitted.

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

<b>TABLE 9.09.020: LAND USE REGULATIONS—OCEAN PARK NEIGHBORHOOD DISTRICTS</b>						
<i>Use Classification</i>	<i>OP1</i>	<i>OPD</i>	<i>OP2</i>	<i>OP3</i>	<i>OP4</i>	<i>Additional Regulations</i>
<b>Residential Uses</b>						
Residential Housing Types	<i>See sub-classifications below.</i>					
<i>Single Unit Dwelling</i>	P	P	P	P	P	
<i>Accessory Dwelling Unit</i>	P	P	P	P	P	Section 9.31.025, Accessory Dwelling Units and Junior Accessory Dwelling Units
<i>Junior Accessory Dwelling Unit</i>	P	P	P	P	P	Section 9.31.025, Accessory Dwelling Units and Junior Accessory Dwelling Units
<i>Duplex</i>	P–	P	P	P	P	For OP1, see Section 9.31.125, Duplexes and Lot Splits on Parcels Zoned for Single-Unit Residential  Section 9.31.195, Multiple-Unit Dwelling Projects
<i>Multiple-Unit Dwelling</i>	L(1)–	–	P	P	P	Section 9.31.195, Multiple-Unit Dwelling Projects
<i>Senior Citizen Multiple-Unit Residential</i>	L(1)–	–	P	P	P	Section 9.31.195, Multiple-Unit Dwelling Projects
<i>Single-Room Occupancy Housing</i>	–	–	P	P	P	Section 9.31.330, Single Room Occupancy Structures
<i>Group Residential</i>	–	–	MUP	MUP	MUP	
<i>Congregate Housing</i>	–	–	P	P	P	Section 9.31.110, Congregate and Transitional Housing
<i>Senior Group Residential</i>	–	L (2)	P	P	P	Section 9.31.310, Senior Group Residential
<i>Elderly and Long-Term Care</i>	–	–	CUP	CUP	CUP	
<i>Emergency Shelters</i>	–	–	CUP	CUP	CUP	Section 9.31.130, Emergency Shelters
Family Day Care	<i>See sub-classifications below.</i>					
<i>Large</i>	P	P	P	P	P	Section 9.31.140, Family Day Care, Large
<i>Small</i>	P	P	P	P	P	
Residential Facilities	<i>See sub-classifications below.</i>					
<i>Residential Care, General</i>	–	–	MUP	MUP	MUP	Section 9.31.270, Residential Care Facilities
<i>Residential Care, Limited</i>	P	P	P	P	P	
<i>Residential Care, Senior</i>	L(2)	L(2)	L(3)/MUP	L (3)/MUP	L (3)/MUP	Section 9.31.270, Residential Care Facilities
<i>Hospice, General</i>	–	MUP	MUP	MUP	MUP	
<i>Hospice, Limited</i>	P	P	P	P	P	
Supportive Housing	P	P	P	P	P	
Transitional Housing	P	P	P	P	P	Section 9.31.110, Congregate and Transitional Housing

<b>Public and Semi-Public Uses</b>						
Adult Day Care	CUP	CUP	CUP	CUP	CUP	
Child Care and Early Education Facilities	CUP	CUP	CUP	CUP	CUP	Section 9.31.120, Child Care and Early Education Facilities
Community Assembly	–	–	CUP	CUP	CUP	Section 9.31.100, Community Assembly
Community Gardens	P	P	P	P	P	
Cultural Facilities	–	CUP	CUP	CUP	CUP	Limited to Designated Landmarks
Park and Recreations Facilities, Public	P	P	P	P	P	
Schools, Public or Private	CUP	CUP	CUP	CUP	CUP	
<b>Commercial Uses</b>						
Food and Beverage Sales	<i>See sub-classifications below.</i>					
<i>General Market</i>	–	–	CUP (4)	CUP (4)	CUP (4)	Section 9.31.040, Alcoholic Beverage Sales Section 9.31.150, General Markets in Residential Districts
Lodging	<i>See sub-classifications below.</i>					
<i>Bed and Breakfast</i>	–	–	CUP	CUP	CUP	Within Designated Landmarks only. Section 9.31.090, Bed and Breakfasts
<i>Hotels and Motels</i>	–	–	–	–	CUP	
<b>Transportation, Communication, and Utilities Uses</b>						
City Bikeshare Facility	P	P	P	P	P	
Utilities, Minor	P	P	P	P	P	
<b>Specific Limitations:</b>						
(1) Permitted only on parcels with existing surface parking lots: <ul style="list-style-type: none"> <li>(a) Owned in whole or in part by a Community Assembly use in accordance with requirements of Section 9.31.196, Multiple-Unit Dwelling Projects Located on Community Assembly Surface Parking Lots; or</li> <li>(b) Associated with existing multiple-unit dwelling or commercial uses in accordance with requirements of Section 9.31.197, Multiple-Unit Dwelling Projects Located on Residentially Zoned Surface Parking Lots.</li> </ul> (2) Limited to facilities for 6 or fewer residents; facilities for more than 6 residents not permitted. (3) Limited to facilities for 6 or fewer residents. Facilities for more than 6 residents require a Minor Use Permit. (4) Only stores up to 2,500 square feet may be allowed with approval of a Conditional Use Permit. Stores must be located at least 300 feet from a commercial district with a food and beverage service use.						

### 9.09.030 Development Standards

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

<b>TABLE 9.09.030: DEVELOPMENT STANDARDS—OCEAN PARK NEIGHBORHOOD DISTRICTS</b>						
<i>Standard</i>	<i>OP1</i>	<i>OPD</i>	<i>OP2</i>	<i>OP3</i>	<i>OP4</i>	<i>Additional Regulations</i>
<b>Parcel and Density Standards</b>						
Minimum Parcel Size (sq. ft.)	4,000	5,000	5,000	5,000	5,000	
Maximum Parcel Size (sq. ft.)	See 9.21.030(B)	See 9.21.030(B)	See 9.21.030(B)	See 9.21.030(B)	See 9.21.030(B)	
Minimum Parcel Width (ft.)	25	50	50	50	50	
Minimum Parcel Depth (ft.)	80	100	100	100	100	
<i>Maximum Allowable Density</i>	1 unit per parcel	2 units per parcel	1 unit per 2,000 sq. ft. of parcel area	1 unit per 1,500 sq. ft. of parcel area	1 unit per 1,250 sq. ft. of parcel area	<p>See (A)</p> <p>For OP1, a duplex shall be permitted as provided in Section 9.31.125, Duplexes and Lot Splits on Parcels Zoned For Single-Unit Residential.</p> <p>For projects eligible for density bonus, see Section 9.22.050(C), Calculating Base Density</p>
<b>Building Form and Location</b>						
Maximum Number of Stories						
<i>Base Standard</i>	2	2	2 See (B)	2	3	
<i>100% Affordable Housing Projects</i>	2	No limit to stories	No limit to stories	No limit to stories	No limit to stories	
Maximum Building Height (ft.)						
<i>Base Standard—Flat Roofs; Roofs Pitched Less Than 1:3</i>	20	23	23 See (B)	23	35	
<i>Pitched Roofs</i>	27	30	30 See (B)	30	35	The walls of the building may not exceed the maximum height required for a flat roof
Maximum Parcel Coverage (% of Parcel Area)						
<i>Base Standard</i>	50	50	50	50	50	<p>55% for parcels less than 35 ft. in width in OP1</p> <p>For projects with a base density consisting of 8 to 10 units, an increase in parcel coverage shall be permitted as necessary to ensure a Floor Area Ratio of 1.25</p>
<i>100% Affordable Housing Projects</i>	60	60	60	60	60	
Minimum Setbacks (ft.)						
<i>Front</i>	15	30	20	20	15	Except for OPD, a one-

<b>TABLE 9.09.030: DEVELOPMENT STANDARDS—OCEAN PARK NEIGHBORHOOD DISTRICTS</b>						
<i>Standard</i>	<i>OP1</i>	<i>OPD</i>	<i>OP2</i>	<i>OP3</i>	<i>OP4</i>	<i>Additional Regulations</i>
	[10, if average of adjacent dwelling(s) is 10 ft. or less]	measured from the centerline of the walkway	[15, if average of adjacent dwelling(s) is 15 ft. or less]	[15, if average of adjacent dwelling(s) is 15 ft. or less]	[10, if average of adjacent dwelling(s) is 10 ft. or less]	story covered or uncovered porch open on 3 sides may encroach 6 ft. into the required front setback if the roof does not exceed a height of 14 ft. and the porch width does not exceed 40% of the building width at the front of the building
<i>Side—Blank walls and walls containing secondary windows on parcels less than 50 ft. in width</i>	Greater of 4 ft. or 10% of parcel width					3 ft. for parcels less than 35 ft. in width in OP1
<i>Side—Blank walls and walls containing secondary windows on parcels 50 ft. or more in width</i>	See formula in (C)					
<i>Side—Walls containing primary windows on parcels less than 50 ft. in width</i>	8 ft. setback from property line. 12 ft. of separation must be maintained between primary window and any adjacent structures					3 ft. for parcels less than 35 ft. in width in OP1
<i>Side—Walls containing primary windows on parcels 50 ft. or more in width</i>	12 ft. See (C)					
<i>Street Side—Parcels less than 50 ft. in width</i>	Greater of 4 ft. or 10% of parcel width	See formula in (C)				3 ft. for parcels less than 35 ft. in width in OP1
<i>Street Side—Parcels 50 ft. or more in width</i>	See (C)	10 ft. See (C)				
<i>Rear</i>	10	15	15	15	15	
Parking	See Sections 9.28.070, Location of Parking and 9.28.120, Parking Design and Development Standards					
Minimum Spacing between Buildings (ft.) – Buildings facing each other on the same lot	–	See (D)	See (D)	See (D)	See (D)	
Transition Requirements Adjacent to OP1 or OPD Districts	–	–	See (F)	See (F)	See (F)	
<b>Open Space &amp; Landscaping</b>						
Minimum Outdoor Living Area (sq. ft.) per Dwelling Unit						Section 9.21.090, Outdoor Living Area
<i>Private</i>	NA	60	60	60	60	Required only of projects with 2 or more units
<i>Total</i>	NA	150	150	150	100	Required only of projects with 2 or more units



<b>TABLE 9.09.030: DEVELOPMENT STANDARDS—OCEAN PARK NEIGHBORHOOD DISTRICTS</b>						
<i>Standard</i>	<i>OP1</i>	<i>OPD</i>	<i>OP2</i>	<i>OP3</i>	<i>OP4</i>	<i>Additional Regulations</i>
Minimum Planting Area (% of parcel area)	25	25	25	25	20	See (G), Chapter 9.26, Landscaping. Required only of projects with 2 or more units
<b>Additional Standards</b>						
Accessory Dwelling Units	Section 9.31.025, Accessory Dwelling Units and Junior Accessory Dwelling Units					
Accessory Structures	Section 9.21.020, Accessory Buildings and Structures					
Affordable Housing Production Program	Chapter 9.64, Affordable Housing Production Program					
Density Bonus	Chapter 9.22, Density Bonus					
Duplexes and Lot Splits on Parcels Zoned for Single-Unit Residential	Section 9.31.125, Duplexes and Lot Splits on Parcels Zoned for Single-Unit Residential					
Exceptions to Height Limits	Section 9.21.060, Height Exceptions					
Fences and Walls	Section 9.21.050, Fences, Walls, and Hedges					
Home Occupation	Section 9.31.160, Home Occupation					
Junior Accessory Dwelling Units	Section 9.31.025, Accessory Dwelling Units and Junior Accessory Dwelling Units					
Landscaping	Section 9.09.030(G), Chapter 9.26, Landscaping					
Lighting	Section 9.21.080, Lighting					
Multiple-Unit Dwelling Projects	Section 9.31.195, Multiple-Unit Dwelling Projects					
Multiple-Unit Dwelling Projects Located on Community Assembly Surface Parking Lots	Section 9.31.196, Multiple-Unit Dwelling Projects Located on Community Assembly Surface Parking Lots					
Multiple-Unit Dwelling Projects Located on Residentially Zoned Surface Parking Lots	Section 9.31.197, Multiple-Unit Dwelling Projects Located on Residentially Zoned Surface Parking Lots					
Off-Street Parking and Loading	Chapter 9.28, Parking, Loading, and Circulation					
Projections into Required Setbacks	Section 9.21.110, Projections into Required Setbacks					
Refuse and Recycling Screening and Enclosure	Section 9.21.130, Resource Recovery and Recycling Standards					
Screening	Section 9.21.140, Screening					
Solar Energy Systems	Section 9.21.150, Solar Energy Systems					
Trash Screening and Enclosure	Section 9.21.130, Resource Recovery and Recycling Standards					

A. **Maximum Density.** The following additional rules apply to the maximum residential density:

1. ***Calculation of Units—Remainder Parcel Area.*** An additional unit is allowed on a parcel if, after calculating the allowed number of units based on the minimum

required parcel area per unit stated in Table 9.09.030 for the respective district, the excess parcel area equals or exceeds the following:

- a. 1,000 square feet in OP2.
- b. 750 square feet in OP3.
- c. 625 square feet in OP4.

2. ***Parcels Less Than 4,000 Square Feet.*** No more than one dwelling unit shall be permitted on a parcel 4,000 square feet or less in area, except that more units may be otherwise permitted in accordance with Section 9.31.125, Duplexes and Lot Splits on Parcels Zoned for Single-Unit Residential.

3. ***Parcels over 10,000 Square Feet—OP2 District.*** In the OP2 District, the maximum density on parcels that have an area of 10,000 square feet or more or a combined street frontage of 100 feet or more shall be one dwelling unit for each 2,500 square feet of combined lot area, except where 100% of the proposed units are deed restricted for very low, low, middle, and/or moderate income housing, in which case the density shall be one unit for each 2,000 square feet of parcel area.

4. ***Parcels over 15,000 Square Feet—OP3 District.*** In the OP3 District, the maximum density on parcels that have an area of 15,000 square feet or more or exceed a combined street frontage of 150 feet shall be one dwelling unit for each 2,000 square feet (OP3) of combined parcel area, except where 100% of the proposed units are deed restricted for very low, low, middle, and/or moderate income housing, in which case the density shall be one unit for each 1,500 square feet of parcel area.

5. ***Accessory Dwelling Units and Junior Accessory Dwelling Units.*** Notwithstanding anything to the contrary in this subsection (A), accessory dwelling units

and junior accessory dwelling units established in accordance with Section 9.31.025 shall be deemed to meet the allowable density for the parcel on which the accessory dwelling unit or junior accessory dwelling unit is located.

**B. Maximum Height on Sloped Parcels—OP2 District.** In the OP2 District, on upslope parcel where the change in elevation is 10 feet or greater from the finished surface of the sidewalk adjacent to the property line to the required rear setback line, the maximum allowable height for structures is:

1. One story and 14 feet in height for the first 15 feet of horizontal distance on the parcel measured from the front parcel line.
2. 2 stories and 18 feet for a flat roof or 23 feet for a pitched roof for that portion of the structure located between 15.1 feet and 30 feet from the front parcel line.
3. The maximum permitted height for structures beyond 30 feet from the front parcel line shall be 2 stories and 23 feet for a flat roof or 30 feet for structures with a pitched roof.
4. The finished grade shall be no more than 3 feet below or above the theoretical grade line at any point adjacent to a building if excavation occurs. An opening to a garage may remain unexcavated.

**C. Front and Side Setbacks.**

1. The front yard setback on Copeland Court shall be 30 feet measured from the center line of the walkway.
2. The following formula shall be used to determine the required side setback for blank walls and walls containing secondary windows. In the OP1 District, this formula shall also be used to determine the required street side setback on lot parcels 50 feet or

more in width. In the OP2, OP3, and OP4 districts, it shall be used to determine the required street side setback on parcels less than 50 feet in width. The setback is calculated as follows:

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

3. Within the required side setback area for corner parcels 50 feet or greater in width, covered or uncovered stairways or porches not exceeding 35% of the building frontage on the street side may encroach up to 5 feet into the required side setback.

4. Within the required side or street side setback area for parcels 50 feet or greater in width, the second floor side setback above a primary window shall not project more than 2 feet into the required side setback.

**D. Building Spacing.** Buildings that face each other on the same lot shall be separated by the following minimum distances:

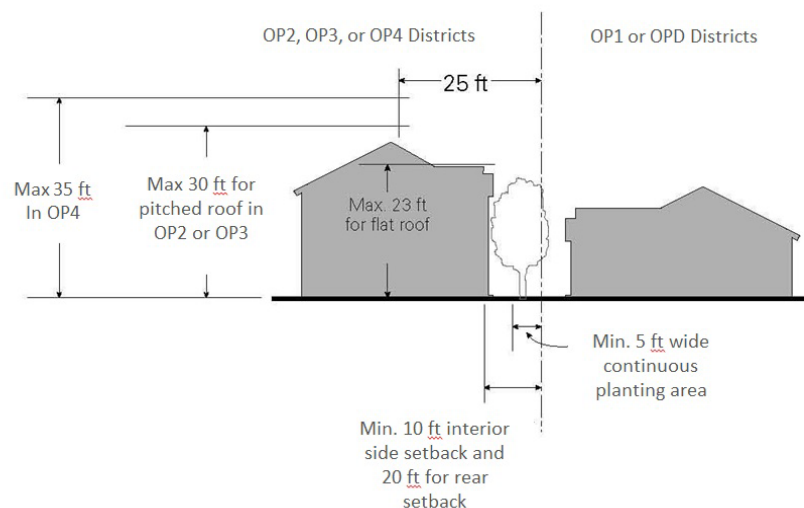
1. 15 feet if one building has primary windows facing the other.
2. 25 feet when the windows of primary spaces in both buildings face each other on the ground or second level, except 15 feet when they are visually separated by a solid wall or opaque fence over 5 feet 6 inches in height.
3. 10 feet when secondary windows face each other or when a secondary window faces a blank wall.

**E. Roof Decks.** The handrail surrounding a roof deck shall be set back a minimum of three feet from the edge of the building at the side and rear yards.

**F. Transition Requirements Adjacent to OP1 or OPD District.** Where an OP2, OP3 or OP4 District adjoins an OP1 or OPD District, the following standards apply:

1. The maximum height within 25 feet of an OP1 or OPD District is 23 feet for a building with a flat roof and 27 feet for a building with a pitched roof.
2. The building setback from an OP1 or OPD District boundary shall be 10 feet for interior side setbacks and 20 feet for rear setbacks.
3. A landscaped planting area, a minimum of 5 feet in width, shall be provided along all OP1 or OPD District boundaries. A tree screen shall be planted in this area with trees planted at a minimum interval of 15 feet.

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



G. **Planting Areas.** The following areas shall be landscaped, and may count toward the total area of site landscaping required by Table 9.09.030.

1. **Setback Areas Adjoining Streets.** All visible portions of a required setback area adjoining a street that are not used for driveways or walks shall be planting area or landscape. Recreational vehicles, utility trailers, un-mounted camper tops, boats, cars,

trucks, motorcycles, or other vehicles shall not be parked or stored within a required planting or landscape area.

2. ***Interior Setback Areas.*** At least 50% of each required interior side setback and rear setback shall be planting area having a minimum width of 7.5 feet adjoining a side or rear parcel line. The width of a required planting area may be reduced to 3 feet in one side or rear setback area adjoining a driveway or patio, and a nonresidential accessory structure may occupy a portion of the planting area in a rear setback area.

3. ***Adjoining OP1 and OPD Districts.*** A continuous planting area having a minimum width of 5 feet shall be provided along interior parcel lines when an OP2, OP3, or OP4 District adjoins an OP1 or OPD District.

## **CHAPTER 9.10 DOWNTOWN DISTRICTS**

### **Section 9.10.001 Incorporation of Downtown Community Plan Standards and Regulations**

Development standards for the Downtown Community Plan area are as prescribed in Chapter 4 of the Downtown Community Plan adopted on July 25, 2017, which is hereby incorporated by reference. Where Zoning Ordinance provisions are not specifically addressed by Chapter 4 of the Downtown Community Plan, the Zoning Ordinance shall apply. Where there is conflict between compliance with Chapter 4 of the Downtown Community Plan and the Zoning Ordinance, Chapter 4 of the Downtown Community Plan shall control except where the conflicting Zoning Ordinance provision was adopted through voter initiative in which case the initiative shall control.

### **Section 9.10.040 Land Use Regulations**

Table 9.10.040 prescribes the land use regulations for Downtown Districts. The regulations for each district are established by letter designations below. These designations apply strictly to the permissibility of land uses; applications for buildings or structures may require discretionary review.

“P” designates permitted uses.

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

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

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

“—” designates uses that are not permitted.

Land uses are defined in Chapter 9.51 (“Use Classifications”) of Article 9 of the Santa Monica Municipal Code (“Zoning Ordinance”). Use classifications and sub-classifications not listed in the table are prohibited. Accessory uses are permissible when they are determined by the Zoning Administrator to be necessary and customarily associated with and appropriate, incidental, and subordinate to, the principal uses and which are consistent and not more disturbing or disruptive than permitted uses. The table also notes additional use regulations that apply to various uses. Section numbers in the right-hand column refer to other Sections of this Ordinance.

<b>TABLE 9.10.040 LAND USE REGULATIONS—DOWNTOWN DISTRICTS</b>								
<b>Use Classification</b>	<b>LT</b>	<b>NV</b>	<b>BC (Third Street Promenade Area)</b>	<b>BC (Excluding Third Street Promenade Area)</b>	<b>TA</b>	<b>OT</b>	<b>WT</b>	<b>Additional Regulations</b>
<b>Residential Uses</b>								
Residential Housing Types	<i>See sub-classifications below.</i>							
<i>Accessory Dwelling Unit</i>	P	P	P	P	P	P	P	Section 9.31.025 Accessory Dwelling Units and Junior Accessory Dwelling Units
<i>Junior Accessory Dwelling Unit</i>	P	P	P	P	P	P	P	Section 9.31.025 Accessory Dwelling Units and Junior Accessory Dwelling Units
<i>Multiple-Unit Dwelling</i>	P	P	L(1)	L(1)	P	P	P	Section 9.31.195, Multiple-Unit Dwelling Projects
<i>Senior Citizen Multiple-Unit Residential</i>	P	P	L(1)	L(1)	P	P	L(1)	Section 9.31.195, Multiple-Unit Dwelling Projects
<i>Single-Room Occupancy Housing</i>	L(1)	L(3)	L(1)	L(1)	L(1)	L(1)	L(1)	Section 9.31.330, Single Room Occupancy Structures
<i>Group Residential</i>	MUP	MUP, L(3)	MUP, L(1)	MUP, L(1)	MUP	MUP	MUP	
<i>Congregate Housing</i>	P	MUP, L(3)	L(1)	CUP, L(1)	MUP	MUP	MUP	Section 9.31.110, Congregate and Transitional Housing
<i>Senior Group Residential</i>	P	MUP, L(3)	MUP, L(1)	MUP, L(1)	MUP, L(1)	MUP, L(1)	MUP, L(1)	Section 9.31.310, Senior Group Residential
<i>Elderly and Long-Term</i>	P	L(3)	L(1)	L(1)	L(1)	L(1)	L(1)	



<b>TABLE 9.10.040 LAND USE REGULATIONS—DOWNTOWN DISTRICTS</b>								
<b>Use Classification</b>	<b>LT</b>	<b>NV</b>	<b>BC (Third Street Promenade Area)</b>	<b>BC (Excluding Third Street Promenade Area)</b>	<b>TA</b>	<b>OT</b>	<b>WT</b>	<b>Additional Regulations</b>
<i>Care</i>								
<i>Emergency Shelters</i>	L(6)/CUP	L(6)/CUP	CUP/L(1)	L(1), L(6)/CUP	L(6)/CUP	L(6)/CUP	L(6)/CUP	Section 9.31.130, Emergency Shelters
Family Day Care	<i>See sub-classifications below.</i>							
<i>Large</i>	L(1)	L(3)	L(1)	L(1)	L(1)	L(1)	L(1)	Section 9.31.140, Family Day Care, Large
<i>Small</i>	L(1)	L(3)	L(1)	L(1)	L(1)	L(1)	L(1)	
Residential Facilities	<i>See sub-classifications below.</i>							
<i>Residential Care, General</i>	P	L(3)	L(1)	L(1)	P	L(1)	L(1)	Section 9.31.270, Residential Care Facilities
<i>Residential Care, Limited</i>	P	L(3)	L(1)	L(1)	P	L(1)	L(1)	
<i>Residential Care, Senior</i>	P	L(3)	L(1)	L(1)	P	L(1)	L(1)	
<i>Hospice, General</i>	P	L(3)	L(1)	L(1)	P	L(1)	L(1)	
<i>Hospice, Limited</i>	P	L(3)	L(1)	L(1)	P	L(1)	L(1)	
<i>Supportive Housing</i>	P	L(3)	L(1)	L(1)	L(1)	L(1)	L(1)	
<i>Transitional Housing</i>	P	L(3)	L(1)	L(1)	L(1)	L(1)	L(1)	Section 9.31.11, Congregate and Transitional Housing
<b>Public and Semi-Public Uses</b>								
Adult Day Care	L(1)	L(3)	L(1)	L(1)	L(1)	L(1)	L(1)	
Child Care and Early Education Facilities	P	P	P	P	P	P	P	Section 9.31.120, Child Care and Early Education Facilities
Colleges and Trade Schools, Public or Private	CUP	L(1)	L(1)	L(1)	L(1)	L(1)	L(1)	
Community Assembly	L(7)/CUP	CUP	L(15)	P	CUP	L(1)	L(7)/CUP	
Community Gardens	P	P	-	P	P	P	P	
Cultural Facilities	P	P	P	P	P	P	P	
Hospitals and Clinics	P	P	L(1)	L(1)	P	-	P	
Park and Recreation Facilities, Public	P	P	P	P	P	P	P	
Public Safety Facilities	P	P	P	P	P	P	P	
Schools, Public or Private	CUP	L(3)	L(1)	P	P	-	CUP	
Social Service Centers	P	P	-	P	P	P	P	Section 9.31.350, Social Service Centers
<b>Commercial Uses</b>								
Animal Care, Sales, and Services	<i>See sub-classifications below.</i>							
<i>Grooming and Pet Stores</i>	L(5)/CUP	L(5)/CUP	P	L(5)/CUP	L(5)/CUP	L(5)/CUP	L(5)/CUP	No more than 10 dogs or cats can be kept overnight
<i>Pet Day Care Services</i>	MUP	MUP	-	MUP	MUP	MUP	MUP	
<i>Veterinary Services</i>	MUP	MUP	-	MUP	MUP	-	MUP	
Automobile/Vehicle Sales and Service	<i>See sub-classifications below.</i>							
<i>Alternative Fuels and Recharging Facilities</i>	CUP/L(19)	CUP/L(19)	-	-	CUP/L(19)	-	-	
<i>Automobile Rental</i>	L(10)	L(10)	L(10)	L(10)	L(10)	L(10)	L(10)	
<i>Automobile Storage Use</i>	-	-	-	-	-	-	-	

<b>TABLE 9.10.040 LAND USE REGULATIONS—DOWNTOWN DISTRICTS</b>								
<b>Use Classification</b>	<b>LT</b>	<b>NV</b>	<b>BC (Third Street Promenade Area)</b>	<b>BC (Excluding Third Street Promenade Area)</b>	<b>TA</b>	<b>OT</b>	<b>WT</b>	<b>Additional Regulations</b>
<i>New Automobile/Vehicle Sales and Leasing</i>	L(8), L(5)/CUP	L(8), L(5)/CUP	L(8), L(5)/CUP	L(8), L(5)/CUP	L(8), L(5)/CUP	-	-	
<i>Additions 7,500 sq ft or less to Automobile/Vehicle Sales and Leasing buildings existing as of 7/06/2010</i>	L(20)/MUP	-	-	-	-	-	-	Section 9.31.070 Automobile/Vehicle Sales, Leasing, and Storage
<i>Additions larger than 7,500 sq ft to Automobile/Vehicle Sales and Leasing buildings existing as of 7/06/2010</i>	L(20)/CUP	-	-	-	-	-	-	
<i>Automobile/Vehicle Repair, Major</i>	L(19)	-	-	-	-	-	-	
<i>Automobile/Vehicle Service and Repair, Minor</i>	L(19)	-	-	-	-	-	-	
<i>Automobile/Vehicle Washing</i>	L(19)	-	-	-	-	-	-	
<i>Service Station</i>	L(19)	L(19)	-	-	L(19)	-	-	
<i>Towing and Impound</i>	-	-	-	-	-	-	-	
<b>Banks and Financial Institutions</b>	<i>See sub-classifications below.</i>							
<i>Banks and Credit Unions</i>	L(4)/CUP	L(3), L(5)/CUP	-	-	L(4)/CUP	L(4)/CUP	L(4)/CUP	
<i>Check Cashing Businesses</i>	-	-	-	-	-	-	-	
<b>Business Services</b>	L(5)/CUP	L(5)/CUP	L(15)	L(5)/CUP	L(5)/CUP	L(5)/CUP	L(5)/CUP	
<b>Commercial Entertainment and Recreation</b>	<i>See sub-classifications below.</i>							
<i>Cinemas &amp; Theaters, up to 99 seats</i>	-	CUP	P	P	P	-	-	
<i>Cinemas &amp; Theaters, more than 99 seats</i>	-	-	P	CUP	CUP	-	-	
<i>Convention and Conference Centers</i>	CUP	CUP	P	CUP	CUP	CUP	CUP	
<i>Large-Scale Facility</i>	L(21)/CUP	L(21)/CUP	L(21)/CUP	L(21)/CUP	L(21)/CUP	L(21)/CUP	-	
<i>Small-Scale Facility</i>	L(5)/CUP	L(5)/CUP	L(5)/CUP	L(5)/CUP	L(5)/CUP	L(5)/CUP	L(5)/CUP	Section 9.31.340 Small Scale Facility
<i>Fortunetelling</i>	P	P	P	P	P	P	P	
<b>Eating and Drinking Establishments</b>	<i>See sub-classifications below.</i>							
<i>Bars/Nightclubs/Lounges</i>	CUP	CUP	CUP	CUP	CUP	CUP(10)	-	
<i>Restaurants, Full-Service, Limited Service &amp; Take-Out (2,500 sq ft and smaller, including Outdoor Dining and Seating)</i>	P	P	L(22)	P	P	P	P	Section 9.31.040, Alcoholic Beverage Sales

<b>TABLE 9.10.040 LAND USE REGULATIONS—DOWNTOWN DISTRICTS</b>								
<b>Use Classification</b>	<b>LT</b>	<b>NV</b>	<b>BC (Third Street Promenade Area)</b>	<b>BC (Excluding Third Street Promenade Area)</b>	<b>TA</b>	<b>OT</b>	<b>WT</b>	<b>Additional Regulations</b>
<i>Restaurants, Full-Service, Limited Service &amp; Take-Out (2,501 – 5,000 sq ft, including Outdoor Dining and Seating)</i>	P	P	L(22)	P	P	P	P	Section 9.31.280, Restaurants, Limited Service, and Take-Out Only
<i>Restaurants, Full-Service, Limited Service &amp; Take-Out (greater than 5,000 sq ft, including Outdoor Dining and Seating)</i>	CUP	P	L(22)	P	P	P	CUP	Section 9.31.200, Outdoor Dining and Seating
<i>Food Hall (up to 175 seats)</i>	CUP	CUP	P	CUP	CUP	CUP	CUP	
Equipment Rental	-	-	-	-	L(5)/CUP	-	-	
Food and Beverage Sales	<i>See sub-classifications below.</i>							
<i>Convenience Market</i>	CUP	L(5)/CUP	L(5)/CUP	L(5)/CUP	L(5)/CUP	L(5)/CUP	-	Section 9.31.040, Alcoholic Beverage Sales
<i>Farmer's Market</i>	CUP	P	P	P	P	P	P	
<i>General Market</i>	L(12)/CUP	L(12)/CUP	L(12)/CUP	L(12)/CUP	L(12)/CUP	L(12)/CUP	L(12)/CUP	Section 9.31.040, Alcoholic Beverage Sales
<i>Liquor Stores</i>	CUP	CUP	P	CUP	CUP	CUP	-	
Funeral Parlors and Mortuaries	CUP	-	-	-	-	-	-	
Instructional Services	L(5)/CUP	L(3), L(5)/CUP	L(1), L(5)/CUP	L(5)/CUP	L(5)/CUP	L(1), L(5)/CUP	L(1), L(5)/CUP	
Live-Work	L(13)	L(3)(13)	L(1)(13)	L(13)	L(13)	L(1)(13)	L(13)	Section 9.31.170, Live-Work Units
Lodging	<i>See sub-classifications below.</i>							
<i>Bed and Breakfast</i>	MUP	MUP	P	MUP	MUP	MUP	MUP	Section 9.31.090, Bed and Breakfasts
<i>Hotels and Motels</i>	CUP	CUP	P	CUP	CUP	CUP	CUP, L(19)	
Maintenance and Repair Services	L(5)/CUP	-	-	-	-	-	-	
Nurseries and Garden Centers	L(5)/CUP	L(5)/CUP	-	L(5)/CUP	L(5)/CUP	-	L(5)/CUP	Section 9.31.220, Outdoor Retail Display and Sales
Offices	<i>See sub-classifications below.</i>							
<i>Business and Professional</i>	L(14)/CUP	L(3), L(5)/CUP	L(1)	L(1)	L(3), L(5)/CUP	L(1)	L(1)	
<i>Creative</i>	L(14)/CUP	L(3), L(5)/CUP	L(1)	L(1)	L(3), L(5)/CUP	L(1)	L(1)	
<i>Medical and Dental</i>	L(14)/CUP	L(3), L(5)/CUP	P	L(1)	L(3), L(5)/CUP	L(1)	L(1)	
<i>Walk-In Clientele</i>	L(14)/CUP	L(3), L(5)/CUP	L(1)	L(5)/CUP	L(3), L(5)/CUP	L(5)/CUP	L(5)/CUP	
Outdoor Newsstands	MUP	MUP	MUP	MUP	MUP	MUP	MUP	Section 9.31.210, Outdoor Newsstands
Parking, Public or Private	CUP	CUP	-	CUP	CUP,	-	CUP	

<b>TABLE 9.10.040 LAND USE REGULATIONS—DOWNTOWN DISTRICTS</b>								
<b>Use Classification</b>	<b>LT</b>	<b>NV</b>	<b>BC (Third Street Promenade Area)</b>	<b>BC (Excluding Third Street Promenade Area)</b>	<b>TA</b>	<b>OT</b>	<b>WT</b>	<b>Additional Regulations</b>
					L(11)			
<b>Personal Services</b>	<i>See sub-classifications below.</i>							
<i>General Personal Services</i>	L(5)/CUP	L(5)/CUP	P	L(5)/CUP	L(5)/CUP	-	L(5)/CUP	Section 9.31.230, Personal Service
<i>Physical Training</i>	L(17), L(5)/CUP	L(17), L(5)/CUP	L(17), L(21)/CUP	L(17), L(5)/CUP	L(17), L(5)/CUP	L(17), L(5)/CUP	L(17), L(5)/CUP	
<i>Tattoo or Body Modification Parlor</i>	MUP	MUP	P	MUP	MUP	MUP	-	Section 9.31.230, Personal Service
<b>Retail Sales</b>	<i>See sub-classifications below.</i>							
<i>Building Materials Sales and Services</i>	P	-	-	-	-	-	-	Section 9.31.220, Outdoor Retail Display and Sales
<i>General Retail Sales, Small-Scale</i>	L(5)/CUP	L(5)/CUP	P	L(5)/CUP	L(5)/CUP	L(5)/CUP	L(5)/CUP	
<i>General Retail Sales, Medium-Scale</i>	CUP	CUP	P	CUP	CUP	-	CUP	
<i>General Retail Sales, Large-Scale</i>	-	-	-	-	-	-	-	
<i>Medical Marijuana Dispensaries</i>	CUP	-	-	-	-	-	-	Section 9.31.185, Medical Marijuana Dispensaries
<i>Pawn Shops</i>	-	-	-	-	-	-	-	
<i>Swap Meets</i>	-	-	-	-	-	-	-	
<b>Industrial Uses</b>								
Artist's Studio	P	P	L(2)	L(1)	P	P	P	
Commercial Kitchens	-	-		-	CUP	-	-	
Industry, Limited	-	-	L(2), L(23)	-	-	-	-	
<b>Media Production</b>	<i>See sub-classifications below.</i>							
<i>Support Facilities</i>	L(14)/CUP	L(3), L(5)/CUP	L(1)	L(1)	L(3), L(5)/CUP	L(1)	L(1)	
<b>Transportation, Communication, and Utilities Uses</b>								
Bus/Rail Passenger Stations	P	P	P	P	P	-	P	
City Bike Share Facility	P	P	P	P	P	P	P	
<b>Communication Facilities</b>	<i>See sub-classifications below.</i>							
<i>Antennas and Transmission Towers</i>	-	-	-	-	-	-	-	
<i>Equipment within Buildings</i>	-	-	-	-	-	-	-	
Light Fleet-Based Services	-	-	-	-	MUP	-	-	
Utilities, Major	L(18)	-	-	-	-	-	-	
Utilities, Minor	P	P	P	P	P	P	P	
<b>Specific Limitations:</b> <ol style="list-style-type: none"> <li>Limited to upper floors, and on the ground floor where the entire tenant space shall be located at least 25 feet from the front property line, except for residential units shall be limited to upper floors only.</li> <li>A minimum depth of 25 feet from the front parcel line adjacent to a street for the entire ground-floor street frontage shall be designed to accommodate interactive uses. For purposes of this limitation, interactive uses shall be commercial uses with an interactive element, including, but not limited to, retail sales, exhibitions, displays, demonstrations, or instruction.</li> <li>Between 4th and 7th Court, permitted in mid-block parcels on the ground floor and upper floors. On all other parcels, permitted anywhere on the ground floor if the space has street frontage and was occupied by office on, or is vacant but was occupied by office in the 12 months preceding, the date this Ordinance is effective; otherwise, permitted on upper floors and on the ground floor where the entire tenant space including the primary entry is located at least 50 feet from the front property line.</li> </ol>								

**TABLE 9.10.040 LAND USE REGULATIONS—DOWNTOWN DISTRICTS**

Use Classification	LT	NV	BC (Third Street Promenade Area)	BC (Excluding Third Street Promenade Area)	TA	OT	WT	Additional Regulations
(4)								Permitted except no ground floor tenant space shall exceed 20 linear feet of ground floor street frontage without a Conditional Use Permit.
(5)								Permitted if within buildings existing as of the date the ordinance codified in this Chapter is effective. Permitted in new buildings, except: (a) No individual ground floor tenant space shall occupy more than 7,500 square feet of floor area and/or exceed 50 linear feet of ground floor street frontage without a Conditional Use Permit. (b) Ground floor tenant spaces in the Santa Monica Place are not subject to size limitations.
(6)								Limited to shelters containing less than 55 beds; Conditional Use Permit required for emergency shelters with 55 or more beds.
(7)								Any community assembly facility abutting a residential district shall require approval of a Conditional Use Permit.
(8)								Limited to automobile/vehicle dealer showrooms only which must display one alternative fuel automobile/vehicle if such an automobile/vehicle is available in the dealer's fleet, and limited to six showrooms in the Third Street Promenade Area.
(9)								(Reserved)
(10)								Permitted as an ancillary use to support a primary use.
(11)								Limited to public parking facilities only.
(12)								General markets greater than 15,000 square feet require approval of a Conditional Use Permit, except general markets in the Mixed-Use Boulevard district greater than 25,000 square feet require approval of a Conditional Use Permit.
(13)								If the commercial use requires a MUP or CUP, an application shall be required in accordance with SMMC, Chapter 9.41. Even if the commercial use would otherwise be permitted, no such use shall be approved where, given the design or proposed design of the live-work unit, there would be the potential for adverse health impacts from the proposed use on the people residing in the unit. An example of a potential health impact is the potential for food contamination from users that generate airborne particulates in a unit with an unenclosed kitchen.
(14)								All new construction requires approval of a Conditional Use Permit or permitted if within buildings existing as of the date the ordinance codified in this Chapter is effective, except: (a) New additions of 50% or more additional square footage to an existing building at any one time, or incrementally, after the effective date of the ordinance codified in this Chapter, requires approval of a Conditional Use Permit. (b) No ground floor, street-fronting, non-office or non-media production support facility use, non-medical or non-dental office use tenant space shall be changed into an individual office use or a media production support facility use, or individual medical or dental office use occupying more than 7,500 square feet of floor area and/or exceeding 50 linear feet of street frontage without the approval of a Conditional Use Permit.
(15)								Limited to the ground floor with frontage along 2 <sup>nd</sup> Court and 3 <sup>rd</sup> Court alleys or to upper floors.
(16)								Limited to public parking facilities only.
(17)								Youth-serving personal services, physical training requires review and approval of passenger loading and drop-off plan by the Director.
(18)								Limited to electric distribution substations.
(19)								Limited to legally established existing uses as of the date this Specific Plan is effective.
(20)								Auto dealerships existing as of July 6, 2010 are considered permitted uses. Expansions to existing dealerships conforming to the urban auto dealership format standards in Section 9.31.070, Automobile/Vehicle Sales, Leasing and Storage are permitted. Expansions to existing dealerships of 7,500 square feet or less that do not conform to the urban auto dealership format standards shall require an MUP. Expansions to existing dealerships larger than 7,500 square feet that do not conform to the urban auto dealership format standards shall require a CUP.
(21)								No individual Fitness Center tenant space shall exceed 100 linear feet of ground floor street frontage without the approval of a Conditional Use Permit.
(22)								Restaurant, Limited-Service and Take-Out establishments with frontage on the Third Street Promenade and the following characteristics shall be prohibited: (a) More than 150 locations nationwide at the time that the application for the establishment is deemed complete by the City; and (b) Characteristics, including but not limited to, orders placed at a walk-up window, counter, or machine; payment prior to food consumption; and food served with disposable, one-time, or limited-use wrapping, containers, or utensils.
(23)								Excludes commercial laundries and dry cleaning plants, monument works, medicinal cannabis, and medicinal cannabis products.

### **9.10.070 Project Requirements for Tier 2 and Tier 3 Projects**

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

B. **Applicability.**

1. The requirements of this Chapter apply to all projects involving new development and additions that are not housing projects, as defined by Section 9.52.020.1125, and for which applicants propose to exceed the Tier 1 maximum allowable base floor area or height.

2. Pursuant to 9.10.030(D), Development Agreements and Planning Applications submitted on or before November 11, 2016, shall have a vested right to proceed without complying with the Downtown Community Plan except that they shall be subject to the following affordable requirements:

- a. 20% on-site affordable housing; or
- b. 25% off-site affordable housing.

C. **Qualifying Benefits for Tier 2 and Tier 3 Projects with Residential Uses.** An applicant seeking approval for a project that is not a housing project, as defined by Section 9.52.020.1125, but proposes residential uses shall comply with the following requirements.

1. ***Housing.*** All Tier 2 and Tier 3 projects that propose to include dwelling units must meet the following requirements:

a. ***Affordable Housing.*** Subject to the modifications contained in this Section 9.10.070, all of the affordable units shall comply with the provisions of Chapter 9.64, Affordable Housing Production Program. Applicants proposing residential and mixed-use residential projects shall incorporate on-site or off-site affordable housing units as set forth in Table 9.10.070.A.

TABLE 9.10.070.A: ON-SITE AND OFF-SITE AFFORDABLE HOUSING REQUIREMENTS		
Tier	On-Site Affordable Housing %	Off-Site Affordable Housing %
Tier 2	20%	25%
Tier 3	25%	30%

ii. Affordable housing units may be provided off-site pursuant to Section 9.64.060, except that the total number of affordable housing units shall be increased to the percentage of the total number of units in the project as set forth in Table 9.10.070.A. The off-site affordable housing units shall meet the following conditions:

(1) The affordable housing units are owned in whole or part and operated by a non-profit housing provider for the life of the project;

(2) The Final Construction Permit Sign Off or Certificate of Occupancy for the affordable units is issued prior to or concurrently with the project containing the market-rate units; and

(3) The off-site units may be located anywhere in the City except for within the area defined in Figure 9.64.060.A, Off-Site Affordable Housing Prohibition Area, in Section 9.64.060, Off-Site Option.

iii. The total number of affordable housing units shall incorporate the affordability mix specified in Table 9.10.070.B. Any fractional affordable housing units that result from the percentage mix of total affordable housing units shall be aggregated into whole affordable housing units (i.e., any resulting fraction shall be added to other resulting fractions). The resulting whole units may be provided at 50%, 80%, or Moderate-income household affordability levels.

<b>TABLE 9.10.070.B AFFORDABILITY</b>		
<b>Affordability Level</b>	<b>Affordability Mix for Affordable Housing Units in Tier 2 Projects</b>	<b>Affordability Mix for Affordable Housing Units in Tier 3 Projects</b>
50% Income Household	10%	10%
80% Income Household	5%	10%
Moderate Income	5%	5%

iv. An affordable housing unit shall have a minimum total floor area of no less than the average floor area of comparable market rate units in the project.



b. *Unit Mix.* Applicants proposing Tier 2 and Tier 3 projects with dwelling units shall incorporate the following:

i. For market rate units:

- (1) At least 10% of the units shall be three-bedroom units;
- (2) At least 15% of the units shall be two-bedroom units; and
- (3) No more than 15% of the units shall be studio units.

ii. For affordable housing units:

- (1) The unit mix percentage for affordable two- and three-bedroom housing units shall be equal to or greater than the unit mix percentage required for the corresponding market rate units pursuant to subsection (C)(1)(b)(i) of this Section;
- (2) The unit mix percentage for studio affordable housing units shall not exceed 15% of the total number of affordable units; and
- (3) Affordable housing units shall be no smaller than the average size of comparable market rate units in the project.

iii. The Director may grant a waiver from this unit mix requirement pursuant to the requirements and procedures for Waivers in SMMC Chapter 9.43.

2. ***Transportation Impact Fee.*** All Tier 2 and Tier 3 projects shall pay an additional Transportation Impact Fee (TIF) of 90% of the maximum allowable fee established in the Transportation Impact Fee nexus study, for that portion of the floor area above the maximum Tier 1 floor area allowed by the Downtown Community Plan.

3. ***Open Space.*** All Tier 2 and Tier 3 projects shall pay an additional Parks and Recreation Development Impact Fee of 90% of the maximum allowable fee established in the Parks and Recreation Fee nexus study for that portion of the floor area above the maximum Tier 1 floor area allowed by the Downtown Community Plan.

4. ***Affordable Housing Commercial Linkage Fee.*** All Tier 2 and Tier 3 commercial portions of mixed-use projects shall pay a housing mitigation fee 23% above the base fee as required by Chapter 9.68, Affordable Housing Commercial Linkage Fee Program for that portion of the floor area above the maximum Tier 1 floor area allowed by the Downtown Community Plan.

5. ***Transportation Demand Management.*** All Tier 2 and Tier 3 projects shall include the following Transportation Demand Management measures in addition to those required by Chapter 9.53, Transportation Demand Management:

a. For nonresidential components of projects, provide the following:

i. Bike valet, free of charge, during all automobile valet operating hours.

b. For residential components of projects, provide the following:

i. Free on-site shared bicycles intended for resident and guest use. This shall be optional if Citywide bikeshare is available within a 2-block radius of the project site.

D. ***All Other Tier 2 and Tier 3 Projects Qualifying Benefits.*** An applicant seeking approval for Tier 2 and Tier 3 projects up to 30,000 square feet that are not housing

projects, as defined by Section 9.52.020.1125, and do not propose any residential uses, that exceed the base floor area or height allowed in the district where the project is located shall provide community benefits in each of the following categories.

1. ***Impact Fees.***

a. ***Affordable Housing Commercial Linkage Fee.*** Tier 2 and Tier 3 up to 30,000 square feet – Projects shall pay a housing mitigation fee 23% above the base fee as required by Chapter 9.68, Affordable Housing Commercial Linkage Fee Program for that portion of the floor area above the maximum Tier 1 floor area allowed by the Downtown Community Plan.

b. ***Transportation Impact Fee.*** Tier 2 and Tier 3 up to 30,000 square feet – Projects shall pay an additional transportation impact fee (TIF) 23% above the base fee required by Chapter 9.66, Transportation Impact Fee Program, for that portion of the floor area above the maximum Tier 1 floor area allowed by the Downtown Community Plan.

c. ***Open Space.*** Tier 2 and Tier 3 up to 30,000 square feet. Projects shall pay an additional parks and recreation development impact fee 23% above the base fee required by Chapter 9.67, Parks and Recreation Fee Program, for that portion of the floor area above the maximum Tier 1 floor area allowed by the Downtown Community Plan.

2. ***Transportation Demand Management.*** All Tier 2 and Tier 3 projects shall include the following Transportation Demand Management measures in addition to those required by Chapter 9.53, Transportation Demand Management: bike valet, free of charge, during all automobile valet operating hours.

## **CHAPTER 9.11 MIXED-USE AND COMMERCIAL DISTRICTS**

### **9.11.010 Purpose**

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

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

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

**MUBL Mixed-Use Boulevard Low.** This Zoning District is intended to facilitate the transformation of sections of boulevards into vibrant, highly walkable areas with broad, pedestrian-friendly sidewalks, trees, landscaping, and local-serving uses with new

buildings that step down in relationship to the scale and character of adjacent low density neighborhoods. Allowable ground floor uses include active, local-serving retail, open spaces such as plazas, service-oriented commercial uses, ~~and~~ residential, and hotel uses in limited areas. Residential development for all income levels is the predominant use above the first floor.

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

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

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

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

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

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

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

#### **9.11.020 Land Use Regulations**

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

“P” designates permitted uses.

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

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

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

“—” designates uses that are not permitted.

Land uses are defined in Chapter 9.51 (“Use Classifications”) of Article 9 of the Santa Monica Municipal code (“Zoning Ordinance”). Use classifications and sub-classifications not listed in the table are prohibited. Accessory uses are permissible when they are determined by the Zoning Administrator to be necessary and customarily associated with and appropriate, incidental, and subordinate to, the principal uses and which are consistent and not more disturbing or disruptive than permitted uses. The table also notes

additional use regulations that apply to various uses. Section numbers in the right-hand column refer to other Sections of this Ordinance.

<b>TABLE 9.11.020: LAND USE REGULATIONS MIXED-USE AND COMMERCIAL-DISTRICTS</b>					
<i>Use Classification</i>	<i>MUBL</i>	<i>MUB</i>	<i>GC</i>	<i>NC</i>	<i>Additional Regulations</i>
<b>Residential Uses</b>					
Residential Housing Types	<i>See sub-classifications below.</i>				
<i>Accessory Dwelling Unit</i>	P	P	P	P	Section 9.31.025, Accessory Dwelling Units and Junior Accessory Dwelling Units
<i>Junior Accessory Dwelling Unit</i>	P	P	P	P	Section 9.31.025, Accessory Dwelling Units and Junior Accessory Dwelling Units
<i>Multiple-Unit Dwelling</i>	P	P	P	L(1)	Section 9.31.195, Multiple-Unit Dwelling Projects
<i>Senior Citizen Multiple-Unit Residential</i>	P	P	P	L(1)	Section 9.31.195, Multiple-Unit Dwelling Projects
<i>Single-Room Occupancy Housing</i>	P	P	P	P	Section 9.31.330, Single Room Occupancy Structures
<i>Group Residential</i>	MUP	MUP	MUP	MUP	
<i>Congregate Housing</i>	P	P	P	P	Section 9.31.110, Congregate and Transitional Housing
<i>Senior Group Residential</i>	P	P	P	P	Section 9.31.310, Senior Group Residential
Elderly and Long-Term Care	P	P	P	–	
Emergency Shelters	L(3)/CUP	L(3)/CUP	L(3)/CUP	L(3)/CUP	Section 9.31.130, Emergency Shelters
Family Day Care	<i>See sub-classifications below.</i>				
<i>Large</i>	P	P	P	P	Section 9.31.140, Family Day Care, Large
<i>Small</i>	P	P	P	P	
Residential Facilities	<i>See sub-classifications below.</i>				
<i>Residential Care, General</i>	P	P	P	P	Section 9.31.270, Residential Care Facilities
<i>Residential Care, Limited</i>	P	P	P	P	Section 9.31.270, Residential Care Facilities
<i>Residential Care, Senior</i>	P	P	P	P	Section 9.31.270, Residential Care Facilities
<i>Hospice, General</i>	P	P	P	P	
<i>Hospice, Limited</i>	P	P	P	P	
Supportive Housing	P	P	P	P	
Transitional Housing	P	P	P	P	Section 9.31.110, Congregate and Transitional Housing
<b>Public and Semi-Public Uses</b>					
Adult Day Care	P	P	P	L(2)/CUP	
Child Care and Early Education Facilities	P	P	P	L(2)/CUP	Section 9.31.120, Child Care and Early Education Facilities
Colleges and Trade Schools, Public or Private	CUP	CUP	P	CUP	
Community Assembly	L(18)/CUP	L(18)/CUP	L(18)/CUP	L(18)/CUP	
Community Gardens	P	P	P	P	
Cultural Facilities	P	P	P	L(2)/CUP	
Hospitals and Clinics	–	P	CUP	–	



<b>TABLE 9.11.020: LAND USE REGULATIONS MIXED-USE AND COMMERCIAL-DISTRICTS</b>					
<i>Use Classification</i>	<i>MUBL</i>	<i>MUB</i>	<i>GC</i>	<i>NC</i>	<i>Additional Regulations</i>
Park and Recreation Facilities, Public	P	P	P	P	
Public Safety Facilities	P	P	P	CUP	
Schools, Public or Private	P	CUP	CUP	P	
Social Service Centers	P	P	P	P	Section 9.31.350, Social Service Centers
<b>Commercial Uses</b>					
Animal Care, Sales, and Services	<i>See sub-classifications below.</i>				
Grooming and Pet Stores	L(19)/CUP	L(19)/CUP	L(19)/CUP	L(2)/CUP	No more than 10 dogs or cats may be kept overnight
Pet Day Care Services	MUP	MUP	MUP	MUP	
Veterinary Services	MUP	MUP	MUP	MUP	
Automobile/Vehicle Sales and Service	<i>See sub-classifications below.</i>				
Alternative Fuels and Recharging Facilities	CUP	CUP	CUP	CUP	
Automobile Rental	CUP	MUP	MUP	–	Section 9.31.050, Automobile Rental
Automobile Storage Use	L(4)/CUP	–	–	–	
New Automobile/Vehicle Sales and Leasing	–	–	CUP(6)	–	Section 9.31.070, Automobile/Vehicle Sales, Leasing, and Storage
Additions 7,500 square feet or less to Automobile/Vehicle Sales and Leasing buildings existing as of 07/06/2010	L(5)/MUP	L(5)/MUP	L(5)/MUP	–	Section 9.31.070, Automobile/Vehicle Sales, Leasing, and Storage
Additions larger than 7,500 square feet to Automobile/Vehicle Sales and Leasing buildings existing as of 07/06/2010	CUP (5)	CUP (5)	CUP (5)	–	Section 9.31.070, Automobile/Vehicle Sales, Leasing, and Storage
Automobile/Vehicle Repair, Major	–	–	CUP	–	Section 9.31.060, Automobile/Vehicle Repair, Major and Minor
Automobile/Vehicle Service and Repair, Minor	CUP	–	CUP	–	Section 9.31.060, Automobile/Vehicle Repair, Major and Minor
Automobile/Vehicle Washing	–	–	CUP	–	Section 9.31.080, Automobile/Vehicle Washing
Service Station	CUP	CUP	MUP	–	Section 9.31.320, Service Stations
Towing and Impound	–	–	CUP	–	
Banks and Financial Institutions	<i>See sub-classifications below.</i>				
Banks and Credit Unions	L(2)/CUP	L(2)/CUP	L(2)/CUP	L(2)/CUP	
Check Cashing Businesses	–	–	–	–	
Business Services	L(19)/CUP	L(19)/CUP	L(19)/CUP	L(2)/CUP	
Commercial Entertainment and Recreation	<i>See sub-classifications below.</i>				
Cinemas	L(7)	–	–	L(7)	
Theaters	L(8)/CUP	L(8)/CUP	L(8)/CUP	L(8)/CUP	
Convention and Conference Centers	–	CUP	CUP	–	
Large-Scale Facility	CUP	CUP	CUP	-	
Small-Scale Facility	L(9)/CUP	L(9)/CUP	L(9)/CUP	CUP (16)	Section 9.31.340, Small-Scale Facility, Game Arcades
Fortunetelling	P	P	P	P	
Eating and Drinking Establishments	<i>See sub-classifications below.</i>				
Bars/Nightclubs/Lounges	CUP	CUP	CUP	-	Section 9.31.040, Alcoholic Beverage Sales
Restaurants, Full-Service, Limited Service & Take-Out (2,500 square feet and smaller,	P	P	P	P	Section 9.31.040, Alcoholic Beverage Sales

<b>TABLE 9.11.020: LAND USE REGULATIONS MIXED-USE AND COMMERCIAL-DISTRICTS</b>					
<i>Use Classification</i>	<i>MUBL</i>	<i>MUB</i>	<i>GC</i>	<i>NC</i>	<i>Additional Regulations</i>
<i>including Outdoor Dining and Seating</i>					Section 9.31.280, Restaurants, Limited Service and Take-Out Only Section 9.31.290, Restaurants With Entertainment Section 9.31.200, Outdoor Dining and Seating
<i>Restaurants, Full-Service, Limited Service &amp; Take-Out (2,501 – 5,000 square feet, including Outdoor Dining and Seating)</i>	P	P	P	P	Section 9.31.040, Alcoholic Beverage Sales Section 9.31.280, Restaurants, Limited Service and Take-Out Only Section 9.31.290, Restaurants With Entertainment Section 9.31.200, Outdoor Dining and Seating
<i>Restaurants, Full-Service, Limited Service &amp; Take-Out (greater than 5,000 square feet, including Outdoor Dining and Seating)</i>	CUP	CUP	CUP	CUP (10)(11)	Section 9.31.040, Alcoholic Beverage Sales Section 9.31.280, Restaurants, Limited Service and Take-Out Only Section 9.31.290, Restaurants With Entertainment Section 9.31.200, Outdoor Dining and Seating
<i>Food Hall (up to 175 seats)</i>	CUP	CUP	CUP	CUP	
<i>Equipment Rental</i>	–	L(19)/CUP	L(19)/CUP	–	
<i>Food and Beverage Sales</i>	<i>See sub-classifications below.</i>				
<i>Convenience Market</i>	CUP	CUP	CUP	CUP	Section 9.31.040, Alcoholic Beverage Sales
<i>Farmers Markets</i>	CUP	CUP	CUP	CUP	
<i>General Market</i>	L(12)/CUP	L(12)/CUP	L(12)/CUP	L(12)/CUP	Section 9.31.040, Alcoholic Beverage Sales
<i>Liquor Stores</i>	CUP	CUP	CUP	CUP	Section 9.31.040, Alcoholic Beverage Sales
<i>Funeral Parlors and Mortuaries</i>	–	CUP	CUP	–	
<i>Instructional Services</i>	L(19)/CUP	L(19)/CUP	L(19)/CUP	L(17)/CUP	
<i>Live-Work</i>	L(14)	L(14)	L(14)	L(14)	Section 9.31.170, Live-Work
<i>Lodging</i>	<i>See sub-classifications below.</i>				
<i>Bed and Breakfast</i>	MUP	MUP	MUP	MUP	Section 9.31.090, Bed and Breakfasts
<i>Hotels and Motels</i>	CUP	CUP	CUP	–	
<i>Maintenance and Repair Services</i>	L(19)/CUP	L(19)/CUP	L(19)/CUP	L(2)/CUP	
<i>Nurseries and Garden Centers</i>	L(19)/CUP	L(19)/CUP	L(19)/CUP	L(17)/CUP	Section 9.31.220, Outdoor Retail Display and Sales
<i>Offices</i>	<i>See sub-classifications below.</i>				
<i>Business and Professional</i>	L(21)/CUP	L(21)/CUP	L(21)/CUP	L(21)/CUP	
<i>Creative</i>	L(21)/CUP	L(21)/CUP	L(21)/CUP	L(21)/CUP	
<i>Medical and Dental</i>	L(21)/CUP	L(21)/CUP	L(21)/CUP	L(21)/CUP	
<i>Walk-In Clientele</i>	L(21)/CUP	L(21)/CUP	L(21)/CUP	L(21)/CUP	
<i>Outdoor Newsstands</i>	MUP	MUP	MUP	MUP	Section 9.31.210, Outdoor Newsstands
<i>Parking, Public or Private</i>	CUP	CUP	CUP	CUP	
<i>Personal Services</i>	<i>See sub-classifications below.</i>				

<b>TABLE 9.11.020: LAND USE REGULATIONS MIXED-USE AND COMMERCIAL-DISTRICTS</b>					
<i>Use Classification</i>	<i>MUBL</i>	<i>MUB</i>	<i>GC</i>	<i>NC</i>	<i>Additional Regulations</i>
<i>General Personal Services</i>	L(19)/CUP	L(19)/CUP	L(19)/CUP	L(2)/CUP	Section 9.31.230, Personal Service
<i>Personal Services, Physical Training</i>	L(19)(20)	L(19)(20)	L(19)(20)	L(2)(20)/CUP	
<i>Tattoo or Body Modification Parlor</i>	MUP	MUP	MUP	MUP	Section 9.31.230, Personal Service
<b>Retail Sales</b>	<i>See sub-classifications below.</i>				
<i>Building Materials Sales and Services</i>	–	–	CUP	–	Section 9.31.220, Outdoor Retail Display and Sales
<i>General Retail Sales, Small-Scale</i>	L(19)/CUP	L(19)/CUP	L(19)/CUP	L(2)/CUP	Section 9.31.220, Outdoor Retail Display and Sales
<i>General Retail Sales, Medium-Scale</i>	CUP	CUP	L(19)/CUP	–	Section 9.31.220, Outdoor Retail Display and Sales
<i>General Retail Sales, Large-Scale</i>	–	–	CUP	–	Section 9.31.220, Outdoor Retail Display and Sales
<i>Medical Marijuana Dispensaries</i>	CUP(15)	CUP(15)	CUP(15)	–	Section 9.31.185, Medical Marijuana Dispensaries
<i>Pawn Shops</i>	–	–	–	–	
<i>Swap Meets</i>	–	–	CUP	–	Section 9.31.360, Swap Meets
<b>Industrial Uses</b>					
<i>Artist's Studio</i>	P	P	P	P	
<i>Commercial Kitchens</i>	–	–	CUP	–	
<i>Media Production</i>	<i>See sub-classifications below.</i>				
<i>Support Facilities</i>	L(21)/CUP	L(21)/CUP	L(21)/CUP	L(21)/CUP	
<b>Transportation, Communication, and Utilities Uses</b>					
<i>Bus/Rail Passenger Stations</i>	P	P	P	P	
<i>City Bikeshare Facility</i>	P	P	P	P	
<i>Communication Facilities</i>	<i>See sub-classifications below.</i>				
<i>Antennas and Transmission Towers</i>	–	–	CUP	–	
<i>Equipment within Buildings</i>	–	–	P	–	
<i>Light Fleet-Based Services</i>	–	–	CUP	–	
<i>Utilities, Major</i>	–	L(13)	L(13)	–	
<i>Utilities, Minor</i>	P	P	P	P	
<b>Specific Limitations:</b>					
(1) Limited to the upper floors and areas not subject to the Active Use Requirement set forth in Section 9.11.030(A) for parcels located on Main Street, Montana Avenue, Pico Boulevard, and Ocean Park Boulevard. Permitted on all floors for all other parcels.					
(2) Limitation shall only apply to new construction and alterations to existing buildings that result in a combination or enlargement of tenant spaces: Limited to facilities with no more than 7,500 square feet of floor area and/or 40 linear feet of ground floor street frontage; greater area and/or width requires approval of a Conditional Use Permit.					
(3) Limited to shelters containing less than 55 beds; Conditional Use Permit required for emergency shelters with 55 or more beds.					
(4) Limited to automobile storage use associated with existing automobile dealerships selling new vehicles; otherwise, requires Conditional Use Permit.					
(5) Auto dealerships existing as of July 6, 2010 are considered permitted uses. Expansions to existing dealerships conforming to the Urban Auto Dealership Format standards in Section 9.31.070, Automobile/Vehicle Sales, Leasing, and Storage are permitted. Expansions to existing dealerships that do not conform to the Urban Auto Dealership Format standards shall require a MUP or CUP.					
(6) New auto dealerships may be allowed, subject to approval of a Conditional Use Permit, only on sites with frontage on Santa Monica Boulevard between Lincoln Boulevard and 20 <sup>th</sup> Street on Lincoln Boulevard between Interstate 10 and Santa Monica Boulevard. In other locations, new automobile dealerships are not permitted.					
(7) Limited to existing cinema buildings. New cinemas are not permitted.					
(8) Limited to theaters with 75 or fewer seats. Theaters with more than 75 seats require Conditional Use Permit.					
(9) Limited to exercise facilities (e.g., yoga, Pilates, martial arts, and dance studios) and arts instruction facilities. Other small-scale commercial recreation uses require approval of a Conditional Use Permit.					
(10) Limited to restaurants with 50 or fewer seats.					

TABLE 9.11.020: LAND USE REGULATIONS MIXED-USE AND COMMERCIAL-DISTRICTS					
Use Classification	MUBL	MUB	GC	NC	Additional Regulations
<p>(11) Limited to 2 restaurants greater than 5,000 square feet per block along Main Street. A block is defined as both sides of Main Street and the adjacent sides of adjoining side streets. Portions of Main Street to be designated a "block" for the purpose of this Section are as follows:</p> <ul style="list-style-type: none"> <li>Block 1: South City limits to Marine Street.</li> <li>Block 2: Marine Street to Pier Avenue.</li> <li>Block 3: Pier Avenue to Ashland Avenue.</li> <li>Block 4: Ashland Avenue to Hill.</li> <li>Block 5: Hill to Ocean Park Boulevard.</li> <li>Block 6: Ocean Park Boulevard to Hollister Avenue (total of four restaurants and bars permitted in this block).</li> <li>Block 7: Hollister Avenue to Strand.</li> <li>Block 8: Strand to Pacific.</li> <li>Block 9: Pacific to Bicknell.</li> <li>Block 10: Bicknell to Bay.</li> <li>Block 11: Bay to Pico Boulevard.</li> </ul> <p>(12) General markets greater than 15,000 square feet require a Conditional Use Permit. In the Neighborhood Commercial District, establishments shall not exceed 25,000 square feet of floor area.</p> <p>(13) Limited to electric distribution substations.</p> <p>(14) If the commercial use requires a MUP or CUP, an application shall be required in accordance with Chapter 9.41. Even if the commercial use would otherwise be permitted, no such use shall be approved where, given the design or proposed design of the live-work unit, there would be the potential for adverse health impacts from the proposed use on the people residing in the unit. An example of a potential health impact is the potential for food contamination from uses that generate airborne particulates in a unit with an unenclosed kitchen.</p> <p>(15) Medical marijuana dispensaries are limited to the following locations:</p> <ul style="list-style-type: none"> <li>• MUB District along Wilshire Boulevard between Lincoln Boulevard and Centinela Avenue;</li> <li>• GC District along Santa Monica Boulevard between Lincoln Boulevard and 20<sup>th</sup> Street; and</li> <li>• MUBL District along Santa Monica Boulevard between 23<sup>rd</sup> Street and Centinela Avenue.</li> </ul> <p>(16) Limited to facilities of no more than 3,000 square feet of floor area.</p> <p>(17) Limitation shall only apply to new construction and alterations to existing buildings that result in a combination or enlargement of tenant spaces: No individual tenant space in the NC District shall occupy more than 7,500 square feet of floor area and/or exceed 50 linear feet of ground floor street frontage without the approval of a Conditional Use Permit.</p> <p>(18) Any community assembly facility abutting a residential district shall require a Conditional Use Permit.</p> <p>(19) Limitation shall only apply to new construction and alterations to existing buildings that result in a combination or enlargement of tenant spaces: No individual tenant space in the MUBL, MUB, and GC Districts shall occupy more than 12,500 square feet of floor area and/or exceed 75 linear feet of ground floor street frontage without the approval of a Conditional Use Permit.</p> <p>(20) Youth-serving personal services, physical training requires review and approval of a passenger loading and drop-off plan by the Director.</p> <p>(21) Permitted if within buildings existing as of July 24, 2015, subject to the active use requirement set forth in Section 9.11.030(A)(1), except:</p> <ul style="list-style-type: none"> <li>• All new construction, including new additions of 50% or more additional square footage to an existing building at any one time, or incrementally, after the effective date of this Ordinance, requires approval of a Conditional Use Permit.</li> <li>• In the NC District, ground floor, street-fronting, tenant space occupied by non-media production, support facility uses shall not be changed to an individual office use or media production, support facility use occupying more than 12,500 square feet of floor area and/or exceeding 75 linear feet of street frontage without the approval of a Conditional Use Permit.</li> <li>• In the NC District, no non-medical or non-dental office use tenant space shall be changed to an individual medical or dental office use anywhere in an existing building occupying more than 7,500 square feet of floor area and/or exceeding 50 linear feet of ground floor street frontage without the approval of a Conditional Use Permit.</li> <li>• In the MUBL, MUB, and GC Districts, no non-medical or non-dental office use tenant space shall be changed to an individual medical or dental office use anywhere in an existing building occupying more than 12,500 square feet of floor area and/or exceeding 75 linear feet of ground floor street frontage without approval of a Conditional Use Permit.</li> </ul>					

### 9.11.030 Development Standards

Table 9.11.030.A, Development Standards for All Projects, Except Housing Projects, prescribes the development standards for all projects, except housing projects, as defined by Section 9.52.020.1125, in Mixed-Use and Commercial Districts. Additional regulations are denoted with Section numbers in the right-hand column or with individual letters in parentheses. Section numbers refer to other Sections of this Article, while individual letters in parentheses refer to subsections that directly follow the table.

<b>TABLE 9.11.030.A: DEVELOPMENT STANDARDS FOR ALL PROJECTS, EXCEPT HOUSING PROJECTS — MIXED-USE AND COMMERCIAL-DISTRICTS</b>								
<i>Standard</i>	<i>MUBL</i>	<i>MUB</i>	<i>GC (Santa Monica Blvd)</i>	<i>GC (Lincoln &amp; Pico Blvds)</i>	<i>NC</i>	<i>NC (Main St)</i>	<i>NC (Ocean Park Blvd &amp; Montana Ave)</i>	<i>Additional Regulations</i>
<b>Parcel and Intensity Standards</b>								
Minimum Parcel Size (sq. ft.)	7,500	7,500	7,500	7,500	5,000	5,000	5,000	See (F), Consolidation of Parcels
Minimum Parcel Width (ft.)	50	50	50	50	50	50	50	
Minimum Parcel Depth (ft.)	150	150	150	150	100	100	100	
Maximum FAR								Section 9.04.080, Determining FAR
<i>Tier 1 — Base Standard</i>	1.25	1.25	1.0	1.25	1.25	0.75	0.75	
<i>Tier 1 — Projects Including On-Site Affordable Housing in Compliance with AHPP</i>	1.5	1.5	1.25	1.5	1.5	1.0	1.0	Chapter 9.64, Affordable Housing Production Program
<i>Tier 2 — With Provision of Community Benefits</i>	1.75	2.25	1.5	1.75 (2.0 if on-site affordable housing provided)	NA	NA	NA	Chapter 9.23, Community Benefits
<b>Building Form and Location</b>								
Maximum Building Height (stories/ft.)								Section 9.04.050, Measuring Height
<i>Tier 1 — Base Standard</i>	2/32'	2/32'	2/32'	2/32'	2/32'	2/27'	2/32'	
<i>Tier 1 — Projects Including On-Site Affordable Housing in Compliance with AHPP</i>	3/36'	3/39' if 100% residential above ground floor, 3/35' for all other projects	NA	3/36'	2/32'	2/27'	2/32'	Chapter 9.64, Affordable Housing Production Program

<b>TABLE 9.11.030.A: DEVELOPMENT STANDARDS FOR ALL PROJECTS, EXCEPT HOUSING PROJECTS — MIXED-USE AND COMMERCIAL DISTRICTS</b>								
<i>Standard</i>	<i>MUBL</i>	<i>MUB</i>	<i>GC (Santa Monica Blvd)</i>	<i>GC (Lincoln &amp; Pico Blvds)</i>	<i>NC</i>	<i>NC (Main St)</i>	<i>NC (Ocean Park Blvd &amp; Montana Ave)</i>	<i>Additional Regulations</i>
<i>Tier 2 —With Provision of Community Benefits</i>	3/36'	3/45'	2/35'	3/32' (3/36' if on-site affordable housing provided)	NA	NA	NA	Chapter 9.23, Community Benefits
<i>Tier 2— With Provision of Community Benefits and 100% Residential Above the Ground Floor</i>	No limit to stories/36'	No limit to stories/50'	No limit to stories/35'	No limit to stories/32' (36' if on-site affordable housing provided)	NA	NA	NA	Chapter 9.23, Community Benefits
Minimum Ground Floor Height (ft.)	11'	11'	11'	11'	11'	11'	11'	
Maximum Building Footprint(sq. ft.)								
<i>Tier 1</i>	25,000	25,000	25,000	15,000	10,000	10,000	10,000	
<i>Tier 2 —With Provision of Community Benefits</i>	35,000	35,000	35,000	20,000	15,000	15,000	15,000	Chapter 9.23, Community Benefits
Minimum Setbacks (ft.)								
<i>Interior Side and Rear— Adjacent to Residential District</i>	10	10	10	10	10	10 See (E)	10	Section 9.21.110, Projections from Buildings into Minimum Setbacks
Parking	See Sections 9.28.070, Location of Parking and 9.28.120, Parking Design and Development Standards							
Active Commercial Design	See (A)	See (A)	See (A)	See (A)	See (A)	See (A)	See (A)	
Pedestrian Oriented Design	See (B)	See (B)	See (B)	See (B)	See (B)	See (B)	See (B)	
Build-To Line, Nonresidential Uses	See (C)	See (C)	See (C)	See (C)	See (C)	See (C)	See (C)	
Minimum Upper-Story Stepbacks (ft.)—Required Above the Ground Floor								
<i>Street-Facing Façades</i>	5' average	5' average	5' average	5' average	5' average	5' average	5' average	
Daylight Plane Adjacent to Residential District—Interior Side and Rear	See (D)	See (D)	See (D)	See (D)	See (D)	See (D)	See (D)	Section 9.21.060, Height Exceptions
<b>Standards for Residential Uses</b>								
Minimum Outdoor Living Area (sq. ft./unit)—Sites with 3 or More Units	100	100	100	100	100	100	100	Section 9.21.090, Outdoor Living Area
<i>Minimum Amount Provided as Private Outdoor Living Area (sq. ft./unit)</i>	60	60	60	60	60	60	60	Section 9.21.090, Outdoor Living Area
<b>Additional Standards</b>								
Accessory Dwelling Units	Section 9.31.025, Accessory Dwelling Units and Junior Accessory Dwelling Units							
Accessory Food Service	Section 9.31.030, Accessory Food Service							
Accessory Structures	Section 9.21.020, Accessory Buildings and Structures							
Affordable Housing Production Program	Chapter 9.64, Affordable Housing Production Program							
Automobile/ Vehicle Sales, Leasing, and Storage	Section 9.31.070, Automobile/Vehicle Sales, Leasing, and Storage							

<b>TABLE 9.11.030.A: DEVELOPMENT STANDARDS FOR ALL PROJECTS, EXCEPT HOUSING PROJECTS — MIXED-USE AND COMMERCIAL DISTRICTS</b>								
<i>Standard</i>	<i>MUBL</i>	<i>MUB</i>	<i>GC (Santa Monica Blvd)</i>	<i>GC (Lincoln &amp; Pico Blvds)</i>	<i>NC</i>	<i>NC (Main St)</i>	<i>NC (Ocean Park Blvd &amp; Montana Ave)</i>	<i>Additional Regulations</i>
Density Bonus	Chapter 9.22, Density Bonus							
Exceptions to Height Limits	Section 9.21.060, Height Exceptions							
Fences and Walls	Section 9.21.050, Fences, Walls, and Hedges							
Home Occupation	Section 9.31.160, Home Occupation							
Junior Accessory Dwelling Units	Section 9.31.025, Accessory Dwelling Units and Junior Accessory Dwelling Units							
Landscaping and Street Trees	Subsection 9.11.030(F), Chapter 9.26, Landscaping							
Lighting	Section 9.21.080, Lighting							
Multiple-Unit Dwelling Projects	Section 9.31.195, Multiple-Unit Dwelling Projects							
Multiple-Unit Dwelling Projects Located on Community Assembly Surface Parking Lots	Section 9.31.196, Multiple-Unit Dwelling Projects Located on Community Assembly Surface Parking Lots							
Off-Street Parking and Loading	Chapter 9.28, Parking, Loading, and Circulation							
Projections into Required Setbacks	Section 9.21.110, Projections into Required Setbacks							
Refuse and Recycling Screening and Enclosure	Section 9.21.130, Resource Recovery and Recycling Standards							
Signs	Chapter 9.61, Signs							
Screening	Section 9.21.140, Screening							
Solar Energy Systems	Section 9.21.150, Solar Energy Systems							

Table 9.11.030.B, Development Standards For Housing Projects, prescribes the development standards for housing projects, as defined by Section 9.52.020.1125, in Mixed-Use and Commercial Districts. Additional regulations are denoted with Section numbers in the right-hand column or with individual letters in parentheses. Section numbers refer to other Sections of this Article, while individual letters in parentheses refer to subsections that directly follow the table.

<b>TABLE 9.11.030.B: DEVELOPMENT STANDARDS FOR HOUSING PROJECTS — MIXED-USE AND COMMERCIAL DISTRICTS</b>										
<i>Standard</i>	<i>MUBL (N. of I-10)</i>	<i>MUBL (Pico Blvd)</i>	<i>MUBL (Lincoln Blvd &amp; Main St)</i>	<i>MUB</i>	<i>GC (Santa Monica Blvd)</i>	<i>GC (Lincoln Blvd)</i>	<i>GC (Pico Blvd)</i>	<i>NC</i>	<i>NC (Main St, Ocean Park Blvd, &amp; Montana Ave)</i>	<i>Additional Regulations</i>
<b>Parcel and Intensity Standards</b>										
Minimum Parcel Size (sq. ft.)	7,500	7,500	7,500	7,500	7,500	7,500	7,500	5,000	5,000	See (F), Consolidation of Parcels

<b>TABLE 9.11.030.B: DEVELOPMENT STANDARDS FOR HOUSING PROJECTS — MIXED- USE AND COMMERCIAL DISTRICTS</b>										
<i>Standard</i>	<i>MUBL (N. of I-10)</i>	<i>MUBL (Pico Blvd)</i>	<i>MUBL (Lincoln Blvd &amp; Main St)</i>	<i>MUB</i>	<i>GC (Santa Monica Blvd)</i>	<i>GC (Lincoln Blvd)</i>	<i>GC (Pico Blvd)</i>	<i>NC</i>	<i>NC (Main St, Ocean Park Blvd, &amp; Montana Ave)</i>	<i>Additional Regulations</i>
Minimum Parcel Width (ft.)	50	50	50	50	50	50	50	50	50	
Minimum Parcel Depth (ft.)	150	150	150	150	150	150	150	100	100	
Maximum FAR										Section 9.04.080, Determining FAR
<i>Housing Projects</i>	3.25	2.0 (2.5 west of Lincoln Blvd)	2.5	3.25	3.25	2.5	2.0	2.25	2.5	
<i>100% Affordable Housing Projects</i>	3.75	2.5 (3.0 west of Lincoln Blvd)	3.0	3.75	3.75	3.0	2.5	2.75	3.0	
<b>Building Form and Location</b>										
Maximum Building Height (ft.)										Section 9.04.050, Measuring Height
<i>Housing Projects</i>	70'	45' (55' west of Lincoln Blvd)	55'	70'	70'	55'	45'	50'	55'	
<i>100% Affordable Housing Projects</i>	80'	55' (65' west of Lincoln Blvd)	65'	80'	80'	65'	55'	60'	65'	
Minimum Ground Floor Height (ft.)	11'	11'	11'	11'	11'	11'	11'	11'	11'	
Maximum Building Footprint (sq. ft.)										
<i>Housing Projects</i>	35,000	35,000	35,000	35,000	35,000	20,000	20,000	15,000	15,000	
Minimum Setbacks (ft.)										
<i>Interior Side and Rear — Adjacent to Residential District</i>	10	10	10	10	10	10	10	10	10 See (E)	Section 9.21.110, Projections from Buildings into Minimum Setbacks
Active Commercial Design	See (A)	See (A)	See (A)	See (A)	See (A)	See (A)	See (A)	See (A)	See (A)	
Pedestrian Oriented Design	See (B)	See (B)	See (B)	See (B)	See (B)	See (B)	See (B)	See (B)	See (B)	
Build-To Line, Nonresidential Uses	See (C)	See (C)	See (C)	See (C)	See (C)	See (C)	See (C)	See (C)	See (C)	
Minimum Upper-Story Stepbacks (ft.)—Required Above the Ground Floor										
<i>Street-Facing Façades</i>	5' average	5' average	5' average	5' average	5' average	5' average	5' average	5' average	5' average	



<b>TABLE 9.11.030.B: DEVELOPMENT STANDARDS FOR HOUSING PROJECTS — MIXED- USE AND COMMERCIAL DISTRICTS</b>										
<i>Standard</i>	<i>MUBL (N. of I-10)</i>	<i>MUBL (Pico Blvd)</i>	<i>MUBL (Lincoln Blvd &amp; Main St)</i>	<i>MUB</i>	<i>GC (Santa Monica Blvd)</i>	<i>GC (Lincoln Blvd)</i>	<i>GC (Pico Blvd)</i>	<i>NC</i>	<i>NC (Main St, Ocean Park Blvd, &amp; Montana Ave)</i>	<i>Additional Regulations</i>
Daylight Plane Adjacent to Residential District—Interior Side and Rear	See (D)	See (D)	See (D)	See (D)	See (D)	See (D)	See (D)	See (D)	See (D)	Section 9.21.060, Height Exceptions
<b>Standards for Residential Uses</b>										
Minimum Outdoor Living Area (sq. ft./unit)—Sites with 3 or More Units	100	100	100	100	100	100	100	100	100	Section 9.21.090, Outdoor Living Area
<i>Minimum Amount Provided as Private Outdoor Living Area (sq. ft./unit)</i>	60	60	60	60	60	60	60	60	60	Section 9.21.090, Outdoor Living Area
<b>Additional Standards</b>										
Accessory Dwelling Units	Section 9.31.025, Accessory Dwelling Units and Junior Accessory Dwelling Units									
Accessory Food Service	Section 9.31.030, Accessory Food Service									
Accessory Structures	Section 9.21.020, Accessory Buildings and Structures									
Affordable Housing Production Program	Chapter 9.64, Affordable Housing Production Program									
Automobile/ Vehicle Sales, Leasing, and Storage	Section 9.31.070, Automobile/Vehicle Sales, Leasing, and Storage									
Density Bonus	Chapter 9.22, Density Bonus									
Exceptions to Height Limits	Section 9.21.060, Height Exceptions									
Fences, Walls, and Hedges	Section 9.21.050, Fences, Walls, and Hedges									
Home Occupation	Section 9.31.160, Home Occupation									
Junior Accessory Dwelling Units	Section 9.31.025, Accessory Dwelling Units and Junior Accessory Dwelling Units									
Landscaping and Street Trees	Subsection 9.11.030(F), Chapter 9.26, Landscaping									
Lighting	Section 9.21.080, Lighting									
Multiple-Unit Dwelling Projects	Section 9.31.195, Multiple-Unit Dwelling Projects									
Multiple-Unit Dwelling Projects Located on Community Assembly Surface Parking Lots	Section 9.31.196, Multiple-Unit Dwelling Projects Located on Community Assembly Surface Parking Lots									
Off-Street Parking and Loading	Chapter 9.28, Parking, Loading, and Circulation									
Projections into Required Setbacks	Section 9.21.110, Projections into Required Setbacks									
Refuse and Recycling Screening and Enclosure	Section 9.21.130, Resource Recovery and Recycling Standards									
Signs	Chapter 9.61, Signs									
Screening	Section 9.21.140, Screening									
Solar Energy Systems	Section 9.21.150, Solar Energy Systems									

**A. Active Ground Floor Use and Design.**

1. **Active Use Requirement.** Except as exempted in subsection A(3), below, the ground-floor street frontage of buildings on defined Commercial Boulevards, within LUCE-designated Activity Centers, and within Neighborhood Commercial Districts on Main Street and Montana Avenue shall be required to have active use areas that accommodate commercial uses, subject to the following:

a. Active use areas are required to have a minimum average depth of 40 feet, but no less than 25 feet, for a minimum of 60% of the ground-floor frontage, to the maximum extent feasible.

b. Within LUCE-designated Activity Centers and Neighborhood Commercial Districts on Main Street and Montana Avenue, uses within these active use areas shall be limited to the following:

- i. Cultural facilities;
- ii. Food and beverage sales;
- iii. Eating and drinking establishments;
- iv. Grooming and pet stores;
- v. Banks and credit unions;
- vi. Business services;
- vii. Commercial entertainment, recreation, and instructional services;
- viii. General personal services and personal physical training;
- ix. General retail sales; and
- x. Childcare facilities.

c. In other commercial districts not identified in subsection (A)(1)(b), above, the following uses are prohibited within these active use areas:

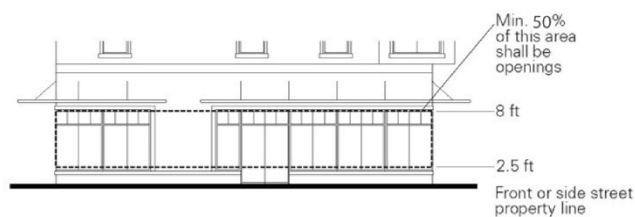
i. Offices, with the following exceptions:

(1) Creative offices or offices with walk-in clientele, and

(2) Offices within a structure that was designed, approved, and continuously used with office at the ground level, facing the street.

2. ***Active Commercial Design.*** Where an active use is required for new buildings, the ground-floor street frontage shall be designed to accommodate commercial uses and activities, subject to the following:

a. ***Street Facing Facades.*** A minimum of 50% of each street facing façade shall be transparent and include windows, doors, and other openings between 2.5 and 8 feet above finished grade. Openings fulfilling this requirement shall have transparent glazing or openings that provide views into work areas, display areas, sales areas, lobbies, or similar active spaces, or into window displaying merchandise or other items other than signs that are at least 3 feet deep. This requirement may be modified by the Architectural Review Board if it can be demonstrated that the fulfillment of this requirement materially interferes with the project's ability to meet the requirements of Municipal Code Chapter 8.36 – Energy Code.

**FIGURE 9.11.030.A: STREET-FACING FAÇADES**

b. A minimum of one pedestrian entrance facing the Commercial Boulevard.

3. ***Exemptions for Certain Housing Projects.***

a. *100% Affordable Housing Projects.* 100% Affordable Housing Projects are exempt from the provision of subsection A, except that 100% Affordable Housing Projects within the Neighborhood Commercial Districts on Main Street and Montana Avenue shall be subject to subsections (A)(1) (a) and (b).

b. *All Other Housing Projects.* Except as provided below, Housing Projects on Commercial Boulevards are exempt from the provisions of subsection (A).

i. Housing Projects located within the Neighborhood Commercial Districts on Pico Boulevard and Ocean Park Boulevard are subject to subsection (A)(1)(a).

ii. Housing Projects on Commercial Boulevards shall be subject to the limitation on office use set forth in subsection (A)(1)(c).

**B. Pedestrian-Oriented Design.**

1. No more than 20 feet or 40% of a building's ground floor façade, whichever is less, may be continuous blank or featureless linear street-level frontage.

2. New development shall incorporate the following design elements at the ground floor level:

a. *Street-Facing Facades.*

i. 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;

ii. 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.

b. *Ground-Floor Street Frontages Along Commercial Boulevards.* The finished ground floor level along the Commercial Boulevard shall not exceed 18 inches lower or higher than the finished grade of the adjacent sidewalk.

c. *Sloped Ground-Floor Street Frontages Along Commercial Boulevards.* On parcels with a grade change of 10% or more along the length of the parcel line adjacent to the Commercial Boulevard, the finished ground floor level along the Commercial Boulevard shall not exceed 18 inches lower or 3 feet higher than the finished grade of the adjacent sidewalk.

3. Residential uses at the ground floor street frontage shall incorporate planted areas, porches, front stairs, and/or other elements that contribute to a pedestrian environment. Pedestrian-oriented design elements may also include street furniture or other seating surfaces on private property and design amenities scaled to the pedestrian such as awnings, drinking fountains, paseos, arcades, colonnades, plazas, noncommercial community bulletin boards, public or private art, and alternative paving materials in areas of pedestrian access.

4. When provided, storefront security grates or grilles shall be located inside exterior windows, shall be retractable into pockets or overhead cylinders, and shall be completely concealed when retracted.

5. Alternatives to the requirements of this Section 9.11.030(B) may be approved if the Review Authority finds that the proposed use has unique operational characteristics with which providing the required windows and openings is incompatible, and street-facing building walls will exhibit architectural relief and detail and be enhanced with landscaping in such a way as to create visual interest at the pedestrian level.

C. **Build-To Line, Nonresidential Uses.** Buildings with nonresidential uses on the ground floor and not facing a residential district shall be constructed no farther than 10 feet from the street facing property line(s) for 70% of linear street frontage. This requirement may be waived or modified subject to a discretionary approval upon finding that:

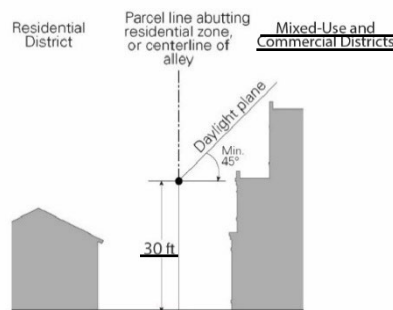
1. An alternative configuration can be approved based on the findings in Chapter 9.43, Modifications and Waivers, and the objectives of the Design Guidelines; and

2. Entry courtyards, plazas, small parks, entries, outdoor eating and display areas, or other uncovered areas designed and accessible for public use are located between the build-to line and building, provided that the buildings are built to the edge of the courtyard, plaza, small park, or dining area; and

3. The building incorporates an alternative entrance design that creates a pedestrian-oriented entry feature facing the street.

**D. Daylight Plane Adjacent to Residential Districts.** Buildings shall not extend above a plane starting at 30 feet in height directly above the parcel line abutting any residentially-zoned parcel, or where there is an alley, the centerline of the alley, and from that point, extending in at a 45-degree angle from vertical toward the interior of the site. The 30-foot height measurement shall be taken from the same reference grade as determined for the subject site pursuant to Section 9.04.050.

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



**E. Parcels in the NC—Main Street District.**

1. ***Use of Rear Setback.*** Commercial use in the required rear setback is not permitted. Noncommercial uses and parking are permitted in the rear setback to the rear property line on the ground level.

2. ***Use of Roof in Rear Setback.*** No portion of the first-floor roof within 15 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 6-foot barrier.

**F. Consolidation of Parcels – NC Zoning District.** Except for parcels identified on the 6<sup>th</sup> Cycle 2021-2029 Housing Element Suitable Sites Inventory, limits on the consolidation of parcels in the Neighborhood Commercial zoning districts shall apply to the following:

1. **Montana Avenue, Ocean Park Boulevard, and Pico Boulevard.** Parcels shall not be consolidated nor shall parcels be tied if such consolidation or parcel tie results in a parcel that exceeds 15,000 square feet in size.

2. **Main Street.** Parcels shall not be consolidated nor shall parcels be tied if such consolidation or parcel tie results in a parcel that exceeds the following:

a. For Housing Projects north of Ocean Park Boulevard, 15,000 square feet in size.

b. For Housing Projects south of Ocean Park Boulevard, 11,000 square feet in size.

c. For all other projects, 6,000 square feet in size.



G. **Planting Areas.** The following areas shall be landscaped:

1. ***Setback Areas Adjoining Streets.*** All visible portions of a required setback area adjoining a street that are not used for driveways or walks shall consist of planting areas, landscape, or pedestrian amenities such as entry courtyards, plazas, entries, outdoor eating and display areas, or other uncovered areas designed and accessible for public use.

2. ***Interior and Rear Setback Areas.*** At least 50% of each required interior side and rear setback area shall be a planting area. The required planting area may be reduced to less than 50% of the setback area but no less than 3 feet in width in one side or rear setback area adjoining a driveway or when an approved nonresidential accessory structure occupies a portion of the rear setback area.

3. ***Adjoining R1 Districts.*** A continuous planting area with a minimum width of 5 feet shall be provided along interior parcel lines when a Mixed-Use and Commercial Districts adjoins an R1 or R2 District and is not separated by a public or private thoroughfare.

## **CHAPTER 9.13      EMPLOYMENT DISTRICTS**

### **9.13.010      Purpose**

The purposes of the “Employment” Districts are to:

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

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

**IC Industrial Conservation.** This Zoning District preserves space for existing industrial uses that provide a job base, affordable space for small-scale industrial and

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

**OC Office Campus.** This Zoning District is intended to provide for office and advanced technology uses, scientific research, ~~and~~ administration, and limited manufacturing of related products which require large expanses of floor area on large parcels. Additionally, this District provides a diversity of housing types. Development intensity is intended to provide for office uses and other uses within a campus-like environment that will be compatible with abutting residential neighborhoods, especially in terms of scale and building mass.

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

### **9.13.020 Land Use Regulations**

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

“P” designates permitted uses.

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

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

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

“—” designates uses that are not permitted.

Land uses are defined in Chapter 9.51 (“Use Classifications”) of Article 9 of the Santa Monica Municipal code (“Zoning Ordinance”). Use classifications and sub-classifications not listed in the table are prohibited. Accessory uses are permissible when they are determined by the Zoning Administrator to be necessary and customarily associated with

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

<b>TABLE 9.13.020: LAND USE REGULATIONS—EMPLOYMENT DISTRICTS</b>				
<i>Use Classification</i>	<i>IC</i>	<i>OC</i>	<i>HMU</i>	<i>Additional Regulations</i>
<b>Residential Uses</b>				
Residential Housing Types	<i>See sub-classifications below.</i>			
<i>Accessory Dwelling Unit</i>	P	P	P	Section 9.31.025, Accessory Dwelling Units and Junior Accessory Dwelling Units
<i>Junior Accessory Dwelling Unit</i>	P	P	P	Section 9.31.025, Accessory Dwelling Units and Junior Accessory Dwelling Units
<i>Multiple-Unit Dwelling</i>	P	P	P	Section 9.31.195, Multiple-Unit Dwelling Projects
<i>Senior Citizen Multiple-Unit Residential</i>	P	P	P	Section 9.31.195, Multiple-Unit Dwelling Projects
<i>Single-Room Occupancy Housing</i>	–	–	P	Section 9.31.330, Single Room Occupancy Structures
<i>Congregate Housing</i>	L(1)	L(1)	P	Section 9.31.110, Congregate and Transitional Housing
<i>Senior Group Residential</i>	CUP	CUP	P	Section 9.31.310, Senior Group Residential
Elderly and Long-Term Care	–	P	P	
Emergency Shelters	L(2)/CUP	L(2)/CUP	L(2)/CUP	Section 9.31.130, Emergency Shelters
Family Day Care	<i>See sub-classifications below.</i>			
<i>Small</i>	P	P	P	
<i>Large</i>	P	P	P	Section 9.31.140, Family Day Care, Large
Residential Facilities	<i>See sub-classifications below.</i>			
<i>Residential Care, Limited</i>	P	P	P	Section 9.31.270, Residential Care Facilities
<i>Residential Care, Senior</i>	P	P	P	Section 9.31.270, Residential Care Facilities
<i>Hospice, Limited</i>	P	P	P	
Supportive Housing	P	P	P	
Transitional Housing	P	P	P	Section 9.31.110, Congregate and Transitional Housing
<b>Public and Semi-Public Uses</b>				
Adult Day Care	MUP	P	P	
Child Care and Early Education Facilities	MUP	P	P	Section 9.31.120, Child Care and Early Education Facilities
Colleges and Trade Schools, Public or Private	–	CUP	–	

<b>TABLE 9.13.020: LAND USE REGULATIONS—EMPLOYMENT DISTRICTS</b>				
<i>Use Classification</i>	<i>IC</i>	<i>OC</i>	<i>HMU</i>	<i>Additional Regulations</i>
Community Assembly	CUP	CUP	CUP	
Community Gardens	P	P	P	
Cultural Facility	–	–	CUP	
Hospitals and Clinics	–	–	P	
Park and Recreation Facilities, Public	P	P	P	
Public Safety Facilities	MUP	MUP	P	
Schools, Public or Private	L(3)/CUP	L(3)/CUP	P	
Social Service Centers	MUP	MUP	P	Section 9.31.350, Social Service Centers
<b>Commercial Uses</b>				
Animal Care, Sales, and Services	<i>See sub-classifications below.</i>			
<i>Kennels</i>	CUP	–	–	
<i>Pet Day Care Services</i>	MUP	–	–	
<i>Veterinary Services</i>	P	–	–	
Automobile/Vehicle Sales and Service	<i>See sub-classifications below.</i>			
<i>Alternative Fuels and Recharging Facilities</i>	L(5)/CUP	CUP	–	
<i>Automobile Rental</i>	L(4)	P	–	Section 9.31.050, Automobile Rental
<i>Automobile Storage Use</i>	CUP	CUP	–	
<i>Automobile/Vehicle Sales and Leasing</i>	CUP	CUP	–	Section 9.31.070, Automobile/Vehicle Sales, Leasing, and Storage
<i>Automobile/Vehicle Repair, Major</i>	L(5)/CUP	–	–	Section 9.31.060, Automobile/Vehicle Repair, Major and Minor
<i>Automobile/Vehicle Service and Repair, Minor</i>	L(5)/CUP	–	–	Section 9.31.060, Automobile/Vehicle Repair, Major and Minor
<i>Automobile/Vehicle Washing</i>	CUP	–	–	Section 9.31.080, Automobile/Vehicle Washing
<i>Large Vehicle and Equipment Sales, Service, and Rental</i>	CUP	–	–	
<i>Service Station</i>	L(5)/CUP	CUP	–	Section 9.31.320, Service Stations
<i>Towing and Impound</i>	L(5)/CUP	–	–	
Banks and Financial Institutions	<i>See sub-classifications below.</i>			
<i>Banks and Credit Unions</i>	L(15)	L(15)	CUP	
Business Services	P	L(6)	P	
Commercial Entertainment and Recreation	<i>See sub-classifications below.</i>			
<i>Cinemas</i>	–	–	–	
<i>Theaters</i>	L(7)/CUP	–	–	
<i>Convention and Conference Centers</i>	–	CUP	–	
<i>Small-Scale Facility</i>	L(8)/CUP	MUP (6)	CUP	Section 9.31.340, Small-Scale Facility, Game Arcades
<i>Large-Scale Facility</i>	L(16)	L(16)	-	

Eating and Drinking Establishments	<i>See sub-classifications below.</i>			
<i>Restaurants, Full-Service, Limited Service &amp; Take-Out, With Entertainment, With Outdoor Eating Areas (2,500 SF and smaller)</i>	P	P	P	Section 9.31.040, Alcoholic Beverage Sales Section 9.31.280, Restaurants, Limited-Service and Take Out Section 9.31.290, Restaurants with Entertainment Section 9.31.200, Outdoor Dining and Seating
<i>Restaurants, Full-Service, Limited Service &amp; Take-Out, With Entertainment, With Outdoor Eating Areas (2,501 – 5,000 SF)</i>	P	P	P	Section 9.31.040, Alcoholic Beverage Sales Section 9.31.280, Restaurants, Limited-Service and Take Out Section 9.31.290, Restaurants with Entertainment Section 9.31.200, Outdoor Dining and Seating
<i>Restaurants, Full-Service, Limited Service &amp; Take-Out, With Entertainment, With Outdoor Eating Areas (Greater than 5,000 SF)</i>	P	P	P	Section 9.31.040, Alcoholic Beverage Sales Section 9.31.280, Restaurants, Limited-Service and Take Out Section 9.31.290, Restaurants with Entertainment Section 9.31.200, Outdoor Dining and Seating
<i>Food Hall (up to 175 seats)</i>	CUP	CUP	CUP	
Equipment Rental	P	–	P	
Food and Beverage Sales	<i>See sub-classifications below.</i>			
<i>Convenience Markets</i>	L(6)	L(6)	P	
<i>Farmers Markets</i>	CUP	–	–	
<i>General Markets</i>	L(17)/CUP	L(17)/CUP	-	
Funeral Parlor and Mortuary	–	–	CUP	
Instructional Services	L(18)/CUP	L(18)/CUP	-	
Live-Work	L (14)	CUP	L (14)	Section 9.31.170, Live-Work
Offices	<i>See sub-classifications below.</i>			
<i>Business and Professional</i>	L (9)	P	P	
<i>Creative</i>	P	P	–	
<i>Medical and Dental</i>	–	P	P	
<i>Walk-In Clientele</i>	L (10)	L (6)	L (10)	
Parking, Public or Private	CUP	CUP	CUP	
Personal Services	<i>See sub-classifications below.</i>			
<i>General Personal Services</i>	P	P	P	Section 9.31.230, Personal Service
<i>Personal Services, Physical Training</i>	P	P	CUP	
<i>Tattoo or Body Modification Parlor</i>	P	P	P	Section 9.31.230, Personal Service
Retail Sales	<i>See sub-classifications below.</i>			
<i>Building Materials Sales and Services</i>	P	–	–	Section 9.31.220, Outdoor Retail Display and Sales
<i>Firearms and Ammunition Sales</i>	–	–	–	
<i>General Retail Sales, Small-Scale</i>	P	P	P	Section 9.31.220, Outdoor Retail Display and Sales

<i>General Retail Sales, Medium-Scale</i>	CUP	CUP	-	Section 9.31.220, Outdoor Retail Display and Sales
<i>Medical Marijuana Dispensaries</i>	–	–	CUP	Section 9.31.185, Medical Marijuana Dispensaries
<b>Industrial Uses</b>				
Artist's Studio	P	P	P	
Commercial Kitchens	P	–	–	
Industry, General	P	CUP (12)	–	
Research and Development	P	CUP (12)	P	
Industry, Limited	P	CUP (12)	–	
Media Production	P	P	–	
Recycling Facility	<i>See sub-classifications below.</i>			
<i>Recycling Collection Facility</i>	P	–	–	
<i>Recycling Processing Facility</i>	P	–	–	
Warehousing, Storage, and Distribution	<i>See sub-classifications below.</i>			
<i>Indoor Warehousing and Storage</i>	P	–	–	
<i>Outdoor Storage</i>	CUP (13)	–	–	
<i>Personal Storage</i>	P	CUP	–	Section 9.31.240, Personal Storage
<i>Wholesaling and Distribution</i>	P	–	–	
<b>Transportation, Communication, and Utilities Uses</b>				
Bus/Rail Passenger Stations	P	P	P	
City Bikeshare Facility	P	P	P	
Communication Facilities	<i>See sub-classifications below.</i>			
<i>Antennas and Transmission Towers</i>	CUP	–	CUP	Chapter 9.32, Telecommunication Facilities
<i>Facilities within Buildings</i>	CUP	P	CUP	
Light Fleet-Based Services	CUP	–	–	
Utilities	<i>See sub-classifications below.</i>			
<i>Utilities, Major</i>	P	P	–	
<i>Utilities, Minor</i>	P	P	P	



**Specific Limitations:**

- (1) Limited to 100% affordable housing projects. For senior citizen multiple-unit residential projects in the Office Campus District that are not 100% affordable approval of a Conditional Use Permit is required.
- (2) Homeless shelters with less than 55 beds are permitted by right. Homeless shelters with 55 beds or more may be permitted with application for and approval of a Conditional Use Permit.
- (3) Permitted if existing. New uses require approval of a Conditional Use Permit.
- (4) Limited to accessory automobile rental facilities located within automobile/vehicle repair use.
- (5) Permitted if located 100 ft. or more from any residential use or district. Conditional Use Permit required if located within 100 ft. of a residential use or district.
- (6) Conditionally permitted as businesses that provide goods and services to employees on the premises. No more than 25% of the total square footage of a development may be devoted to such businesses.
- (7) Limited to theaters with 99 seats or less and 10,000 sq. ft. or less. Larger theaters require a Conditional Use Permit.
- (8) Exercise facilities (e.g., yoga, Pilates, martial arts, and dance studios) permitted by right. Other small-scale commercial recreation uses require a Conditional Use Permit.
- (9) Permitted if existing or accessory to a primary permitted use on the same site and not exceeding 25 percent of the gross floor area of the primary permitted use.
- (10) Permitted if existing. New uses are not permitted.
- (11) (Reserved.)
- (12) Such uses must be conducted within an enclosed building or an open enclosure screened from public view. In order to approve a Conditional Use Permit, the review authority must make a finding that proposed uses are compatible with office and advanced technological uses.
- (13) Limited to outdoor storage of fleet vehicles if such vehicles are directly related to the primary operation on the site.
- (14) If the commercial use requires a MUP or CUP, an application shall be required in accordance with Chapter 9.41. Even if the commercial use would otherwise be permitted, no such use shall be approved where, given the design or proposed design of the Live-Work unit, there would be the potential for adverse health impacts from the proposed use on the people residing in the unit. An example of a potential health impact is the potential for food contamination from uses that generate airborne particulates in a unit with an unenclosed kitchen.
- (15) Limitation shall only apply to new construction and alterations to existing buildings that result in a combination or enlargement of tenant spaces: Limited to facilities with no more than 7,500 square feet of floor area and/or 40 linear feet of ground floor street frontage
- (16) Limited to indoor exercise facilities and bowling alleys.
- (17) General markets greater than 15,000 square feet require a Conditional Use Permit.
- (18) Limitation shall only apply to new construction and alterations to existing buildings that result in a combination or enlargement of tenant spaces: No individual tenant space shall occupy more than 12,500 square feet of floor area and/or exceed 75 linear feet of ground floor street frontage without the approval of a Conditional Use Permit.

**9.13.030 Development Standards**

Table 9.13.030.A, Development Standards for All Projects, Except Housing Projects, prescribes the development standards for all projects, except housing projects, as defined by Section 9.52.020.1125, in Employment Districts. Additional regulations are denoted with Section numbers in the right-hand column or with individual letters in parentheses. Section numbers refer to other Sections of this Article, while individual letters in parentheses refer to subsections that directly follow the table.

<b>TABLE 9.13.030.A: DEVELOPMENT STANDARDS FOR ALL PROJECTS, EXCEPT HOUSING PROJECTS—EMPLOYMENT DISTRICTS</b>				
<i>Standard</i>	<i>IC</i>	<i>OC*</i>	<i>HMU</i>	<i>Additional Regulations</i>
<b>Parcel and Intensity Standards</b>				
Minimum Parcel Size (sq. ft.)	15,000	15,000	7,500	
Minimum Parcel Width (ft.)	100	100	50	
Minimum Parcel Depth (ft.)	150	150	100	
Maximum FAR				Section 9.04.080, Determining FAR
<i>Tier 1 — Base Standard</i>	1.0	1.5	1.5	
<i>Tier 2 — With Provision of Community Benefits</i>	1.75	1.75	2.5	Chapter 9.23, Community Benefits
<b>Building Form and Location</b>				
Maximum Building Height (stories/ft.)				Section 9.04.050, Measuring Height
<i>Tier 1 — Base Standard</i>	2/32'	2/32'	3/45'	
<i>Tier 2 — With Provision of Community Benefits</i>	3/45' See (A)	3/45'	5/70'	Chapter 9.23, Community Benefits
Minimum Setbacks (ft.)				
<i>Interior Side and Rear — Adjacent to a Residential District</i>	15' See (B)	15' See (B)	15' See (B)	
Parking	Sections 9.28.070, Location of Parking and 9.28.120, Parking Design and Development Standards			
Minimum Ground Floor Height (ft.)	11'	11'	NA	
Minimum Upper-Story Stepbacks (ft.)—Required Above the Ground Floor				
<i>Street-Facing Façades</i>	5' average	5' average	NA	
Daylight Plane Adjacent to Residential District—Interior Side and Rear	See (D)	See (D)	See (D)	
<b>Standards for Multiple-Unit Dwellings</b>				
Minimum Outdoor Living Area (sq. ft./unit)—Sites with 3 or More Units	100	100	100	Section 9.21.090, Outdoor Living Area
<i>Minimum Amount Provided as Private Outdoor Living Area (sq. ft./unit)</i>	60	60	60	Section 9.21.090, Outdoor Living Area

TABLE 9.13.030.A: DEVELOPMENT STANDARDS FOR ALL PROJECTS, EXCEPT HOUSING PROJECTS—EMPLOYMENT DISTRICTS				
Standard	IC	OC*	HMU	Additional Regulations
Additional Standards				
Accessory Dwelling Units	Section 9.31.025, Accessory Dwelling Units and Junior Accessory Dwelling Units			
Accessory Food Service	Section 9.31.030, Accessory Food Service			
Accessory Structures	Section 9.21.020, Accessory Buildings and Structures			
Affordable Housing Production Program	Chapter 9.64, Affordable Housing Production Program			
Density Bonus	Chapter 9.22, Density Bonus			
Exceptions to Height Limits	Section 9.21.060, Height Exceptions			
Fences and Walls	Section 9.21.050, Fences, Walls, and Hedges			
Home Occupation	Section 9.31.160, Home Occupation			
Junior Accessory Dwelling Units	Section 9.31.025, Accessory Dwelling Units and Junior Accessory Dwelling Units			
Landscaping	Subsection 9.13.030(D), Chapter 9.26, Landscaping			
Lighting	Section 9.21.080, Lighting			
Multiple-Unit Dwelling Projects	Section 9.31.195, Multiple-Unit Dwelling Projects			
Multiple-Unit Dwelling Projects Located on Community Assembly Surface Parking Lots	Section 9.31.196, Multiple-Unit Dwelling Projects Located on Community Assembly Surface Parking Lots			
Off-Street Parking and Loading	Chapter 9.28, Parking, Loading, and Circulation			
Parking Structures and Areas	Chapter 9.28, Parking, Loading, and Circulation			
Projections into Required Setbacks	Section 9.21.110, Projections into Required Setbacks			
Refuse and Recycling Screening and Enclosure	Section 9.21.130, Resource Recovery and Recycling Standards			
Signs	Chapter 9.61, Signs			
Screening	Section 9.21.140, Screening			
Solar Energy Systems	Section 9.21.150, Solar Energy Systems			
* In those portions of the OC Districts adjacent to Ocean Park Boulevard, development of additional floor area for projects other than housing projects that requires discretionary approval shall only be permitted after completion of a specific plan.				

Table 9.11.030.B, Development Standard for Housing Projects prescribes the development standards for housing projects, as defined by Section 9.52.020.1125, in Employment Districts. Additional regulations are denoted with Section numbers in the

right-hand column or with individual letters in parentheses. Section numbers refer to other Sections of this Article, while individual letters in parentheses refer to subsections that directly follow the table.

<b>TABLE 9.13.030.B: DEVELOPMENT STANDARDS FOR HOUSING PROJECTS — EMPLOYMENT DISTRICTS</b>				
<i>Standard</i>	<i>IC</i>	<i>OC</i>	<i>HMU</i>	<i>Additional Regulations</i>
<b>Parcel and Intensity Standards</b>				
Minimum Parcel Size (sq. ft.)	15,000	15,000	7,500	
Minimum Parcel Width (ft.)	100	100	50	
Minimum Parcel Depth (ft.)	150	150	100	
Maximum FAR				Section 9.04.080, Determining FAR
<i>Housing Projects</i>	3.0	2.75	2.5	
<i>100% Affordable Housing Projects</i>	3.5	3.25	3.0	
<b>Building Form and Location</b>				
Maximum Building Height (ft.)				Section 9.04.050, Measuring Height
<i>Housing Projects</i>	65'	60'	70'	
<i>100% Affordable Housing Projects</i>	75'	70'	80'	
Minimum Setbacks (ft.)				
<i>Interior Side and Rear – Adjacent to a Residential District</i>	15' See (B)	15' See (B)	15' See (B)	
Parking	Sections 9.28.070, Location of Parking and 9.28.120, Parking Design and Development Standards			
Pedestrian Oriented Design for Housing Projects	See (C)	See (C)	See (C)	
Minimum Ground Floor Height (ft.)	11'	11'	NA	
Minimum Upper-Story Stepbacks (ft.)—Required Above the Ground Floor				
<i>Street-Facing Façades</i>	5' average	5' average	NA	
Daylight Plane Adjacent to Residential District—Interior Side and Rear	See (D)	See (D)	See (D)	

<b>Standards for Multiple-Unit Dwellings</b>				
Minimum Outdoor Living Area (sq. ft./unit)—Sites with 3 or More Units	100	100	100	Section 9.21.090, Outdoor Living Area
Minimum Amount Provided as Private Outdoor Living Area (sq. ft./unit)	60	60	60	Section 9.21.090, Outdoor Living Area
<b>Additional Standards</b>				
Accessory Dwelling Units	Section 9.31.025, Accessory Dwelling Units and Junior Accessory Dwelling Units			
Accessory Food Service	Section 9.31.030, Accessory Food Service			
Accessory Structures	Section 9.21.020, Accessory Buildings and Structures			
Affordable Housing Production Program	Chapter 9.64, Affordable Housing Production Program			
Density Bonus	Chapter 9.22, Density Bonus			
Exceptions to Height Limits	Section 9.21.060, Height Exceptions			
Fences and Walls	Section 9.21.050, Fences, Walls, and Hedges			
Home Occupation	Section 9.31.160, Home Occupation			
Junior Accessory Dwelling Units	Section 9.31.025, Accessory Dwelling Units and Junior Accessory Dwelling Units			
Landscaping	Subsection 9.13.030(D), Chapter 9.26, Landscaping			
Lighting	Section 9.21.080, Lighting			
Multiple-Unit Dwelling Projects	Section 9.31.195, Multiple-Unit Dwelling Projects			
Multiple-Unit Dwelling Projects Located on Community Assembly Surface Parking Lots	Section 9.31.196, Multiple-Unit Dwelling Projects Located on Community Assembly Surface Parking Lots			
Off-Street Parking and Loading	Chapter 9.28, Parking, Loading, and Circulation			
Parking Structures and Areas	Chapter 9.28, Parking, Loading, and Circulation			
Projections into Required Setbacks	Section 9.21.110, Projections into Required Setbacks			
Refuse and Recycling Screening and Enclosure	Section 9.21.130, Resource Recovery and Recycling Standards			
Signs	Chapter 9.61, Signs			
Screening	Section 9.21.140, Screening			
Solar Energy Systems	Section 9.21.150, Solar Energy Systems			

A. **Maximum Heights.** The following projects may have a maximum height of 4 stories, 45 feet:

1. Projects involving the expansion of public or private elementary and secondary schools (Grades K through 12) existing prior to September 8, 1988.

2. Entertainment-related facilities including sound stages, movie studios, editing facilities, post-production facilities, set construction facilities and special effects facilities.

3. Theaters.

B. **Use of Setbacks Adjacent to Residential Districts.** The required setback area adjacent to a Residential District shall not be used for parking or loading facilities, storage, or other commercial or industrial purposes. A portion of the setback area, not to exceed 10 feet in width, may be used for access to parking or loading areas no closer than 5 feet to the respective parcel line.

C. **Pedestrian-Oriented Design for Housing Projects.**

1. No more than 20 feet or 40% of a building's ground floor façade, whichever is less, may be continuous blank or featureless linear street-level frontage.

2. New development shall incorporate the following design elements at the ground floor level:

a. Street-Facing Facades

i. 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;

ii. 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.

b. Ground-Floor Street Frontages Along Commercial Boulevards. The finished ground floor level along the Commercial Boulevard shall not exceed 18 inches lower or higher than the finished grade of the adjacent sidewalk.

c. Sloped Ground-Floor Street Frontages Along Commercial Boulevards. On parcels with a grade change of 10% or more along the length of the parcel line adjacent to the Commercial Boulevard, the finished ground floor level along the Commercial Boulevard shall not exceed 18 inches lower or 3 feet higher than the finished grade of the adjacent sidewalk.

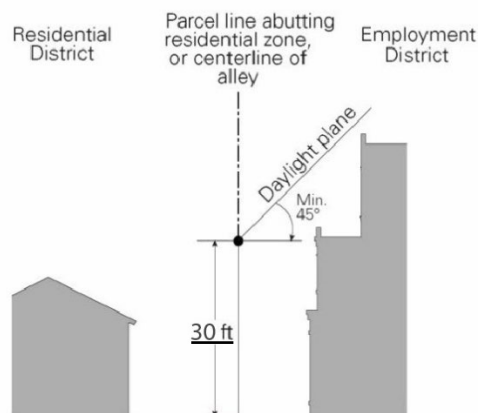
3. Residential uses at the ground floor street frontage shall incorporate planted areas, porches, front stairs and/or other elements that contribute to a pedestrian environment. Pedestrian-oriented design elements may also include street furniture or other seating surfaces on private property and design amenities scaled to the pedestrian such as awnings, drinking fountains, paseos, arcades, colonnades, plazas, noncommercial community bulletin boards, public or private art, and alternative paving materials in areas of pedestrian access.

4. When provided, storefront security grates or grilles shall be located inside exterior windows, shall be retractable into pockets or overhead cylinders, and shall be completely concealed when retracted.

5. Alternatives to the requirements of this Section 9.13.030(C) may be approved if the Review Authority finds that the proposed use has unique operational characteristics with which providing the required windows and openings is incompatible, and street-facing building walls will exhibit architectural relief and detail and be enhanced with landscaping in such a way as to create visual interest at the pedestrian level.

D. **Daylight Plane Adjacent to Residential Districts.** Buildings shall not extend above a plane starting at 30 feet in height directly above the parcel line abutting any residentially-zoned parcel, or where there is an alley, the centerline of the alley, and from that point, extending in at a 45-degree angle from vertical toward the interior of the site. The 30-foot height measurement shall be taken from the same reference grade as determined for the subject site pursuant to Section 9.04.050.

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



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

1. **Setback Areas Adjoining Streets.** All visible portions of a required setback area adjoining a street that are not used for driveways or walks shall consist of planting



area, landscape, or pedestrian amenities such as entry courtyards, plazas, entries, outdoor eating and display areas, or other uncovered areas designed and accessible for public use.

2. ***Adjoining Residential or Mixed-Use Districts.*** A continuous planting area with a minimum width of 5 feet shall be provided along interior parcel lines when an Employment District adjoins a Residential or Mixed-Use District and is not separated by a public or private thoroughfare.

## **CHAPTER 9.14      OCEANFRONT DISTRICT**

### **9.14.020          Land Use Regulations**

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

“P” designates permitted uses.

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

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

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

“–” designates uses that are not permitted.

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

<b>TABLE 9.14.020: LAND USE REGULATIONS—OCEANFRONT DISTRICT</b>		
<i>Use Classification</i>	<i>OF</i>	<i>Additional Regulations</i>
<b>Residential Uses</b>		
Residential Housing Types	<i>See sub-classifications below.</i>	
<i>Single Unit Dwelling</i>	P	
<i>Accessory Dwelling Unit</i>	P	Section 9.31.025, Accessory Dwelling Units and Junior Accessory Dwelling Units
<i>Junior Accessory Dwelling Unit</i>	P	Section 9.31.025, Accessory Dwelling Units and Junior Accessory Dwelling Units
<i>Duplex</i>	P	
<i>Multiple-Unit Dwelling</i>	P	Section 9.31.195, Multiple-Unit Dwelling Projects
<i>Senior Citizen Multiple-Unit Residential</i>	P	Section 9.31.195, Multiple-Unit Dwelling Projects
<i>Single-Room Occupancy Housing</i>	P	Section 9.31.330, Single Room Occupancy Structures
<i>Group Residential</i>	MUP	
<i>Congregate Housing</i>	P	Section 9.31.110, Congregate and Transitional Housing
<i>Senior Group Residential</i>	P	Section 9.31.310, Senior Group Residential
Elderly and Long-Term Care	P	
Emergency Shelters	CUP	Section 9.31.130, Emergency Shelters
Family Day Care	<i>See sub-classifications below.</i>	
<i>Large</i>	P	Section 9.31.140, Family Day Care, Large
<i>Small</i>	P	
Residential Facilities	<i>See sub-classifications below.</i>	
<i>Residential Care, General</i>	P	Section 9.31.270, Residential Care Facilities
<i>Residential Care, Limited</i>	P	Section 9.31.270, Residential Care Facilities
<i>Residential Care, Senior</i>	P	Section 9.31.270, Residential Care Facilities
Supportive Housing	P	
Transitional Housing	P	Section 9.31.110, Congregate and Transitional Housing
<b>Public and Semi-Public Uses</b>		
Adult Day Care	CUP	
Child Care and Early Education Facilities	CUP	Section 9.31.120, Child Care and Early Education Facilities
Cultural Facilities	CUP	
Park and Recreations Facilities, Public	P	
Schools	P	
<b>Commercial Uses</b>		
Automobile/Vehicle Sales and Service	<i>See sub-classifications below.</i>	
<i>Automobile Rental</i>	MUP	Section 9.31.050, Automobile Rental
Commercial, Entertainment, and Recreation	<i>See sub-classifications below.</i>	
<i>Theaters</i>	L(1)	
<i>Convention and Conference Centers</i>	P	
<i>Small-Scale Facility</i>	P	Section 9.31.340, Small-Scale Facility, Game Arcades

<b>TABLE 9.14.020: LAND USE REGULATIONS—OCEANFRONT DISTRICT</b>		
<i>Use Classification</i>	<i>OF</i>	<i>Additional Regulations</i>
<i>Large-Scale Facility</i>	L(2)/CUP	
Eating and Drinking Establishments	<i>See sub-classifications below.</i>	
<i>Bars/Nightclubs/Lounges</i>	L(3)/CUP	Section 9.31.040, Alcoholic Beverage Sales
<i>Restaurants, Full-Service including Outdoor Dining and Seating</i>	P	Section 9.31.040, Alcoholic Beverage Sales Section 9.31.280, Restaurants, Limited Service and Take-Out Only Section 9.31.290, Restaurants With Entertainment Section 9.31.200, Outdoor Dining and Seating Chapter 9.20, Beach Overlay District
<i>Restaurants, Limited Service and Take-Out Only including Outdoor Dining and Seating</i>	P	Section 9.21.040, Alcoholic Beverage Sales Section 9.31.280, Restaurants, Limited-Service and Take Out Only Section 9.31.290, Restaurants With Entertainment Section 9.31.200, Outdoor Dining and Seating Chapter 9.20, Beach Overlay District
<i>Food Hall (up to 175 seats)</i>	CUP	
Food and Beverage Sales	<i>See sub-classifications below.</i>	
<i>Convenience Markets</i>	P	Section 9.31.040, Alcoholic Beverage Sales
<i>Farmers Markets</i>	MUP	
<i>General Markets</i>	L(4)	Section 9.31.040, Alcoholic Beverage Sales
<i>Liquor Stores</i>	CUP	Section 9.31.040, Alcoholic Beverage Sales
Lodging	<i>See sub-classifications below.</i>	
<i>Bed and Breakfast</i>	CUP	Within Designated Landmarks only. Section 9.31.090, Bed and Breakfasts
Offices	<i>See sub-classifications below.</i>	
<i>Business and Professional</i>	L(5)/CUP	
<i>Creative</i>	L(5)/CUP	
<i>Walk-In Clientele</i>	L(5)/CUP	
Parking, Public or Private	CUP	
General Personal Services	MUP	
Retail Sales	<i>See sub-classifications below.</i>	
<i>General Retail Sales, Small-Scale</i>	P	Section 9.31.220, Outdoor Retail Display and Sales
<b>Transportation, Communication, and Utilities Uses</b>		
City Bikeshare Facility	P	
<b>Specific Limitations:</b> (1) Limited to theaters for live performances. (2) Existing large-scale commercial, entertainment, and recreation facilities existing as of the date of this Ordinance are permitted. Any new large-scale commercial, entertainment, and recreation facilities require approval of a Conditional Use Permit. (3) Bars, nightclubs, and lounges are only permitted on the Pier, on Oceanfront Walk, and within hotels. (4) Limited to establishments with no more than 2,500 sq. ft. of floor area. (5) Office uses on the ground floor street frontage may not exceed 25% of the parcel width or 1,000 sq. ft, whichever is less.		

### 9.14.030 Development Standards

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

<b>TABLE 9.14.030: DEVELOPMENT STANDARDS—OCEANFRONT DISTRICT</b>		
<i>Standard</i>	<i>OF</i>	<i>Additional Regulations</i>
<b>Parcel and Intensity Standards</b>		
Minimum Parcel Size (sq. ft.)	5,000	
Minimum Parcel Width (ft.)	50'	
Minimum Parcel Depth (ft.)	100'	
Maximum Allowable Density; Parcels along the Pacific Coast Highway between the Santa Monica Pier and the north City limits	Parcels 4,000 sq. ft. or more: 1 unit per 1,500 sq. ft. of parcel area Parcels less than 4,000 sq. ft.: 1 unit per parcel	No more than 1 dwelling unit shall be permitted on a parcel 40 ft. or less in width
Maximum FAR		Section 9.04.080, Determining FAR
<i>Tier 1—Base Standard</i>	1.5; 0.5 for parcels located along the Pacific Coast Highway between the Santa Monica Pier and the north City limits	
<i>Tier 2—With Provision of Community Benefits</i>	2.0	Chapter 9.23, Community Benefits
<i>100% Affordable Housing Projects</i>	2.25	Chapter 9.64, Affordable Housing Production Program
<b>Santa Monica Pier Maximum FAR</b>		
<i>The Deauville site to the north, Seaside Terrace to the south, The Ocean Front Walk to the west, and Ocean Avenue to the east, except parcels fronting on Ocean Avenue</i>	1.0	
<i>Parcels fronting on Ocean Avenue</i>	0.5	
Maximum Parcel Coverage (%)	70; 50 on parcels along the Pacific Coast Highway between the Santa Monica Pier and the north City limits	
<b>Building Form and Location</b>		
Maximum Building Height (stories/ft.)	One story for newly constructed stand-alone restaurants except for the Santa Monica Pier	Section 9.04.050 Measuring Height

TABLE 9.14.030: DEVELOPMENT STANDARDS—OCEANFRONT DISTRICT		
Standard	OF	Additional Regulations
Tier 1—Base Standard	2/32'; 2/23' (flat roof) or 2/30' (pitched roof) for parcels located along the Pacific Coast Highway between the Santa Monica Pier and the north City limits	
Tier 1—Projects Including On-Site Affordable Housing in Compliance with AHPP	3/36'	Chapter 9.64, Affordable Housing Production Program
100% Affordable Housing Projects	No limit to number of stories/47'	Chapter 9.64, Affordable Housing Production Program
Tier 2—With Provision of Community Benefits	3/47'	Chapter 9.23, Community Benefits
Tier 2—With Provision of Community Benefits and 100% Residential Above the Ground Floor	No limit to stories/47'	Chapter 9.23, Community Benefits
Santa Monica Pier Maximum Building Height (stories/ft.)		Section 9.04.050, Measuring Height
The Deauville site to the north, Seaside Terrace to the south, The Promenade to the west, and Ocean Avenue to the east, including parcels fronting on Ocean Avenue	2/30'	
Amusement Rides on the Santa Monica Pier	85 ft. for one Ferris wheel; 55 ft. for one roller coaster; 45 ft. for all other amusement rides	
Street-Facing Façades (ft.)		
Minimum Ground Floor Height for Nonresidential Uses	11'	
Pedestrian Oriented Design	See (A)	
Exterior Lighting	See (C)	
Minimum Setbacks (ft., measured from parcel line)		
Street Frontage	5 ft. from street fronting parcel line except for 20 ft. on Pacific Coast Highway between northern City limits and Santa Monica Pier. See (B)	
Rear	15 ft. if adjacent to a residential use; 25 ft. for beach rear setback on parcels over 100 ft. in depth located along the Pacific Coast Highway between the Santa Monica Pier and the north City limits	
Side	If adjacent to a residential use, see (D); for parcels located along the Pacific Coast Highway between the Santa Monica Pier and the north City limits, see (D)	
Minimum Upper-Story Stepbacks (ft.)—Required Above Maximum Ground Floor Height		
Street-Facing Façades	At least 30% of the building elevation above the maximum ground floor height shall provide an additional 5-foot average setback from the minimum required front yard setback	
Daylight Plane Adjacent to Residential Use—Interior Side and Rear Setbacks	See (E)	Section 9.21.070, Height Exceptions
View Corridors	See (F)	

<b>TABLE 9.14.030: DEVELOPMENT STANDARDS—OCEANFRONT DISTRICT</b>		
<i>Standard</i>	<i>OF</i>	<i>Additional Regulations</i>
<b>Standards for Residential Uses</b>		
Minimum Outdoor Living Area (sq. ft./unit)—Sites with 3 or More Units	100	Section 9.21.090, Outdoor Living Area
<i>Minimum Amount Provided as Private Outdoor Living Area (sq. ft./unit)</i>	60	
<b>Additional Standards</b>		
Accessory Dwelling Units	Section 9.31.025, Accessory Dwelling Units and Junior Accessory Dwelling Units	
Accessory Food Service	Section 9.31.030, Accessory Food Service	
Accessory Structures	Section 9.21.020, Accessory Buildings and Structures	
Affordable Housing Production Program	Chapter 9.64, Affordable Housing Production Program	
Density Bonus	Chapter 9.22, Density Bonus	
Exceptions to Height Limits	Section 9.21.060, Height Exceptions	
Fences and Walls	Section 9.21.050, Fences, Walls, and Hedges	
Home Occupation	Section 9.31.160, Home Occupation	
Junior Accessory Dwelling Units	Section 9.31.025, Accessory Dwelling Units and Junior Accessory Dwelling Units	
Landscaping	Subsection 9.14.030(H), Landscaping; Chapter 9.26, Landscaping	
Lighting	Section 9.21.080, Lighting	
Multiple-Unit Dwelling Projects	Section 9.31.195, Multiple-Unit Dwelling Projects	
Multiple-Unit Dwelling Projects Located on Community Assembly Surface Parking Lots	Section 9.31.196, Multiple-Unit Dwelling Projects Located on Community Assembly Surface Parking Lots	
Off-Street Parking and Loading	Chapter 9.28, Parking, Loading, and Circulation	
Projections into Required Setbacks	Section 9.21.110, Projections into Required Setbacks	
Refuse and Recycling Screening and Enclosure	Section 9.21.130, Resource Recovery and Recycling Standards	
Signs	Chapter 9.61, Signs	
Screening	Section 9.21.140, Screening	
Solar Energy Systems	Section 9.21.150, Solar Energy Systems	

**A. Pedestrian-Oriented Design.** New development shall incorporate the following design elements into the street-facing façades at the ground floor level:

1. Articulated façades at the ground floor street frontage, which may include, but not necessarily require, such measures as indentation in plane, change of materials in a complimentary manner, sensitive composition and juxtaposition of openings and solid

wall and/or building frame and projecting elements such as awnings and marquees to provide shade and shelter.

2. Ground-Floor Street Frontages. The finished ground floor level shall not exceed 18 inches lower or higher than the finished grade of the adjacent sidewalk.

3. Sloped Ground-Floor Street Frontages. On parcels with a grade change of 10% or more along the length of the parcel line adjacent to a street frontage, the finished ground floor level shall not exceed 18 inches lower or 3 feet higher than the finished grade of the adjacent sidewalk.

4. Alternatives to the requirements of this Section 9.14.030(A) may be approved if the Review Authority finds that the proposed use has unique operational characteristics with which providing the required windows and openings is incompatible, and street-facing building walls will exhibit architectural relief and detail and be enhanced with landscaping in such a way as to create visual interest at the pedestrian level.

**B. Build-To Line, Nonresidential Uses.** Except on Pacific Coast Highway between northern City limits and Santa Monica Pier, buildings with nonresidential uses on the ground floor shall be constructed no farther than 10 feet from the street facing parcel line(s) for 70% of linear street frontage. This requirement may be waived or modified subject to a discretionary approval upon finding that:

1. Entry courtyards, plazas, entries, outdoor eating and display areas, or other uncovered areas designed and accessible for public use are located between the build-to line and building, provided that the buildings are built to the edge of the courtyard, plaza, or dining area; and



2. The building incorporates an alternative entrance design that creates a welcoming entry feature facing the street.

C. **Exterior Lighting.** Exterior lighting should provide for a secure nighttime pedestrian environment by reinforcing entrances, public sidewalks and open areas with a safe level of illumination which avoids off-site glare.

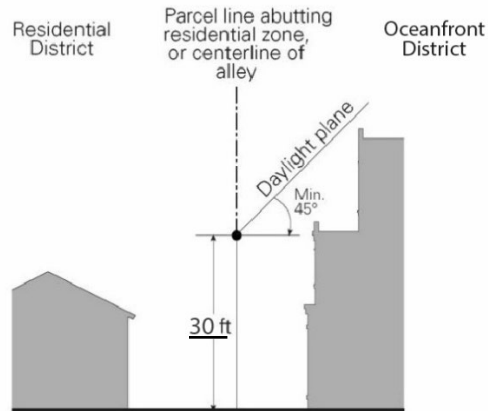
D. **Side Setback.** The side setback shall be determined in accordance with the following formula, except for parcels of less than 50 feet in width for which the side setback shall be 10% of the parcel width but not less than 4 feet:

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

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

E. **Daylight Plane Adjacent to Residential Uses.** Buildings shall not extend above a plane starting at 30 feet in height directly above the parcel line abutting any residentially-zoned parcel in residential use, or where there is an alley, the centerline of the alley, and from that point, extending in at a 45-degree angle from vertical toward the interior of the site. The 30-foot height measurement shall be taken from the same reference grade as determined for the subject site pursuant to Section 9.04.050.

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



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

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

1. **Setback Areas Adjoining Streets.** All visible portions of a required setback area adjoining a street that are not used for driveways or walks shall consist of planting areas, landscape, or pedestrian amenities.

2. **Interior Setback Areas.** At least 50% of each required interior side setback area and rear setback area shall be planting area having a minimum width of 7.5 feet adjoining a side or rear parcel line. The width of a required planting area may be reduced to 3 feet in one side or rear setback area adjoining a driveway, and a nonresidential accessory structure may occupy a portion of the planting area in a rear setback area.

## **CHAPTER 9.15 PUBLIC AND SEMI-PUBLIC DISTRICTS**

### **9.15.020 Land Use Regulations**

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

“P” designates permitted uses.

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

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

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

“–” designates uses that are not permitted.

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

<b>TABLE 9.15.020: LAND USE REGULATIONS—PUBLIC AND SEMI-PUBLIC DISTRICTS</b>				
<i>Use Classification</i>	<i>CC</i>	<i>PL</i>	<i>OS</i>	<i>Additional Regulations</i>
<b>Residential Uses</b>				
Residential Housing Types	<i>See sub-classifications below.</i>			
<i>Accessory Dwelling Unit</i>	P	-	-	Section 9.31.025, Accessory Dwelling Unit and Junior Accessory Dwelling Units
<i>Multiple Unit Dwelling</i>	P	-	-	Section 9.31.195, Multiple-Unit Dwelling Projects
<i>Senior Citizen Multiple-Unit Residential</i>	P	-	-	Section 9.31.195, Multiple-Unit Dwelling Projects
<i>Single Room Occupancy Housing</i>	L(1)	-	-	Section 9.31.330, Single Room Occupancy Housing
<i>Group Residential</i>	L(1)	-	-	
<i>Congregate Housing</i>	L(1)	-	-	Section 9.31.110, Congregate and Transitional Housing
<i>Senior Group Residential</i>	L(1)	-	-	Section 9.31.310, Senior Group Residential
Emergency Shelters	-	P	-	Section 9.31.130, Emergency Shelters
Family Day Care	<i>See sub-classifications below.</i>			
<i>Large</i>	P	P	P	Section 9.31.140, Family Day Care, Large
<i>Small</i>	P	P	P	
Residential Care Facilities	<i>See sub-classifications below.</i>			
<i>Residential Care, General</i>	L(1)	-	-	Section 9.31.270, Residential Care Facilities
<i>Residential Care, Limited</i>	L(1)	-	-	Section 9.31.270, Residential Care Facilities
<i>Residential Care, Senior</i>	L(1)	-	-	Section 9.31.270, Residential Care Facilities
Hospice, General	-	-	-	
Hospice, Limited	-	-	-	
Supportive Housing	L(1)	-	-	
Transitional Housing	L(1)	-	-	Section 9.31.110, Congregate and Transitional Housing
<b>Public and Semi-Public Uses</b>				
Adult Day Care	P	P	P	
Cemetery	-	P	-	
Child Care and Early Education Facilities	P	P	P	Section 9.31.120, Child Care and Early Education Facilities
Colleges and Trade Schools, Public or Private	L(3)	P	-	
Community Assembly	P	P	L(3)	
Community Gardens	-	P	P	
Cultural Facilities	P	P	P	
Park and Recreations Facilities, Public	P	P	P	
Public Safety Facilities	P	P	-	
Schools, Public or Private	L(3)	P	-	
Social Service Centers	P	P	-	
<b>Commercial Uses</b>				
Banks and Financial Institutions	L(1)	-	-	
Business Services	L(1)	-	-	
Commercial, Entertainment, and Recreation	<i>See sub-classifications below.</i>			

<b>TABLE 9.15.020: LAND USE REGULATIONS—PUBLIC AND SEMI-PUBLIC DISTRICTS</b>				
<i>Use Classification</i>	<i>CC</i>	<i>PL</i>	<i>OS</i>	<i>Additional Regulations</i>
<i>Cinemas/Theaters</i>	-	-	MUP (3)	
<i>Convention and Conference Centers</i>	P	-	-	
<i>Large-Scale Facility</i>	-	-	-	
<i>Small-Scale Facility</i>	-	-	-	Section 9.31.340, Small-Scale Facility, Game Arcades
Eating and Drinking Establishments	<i>See sub-classifications below.</i>			
<i>Restaurants, Full-Service</i>	L(1)	L(2)	L(2)	Section 9.31.040, Alcoholic Beverage Sales
<i>Restaurants, Limited Service</i>	L(1)	L(2)	L(2)	Section 9.31.040, Alcoholic Beverage Sales
<i>Restaurants, Take-Out Only</i>	L(1)	L(2)	-	Section 9.31.040, Alcoholic Beverage Sales
<i>With Outdoor Eating Areas</i>	L(1)	L(2)	L(2)	Section 9.31.200, Outdoor Dining and Seating
<i>Food Hall, (up to 175 seats)</i>	CUP	CUP	CUP	
Food and Beverage Sales	<i>See sub-classifications below.</i>			
<i>Convenience Markets</i>	L(1)	-	-	Section 9.31.040, Alcoholic Beverage Sales
<i>Farmers Markets</i>	-	P	CUP	
<i>General Markets</i>	L(1)	-	-	Section 9.31.040, Alcoholic Beverage Sales
Live-Work	L(1)	-	-	Section 9.31.170, Live-Work Units
Lodging	<i>See sub-classifications below.</i>			
<i>Hotels and Motels</i>	CUP	-	-	
Offices	<i>See sub-classifications below.</i>			
<i>Business and Professional</i>	L(4)/CUP	L (3)	-	
<i>Creative</i>	L(4)/CUP	-	-	
<i>Walk-In Clientele</i>	L(4)/CUP	-	-	
Parking, Public or Private	L(3)	P	L(5)	
General Personal Services	L(1)	-	-	
Retail Sales	<i>See sub-classifications below.</i>			
<i>General Retail Sales, Small-Scale</i>	L(1)	-	-	Section 9.31.220, Outdoor Retail Display and Sales
<i>Swap Meet</i>	MUP	MUP	MUP	Section 9.31.360, Swap Meets
<b>Transportation, Communication, and Utilities Uses</b>				
Citywide Bikeshare Facility	P	P	P	
Communication Facilities	<i>See sub-classifications below.</i>			
<i>Antennas and Transmission Towers</i>	CUP	CUP	-	
<i>Equipment Within Buildings</i>	-	P	-	
Utilities, Major	-	P	-	
Utilities, Minor	-	P	-	
<b>Specific Limitations:</b>				
(1) Permitted as part of a mixed-use development.				
(2) Permitted only as an accessory to a primary use. Must be located within the same building as a primary use.				
(3) Limited to public, quasi-public, or nonprofit establishments.				
(4) Public, quasi-public, and nonprofit offices are permitted. Conditional Use Permit required for private offices.				
(5) Limited to public parking for beach or park users.				

## **Chapter 9.18          Activity Center and Neighborhood Conservation Overlay Districts**

### **Activity Center Overlay District**

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

### **Neighborhood Conservation Overlay District**

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

## **Chapter 9.19        MODERATE INCOME OVERLAY**

### **9.19.010        Purpose and Intent**

The purpose of this Section is to promote the public health, safety, and welfare by supporting the development of housing that is affordable to households earning between 80% and 120% of area median income. The intent of this Section is to accommodate moderate income housing (MHO) projects through increases in density, height, and relaxation of certain other zoning limitations for residential developments in which all units are made affordable to households earning between 80% and 120% of area median income; to incentivize the reuse of existing buildings in order to create MHO Projects; to enable the feasibility of MHO projects by allowing flexibility in unit mix and unit size in exchange for greater common area living space; to enable MHO Projects to be permitted by right; and to apply such standards within the MHO area, to support the Housing Element's goals of supporting economic sustainability by creating housing that accommodates an additional segment of the workforce, and achieve greater socioeconomic diversity.

### **9.19.020        Definitions**

A.     **Moderate Income Housing Overlay (MHO)** means an overlay zoning district that sets forth modified development standards within this chapter for residential developments Citywide, except for parcels within the Single-Unit Residential (R1) zoning district, and in which all units are made affordable to households earning between 80% and 120% of area median income.

B.     **Moderate Income Housing Overlay (MHO) Dwelling Unit** means a dwelling unit, as defined by Section 9.52.020.0730, except that for purposes of this Chapter a dwelling

unit shall be a minimum of 250 square feet in size, if the dwelling unit is located within a MHO Project for which occupancy is restricted to a MHO Eligible Household.

**C. Moderate Income Housing Overlay (MHO) Eligible Household** means a household whose gross income exceeds the maximum income for an 80% income household and whose gross income does not exceed 120% of the area median income, adjusted for household size, as published and periodically updated by California Department of Housing and Community Development.

**D. Moderate Income Housing Overlay (HMO) Project** means a multiple-unit dwelling project consisting of MHO Dwelling Units subject to the standards and restrictions set forth in this chapter. A MHO Project may contain up to: (1) 33% of the project's total floor area as market rate dwelling units and/or non-residential uses that are otherwise permitted in the base zoning district; and (2) no more than 25% of the total number of units as market rate units.

#### **9.19.030 Applicability**

A. The provisions set forth in this Section shall apply to MHO Projects within the MHO.

B. A MHO Project shall be permitted by-right if it meets all standards set forth in this chapter in place of the requirements otherwise applicable in the underlying zoning district. Any development not meeting all of the standards set forth in this chapter shall be subject to the requirements otherwise applicable in the underlying zoning district.

C. A MHO Project pursuant to this section shall not include any alteration or demolition of any of the following types of housing:

1. Deed restricted affordable housing;



2. Rent-controlled housing or housing subject to any form of price control, including, but not limited to, units subject to the California statewide rent control law and Article XVIII of the Santa Monica Charter, the City's rent control law;

3. Housing occupied by a tenant in the last three years; or

4. Housing on parcels with an Ellis Act eviction in the last 15 years from date of application submittal.

#### **9.19.040 Standards for Eligibility and Rent**

MHO dwelling units shall be exempt from Chapter 9.64, Affordable Housing Production Program, except for the following sections:

A. Section 9.64.110, Income Eligibility Requirements

B. Section 9.64.130, Deed Restrictions

#### **9.19.050 Special Development Standards for MHO Projects**

MHO Projects shall conform to the development standards of the underlying zoning district except as modified by this Section.

**A. Building Height.** Projects shall receive a height increase of up to 33 feet above maximum building height for the underlying zone district.

**B. Residential Density Bonus.** Projects shall be allowed to request up to a 50% density bonus.

**C. Eligibility for Concessions/Incentives.** Projects shall be eligible to request up to four incentives and concessions pursuant to procedures set forth in Sections 9.22.060 and 9.22.080.

**D. Eligibility for Waiver or Reduction of Development Standards.** Projects shall be eligible to request a waiver or reduction of development standards pursuant to procedures set forth in Section 9.22.070 and 9.22.080.

**E. Open Space.**

1. Projects shall provide an increase to minimum required outdoor living area in a percentage equivalent to the density bonus requested pursuant to this Section.

2. Projects may substitute common outdoor living area in lieu of minimum required private outdoor living area in an equivalent amount.

**F. Minimum Off-Street Parking.** MHO Projects shall not have minimum off-street parking requirements.

**G. Transportation Demand Management.** In addition to those required by Chapter 9.53, Transportation Demand Management, a MHO Project shall include the following Transportation Demand Management measures:

1. A Transportation Allowance equivalent to at least 75% of the cost of a monthly regional transit pass, in accordance with Section 9.53.130(B)(2)(c)(iv).

2. Free on-site shared bicycles intended for resident and guest use. This shall be optional if Citywide bikeshare is available within a 2-block radius of the project site.

**H. Air Quality Assessment Zone.** MHO projects within the Air Quality Assessment Zone shall be required to prepare a technical memorandum that describes the effectiveness of design features to reduce exposure to diesel particulate matter (DPM) as a part of the early project design process. Such memorandum shall be submitted at the time of project application and shall be subject to review and approval by the Director prior to project approval.

## **DIVISION 3 GENERAL REGULATIONS**

Chapter 9.21, General Site Regulations

Chapter 9.22, Density Bonus

Chapter 9.23, Community Benefits

Chapter 9.28, Parking, Loading, and Circulation

Chapter 9.31, Standards for Specific Uses and Activities

## **CHAPTER 9.21      GENERAL SITE REGULATIONS**

### **Section 9.21.020    Accessory Buildings and Structures**

Accessory structures shall conform to the same property development standards as principal buildings except as required by this Section. Accessory buildings in Residential Districts shall include, but not be limited to, greenhouse and garden structures, storage sheds, workshops, garages, and other buildings that are detached from the principal building. Accessory structures in Residential Districts shall include, but not be limited to, unenclosed carports, gazebos, cabanas, or other similar structures; air conditioners, compressors, electric vehicle charging equipment, pool and spa filters, or other mechanical equipment; barbecues; sinks and counters; fountains; freestanding fireplaces; firepits; above ground swimming pools and spas; and other structures with a fixed location that are detached from the principal building. Accessory structures greater than 14 feet in height are not permitted. Accessory structures shall be erected, structurally altered, converted, enlarged, moved, and maintained, in compliance with the following regulations:

- A.      **Relation to Principal Buildings.** An accessory building may only be constructed on a parcel with a legally-permitted principal building. Except as may be provided under Santa Monica Municipal Code 6.20, Home-Sharing and Vacation Rentals, or for accessory dwelling units established in compliance with Section 9.31.025, Accessory Dwelling Units and Junior Accessory Dwelling Units, of this Code, an accessory building shall be considered part of the principal building if the accessory building is located less than 6 feet from the principal building or if connected to it by fully enclosed space.
- B.      **Dwelling Units in Accessory Buildings.** An accessory building on a parcel occupied or proposed to be occupied by a single-unit or multiple-unit detached dwelling

may only be used as a separate dwelling unit in compliance with the requirements of Section 9.31.025, Accessory Dwelling Units and Junior Accessory Dwelling Units.

**C. Accessory Buildings and Structures up to 14 Feet in Residential Districts.**

Accessory buildings and structures not more than 14 feet or one story in height shall conform to the following standards:

**1. Location.**

a. Accessory buildings shall be located on the rear half of the parcel and shall not extend into the minimum side yard setback except as authorized pursuant to subsections (b) and (c) below.

b. Accessory buildings no more than 14 feet in height may be located in the rear setback but shall be located at least 5 feet from the rear parcel line. A garage or garage portion of such an accessory building may extend up to one interior side parcel line within the rear 35 feet of a parcel.

c. A garage or garage portion of an accessory building may extend to the rear parcel line abutting an alley, provided that vehicle access is not taken from the alley. Where vehicle access is taken from an alley, garages shall be set back at least 5 feet from the rear parcel line abutting said alley.

d. Accessory buildings may be located in the rear setback and shall be located at least 15 feet from the centerline of a rear alley.

e. Accessory structures shall not be located within any front or minimum side setback except as expressly authorized below:

i. Fountains, fire pits, and similar ornamental landscape features not to exceed 42 inches in height.

ii. Underground mechanical equipment.

iii. Electric vehicle charging equipment shall be permitted within any minimum side setback but shall not be permitted within any minimum front setback.

2. ***Dimensions.***

a. On a reversed corner parcel, accessory buildings shall not be located nearer to the street side parcel line of such corner parcel than one-half of the front setback depth required on the key parcel, nor be located nearer than 5 feet to the side parcel line of any key parcel.

b. Any accessory building on a through parcel shall not project into any front setback and shall not be located in any minimum side setback.

3. ***Sloped Parcels.***

a. Where the elevation of the ground at a point 50 feet from the front parcel line of a parcel and midway between the side parcel lines differs 12 feet or more from the curb level, a private garage, not exceeding one story nor 11 feet in height for a flat roof and one story nor 14 feet in height for a pitched roof, may be located within the required front setback, provided that every portion of the garage building is at least 5 feet from the front parcel line and does not occupy more than 50% of the width of the front parcel line.

b. In all OP Districts, a garage or garage entrance on a parcel with an existing grade differential of 10 feet or more between the midpoint of the front parcel line and the midpoint of the rear parcel line may be set back a distance equal to the average garage setback of adjacent garage(s), but not less than 5

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

4. **Facilities.** Except for accessory dwelling units established in compliance with Section 9.31.025, Accessory Dwelling Units and Junior Accessory Dwelling Units, accessory buildings may not contain kitchens or full baths. An accessory building that is not an approved accessory dwelling unit may contain a sink and toilet, but may not contain a shower or tub enclosure. A shower that is outside and unenclosed is permitted.

D. **Accessory Buildings over One Story or 14 Feet in Residential Districts.** Accessory buildings that exceed 14 feet or one story in height shall conform to the following standards:

1. **Maximum Floor Area.** The total floor area of an accessory building that exceeds 14 feet or one story in height shall not exceed 650 square feet including any area approved for use as a garage. No accessory building shall have a second floor that exceeds 250 square feet in size. Accessory dwelling units are exempt from this requirement pursuant to Section 9.31.025, Accessory Dwelling Units and Junior Accessory Dwelling Units.

2. **Maximum Building Height.** The accessory building shall not exceed 2 stories or 24 feet in height.

3. **Setbacks.** The accessory building shall conform to all setback requirements of the Residential District and the following requirements:

a. A one-story garage or the garage portion of an accessory building may extend into the rear setback and may extend to one interior side property line on the rear 35 feet of a parcel.

b. The accessory building shall have the same minimum side setback requirement as the principal building on the parcel, but in no case less than 5 feet.

c. The second story portion of an accessory building that is directly above the garage may extend into the required rear setback but shall be no closer than 5 feet from the rear property line, and may not extend into any minimum side setback.

E. **Exterior Features.** In the Single-Unit Residential (R1) District, first-story roof decks, landings, upper level walkways, and balconies on accessory buildings, not including accessory dwelling units, shall not exceed 35 square feet in area and must be set back at least 25 feet from the side property line closest to the structure, and at least 25 feet from the rear property line. Roof decks above the second story are prohibited.

F. **Design Compatibility.** The architectural design of the accessory building shall be compatible with the design of the principal dwelling and surrounding residential development in terms of building form, materials, colors, and exterior finishes.

G. **Kitchen.** The accessory building shall not contain a kitchen unless specifically permitted as an accessory dwelling unit pursuant to Section 9.31.025, Accessory Dwelling Units and Junior Accessory Dwelling Units.

H. **Full Bath.** The accessory building may contain a sink, toilet, and a shower and/or tub.

I. **Renting.** Except as may be permitted under Santa Monica Municipal Code 6.20, Home-Sharing and Vacation Rentals, no accessory building shall be rented for any purpose or otherwise used as an accessory dwelling unit unless specifically pursuant to Section 9.31.025, Accessory Dwelling Units and Junior Accessory Dwelling Units.



### Section 9.21.060 Height Projections

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

A. **Building-Mounted and Attached Structures.** Table 9.21.060 establishes the maximum permitted projection(s) above the height limit of a building and into the daylight plane for structures that are typically mounted or attached to a building. These projections are by right, with no discretionary permit required. Table 9.21.060 also establishes limitations in the horizontal coverage of permitted projections. Some allowances apply in all Zoning Districts while others are limited to specified Zoning Districts. In the Single-Unit Residential (R1) District, allowed height projections into the minimum side setback areas above 23 feet shall be permitted. None of these projections shall permit occupiable space above the height limit. The total aggregate coverage of projections shall not exceed 30% of a roof's area. This limitation shall not apply to solar energy systems (see Section 9.21.150).

<b>TABLE 9.21.060: ALLOWED PROJECTIONS ABOVE HEIGHT LIMITS AND DAYLIGHT PLANE</b>		
<i>Structure</i>	<i>Maximum Aggregate Coverage of Building's Roof Area (%); Other Locational Restrictions</i>	<i>Maximum Vertical Projection (ft.) Above the Height Limit*</i>
<b>Projections Allowed in All Zoning Districts:</b>		
Skylights	No limit	1 ft.
Skylights on flat roofs	30%; May not be located within 5 ft. of any edge of the roof	5 ft.
Chimneys, vent stacks	5%	5 ft.
Windscoops	5%	5 ft.
Solar energy systems located on a rooftop	See Section 9.21.150	See Section 9.21.150
Antennas		
<i>One standard television receive-only nonparabolic antenna and one vertical whip antenna</i>	10%; May not be located between the building and any street-facing parcel line	25 ft.
Other antennas	See Chapter 9.32, Telecommunications Facilities	

<b>TABLE 9.21.060: ALLOWED PROJECTIONS ABOVE HEIGHT LIMITS AND DAYLIGHT PLANE</b>		
<i>Structure</i>	<i>Maximum Aggregate Coverage of Building's Roof Area (%); Other Locational Restrictions</i>	<i>Maximum Vertical Projection (ft.) Above the Height Limit*</i>
Parapets, fire escapes, catwalks, and open guard rails required by law	As required by law	As required by law
<b>Projections Allowed in All Districts Except R1 and OP-1 Districts:</b>		
Non-occupiable features such as steeples, spires, towers, domes, and cupolas	10%	10 ft.
Rooftop features for outdoor living areas, such as sunshade, open railings, trellises, and landscaping	25%	10 ft.
Elevator shafts	15%	18 ft.* above the roofline
Stairwells	25%	14 ft.* above the roofline
Mechanical rooms and enclosures	25%	12 ft.* above the roofline
Ventilating fans, water tanks, cooling towers, or other equipment required to operate and maintain a building, along with screening of such equipment required by Section 9.21.140, Screening	Total area enclosed by all screening may not exceed 30% of roof area	12 ft.

### **Section 9.21.090 Outdoor Living Area**

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

A. **Required Area and Location.** Outdoor living area shall be provided according to the required minimum area stated for the respective District in Division 2, Base and Overlay Districts. The required minimum private outdoor living space area per dwelling unit shall be located and designed to serve each unit. The remainder of required open space per unit shall be provided as either private open space accessible to the unit or common open space accessible to all or multiple units on the site.

B. **Facilities.** Private outdoor living areas typically consist of balconies, decks, patios, fenced setbacks, and other similar areas outside the residence. Common outdoor living areas typically consist of landscaped areas, landscaped courts, walks, patios, swimming pools, barbeque areas, playgrounds, turf, gardens, or other such improvements as are appropriate to enhance the outdoor environment of the development.

C. **Standards and Requirements.**

1. ***Private Outdoor Living Area.***

a. Private outdoor living area (e.g., yards, decks, patios, balconies) shall be no less than 4 feet deep.

b. For non-residentially zoned parcels, ground floor private outdoor living areas adjacent to a street shall not be permitted to be enclosed with a fence, wall, or hedge greater than 5 feet in height. Any portion of fences, walls, and hedges above 42 inches in height shall be at least 50% visually transparent.

2. ***Common Outdoor Living Area.***

a. Ground Floor or Podium Level. Common outdoor living area located on the ground or podium level shall provide one space that is at least 400 square feet with minimum dimensions of 20 feet in width and 15 feet in length.

b. Upper Story. Common outdoor living area located on an upper-story shall be no less than 10 feet in width and 10 feet in length.

c. Roof Decks. Common outdoor living area located on a roof shall be subject to the following limitations and requirements:

i. Parcels less than 15,000 square feet: No size limitation, but any provided open space shall be no less than 10 feet in width and 10 feet in depth.

ii. Parcels greater than 15,000 square feet: No more than 50% of provided common open space can be located on a roof and shall be no less than 10 feet in width and 10 feet in depth.

iii. Permanent shading shall be provided for a minimum of 50% of outdoor living area.

D. **Accessibility.**

1. ***Private Outdoor Living Area.*** Private outdoor living area shall be accessible to only one living unit by a doorway or doorways to a habitable room or hallway of the unit.

2. ***Common Outdoor Living Area.*** Common outdoor living area shall be accessible to all the residents of the dwelling units on the parcel.

E. **Usability.** A surface shall be provided that allows convenient use for outdoor living and/or recreation for the use of residents. Such surface may be any practicable combination of lawn, garden, flagstone, wood planking, concrete, or other serviceable, dust-free surfacing.

F. **100% Affordable Housing Projects.** 100% Affordable Housing Projects in any district may substitute common outdoor living area in lieu of minimum required private outdoor living area in an equivalent amount.

**Section 9.21.110 Projections from Buildings into Minimum Setbacks and Daylight Plane**

Table 9.21.110 sets forth the requirements for permitted projections from buildings into minimum setbacks and the daylight plane. The types of projections and the limitations on such projections into minimum setbacks and the daylight plane are permitted subject to Chapter 4.12, Noise; Section 9.31.180, Hazardous Visual Obstructions; and compliance with the California Building Code.

A. Notwithstanding the standards set forth in Table 9.21.110, below, the following shall apply:

1. Projections shall not be permitted closer than 4 feet to any parcel line unless otherwise expressly authorized.

2. Projections into existing, nonconforming setback areas shall be permitted only if the projection does not extend closer to the parcel line than would be permitted if the setback area conformed to current standards.

3. In the Single-Unit Residential (R1) District, only expressly authorized projections into the minimum side setback areas above 23 feet shall be permitted.

<b>TABLE 9.21.110: ALLOWED PROJECTIONS FROM BUILDINGS INTO MINIMUM SETBACKS AND DAYLIGHT PLANE</b>				
	<i>Front Setback</i>	<i>Street Side Setback</i>	<i>Interior Side Setback</i>	<i>Rear Setback</i>
<i>Projections</i>				
Eaves, awnings, canopies, sun shades, sills, cornices, belt courses, trellises, arbors, and other similar architectural features (also permitted within R1 setback areas above 23 feet)	30 in. (no closer than 1.5 ft. to parcel line)	30 in. (no closer than 1.5 ft. to parcel line)	24 in. (no closer than 1.5 ft. to parcel line)	4 ft. (no closer than 1.5 ft. to parcel line)
Flues, chimneys, rain gutters, downspouts, and similar vertical architectural projections not more than 5 ft. wide parallel to the side setback and that do not exceed 20% of the façade width	All setbacks: 18 in. for structures with conforming setbacks; 12 in. for structures with nonconforming setbacks			
Patios, porches, platforms, decks, and other unenclosed areas not covered by a roof or canopy and that may be raised above the level of the adjacent setback but do not extend more than 3 ft. above the average natural grade except for guard rails to the extent legally required	6 ft.	6 ft.	No limit (can extend to parcel line)	No limit (can extend to parcel line)
In the R1 District, first-story porches and second-story balconies open on 3 sides with a height of no more than 14 ft., including parapets and railings, that do not exceed 50% of the front building width measured at the front façade	6 ft.	Not permitted	Not permitted	Not permitted
In the R1 District, stairs with no roof or canopy less than 3 ft. above finished grade associated with a first-story front porch projection	4 additional feet	Not permitted	Not permitted	Not permitted
Balconies, decks, porches, and similar structures that are open, unenclosed on at least 2 sides	30 in.	30 in.	Not permitted	4 ft.
In any OP district, second floor decks, patios, or balconies, covered or uncovered, adjacent to primary living spaces	30 in.	30 in.	30 in.	4 ft.
Unroofed access facilities, including stairs and wheelchair ramps, with a height, including railings, of no more than 6 ft. above average natural grade	8 ft., but may extend any distance to accommodate wheelchair ramps or similar ADA access facilities			
Exterior access facilities leading to the second or higher story of a building, including open or enclosed fire escapes and open, unroofed fireproof outside stairways, landings, exterior corridors, and wheelchair ramps. This	Not permitted	Not permitted	12 in. or 2 in. per foot of required side setback,	4 ft.

<b>TABLE 9.21.110: ALLOWED PROJECTIONS FROM BUILDINGS INTO MINIMUM SETBACKS AND DAYLIGHT PLANE</b>				
	<i>Front Setback</i>	<i>Street Side Setback</i>	<i>Interior Side Setback</i>	<i>Rear Setback</i>
<i>Projections</i>				
projection shall not be permitted within the R1 District			whichever is greater	
Greenhouse windows and bay windows that are not greater than 6 ft. wide parallel to the setback if all such windows are cantilevered only and do not extend to the ground level, provided the structure has a conforming setback	18 in.	18 in.	18 in.	18 in.
Porte cocheres not more than 20 ft. long, not more than 14 ft. in height, including required railings or parapets, and open on at least 2 sides	Not permitted	No limit (can extend to parcel line) unless limited by Building Code		
Mailbox canopies not more than 10 ft. long	30 in.	30 in.	30 in.	4 ft.
Air conditioners, compressors, hot tub motors, pool filters, and other mechanical equipment	Not permitted	Not permitted	Not permitted	No limit (can extend to parcel line)
Detached structures and mechanical equipment	See Section 9.21.020, Accessory Buildings and Structures			
Water heaters enclosures and tankless water heaters	Not permitted	18 in. for structures with conforming setbacks; 12 in. for structures with nonconforming setbacks		No limit (can extend to parcel line)
Utility equipment including, but not limited to, gas, water, and electrical meters	Not permitted (unless required by Building and Utility Codes)	18 in. for structures with conforming setbacks; 12 in. for structures with nonconforming setbacks		No limit (can extend to parcel line)
Electric vehicle charging equipment	Not permitted	No limit (can extend to parcel line)	No limit (can extend to parcel line)	No limit (can extend to parcel line)
Solar energy system equipment	See Section 9.21.150, Solar Energy Systems			

## **CHAPTER 9.22     DENSITY BONUS**

### **9.22.020            Relation to Affordable Housing Production Program**

Nothing in this Chapter shall be interpreted to modify or reduce the requirements of the City's Affordable Housing Production Program, Chapter 9.64, including, but not limited to, satisfaction of the affordable housing obligation set forth in Section 9.64.040. Affordable housing units produced pursuant to the Affordable Housing Production Program that meet the requirements of this Chapter shall be counted towards eligibility for the density bonuses, incentives or concessions, and waivers or reductions of development standards set forth in this Chapter.

### **9.22.030            Definitions**

As used in this Chapter:

- A.    **"Affordable housing cost"** means affordable housing cost as defined in Health and Safety Code Section 50052.5.
- B.    **"Affordable rent"** means affordable rent as defined in Health and Safety Code Section 50053.
- C.    **"Childcare facility"** means a child daycare facility other than a family day care, including, but not limited to, infant centers, preschools, extended daycare facilities and school age childcare centers.
- D.    **"Common interest development"** means common interest development as defined in Civil Code Section 4100.
- E.    **"Concession or incentive"** means any of the following:
  - 1.    A reduction in site development standards or a modification of zoning code requirements or architectural design requirements that exceed the minimum building standards approved by the California Building Standards Commission as provided in Part

2.5 (commencing with Section 18901) of Division 13 of the Health and Safety Code, including, but not limited to, a reduction in setback and square footage requirements and in the ratio of vehicular parking spaces that would otherwise be required that results in identifiable and actual cost reductions, to provide for affordable housing costs, as defined in Section 50052.5 of the Health and Safety Code, or for rents for the targeted units to be set as specified in Government Code Section 65915(c).

2. Approval of mixed-use zoning in conjunction with the housing project if commercial, office, industrial, or other land uses will reduce the cost of the housing development and if the commercial, office, industrial, or other land uses are compatible with the housing project and the existing or planned development in the area where the proposed housing project will be located.

3. Other regulatory incentives or concessions proposed by the developer or the city, county, or city and county that result in identifiable and actual cost reductions to provide for affordable housing costs, as defined in Section 50052.5 of the Health and Safety Code, or for rents for the targeted units to be set as specified in Government Code Section 65915(c).

F. **“Density bonus”** means a density increase over the otherwise maximum allowable gross residential density as of the date of application for first planning entitlement or permit, or, if elected by the applicant, a lesser percentage of density increase, including, but not limited to, no increase in density.

G. **“Development standard”** means a site or construction condition, including, but not limited to, a height limitation, a setback requirement, a floor area ratio, an onsite open-space requirement, a minimum lot area per unit requirement, or a parking ratio that



applies to a residential development pursuant to any ordinance, general plan element, specific plan, charter, or other local condition, law, policy, resolution, or regulation.

H. **“Housing development”** means a development project for five or more residential units, including a mixed-use development. For purposes of this Chapter, “housing development” also includes a subdivision or common interest development, as defined in Section 4100 of the Civil Code, approved by the City and consists of residential units or unimproved residential lots and either a project to substantially rehabilitate and convert an existing commercial building to residential use or the substantial rehabilitation of an existing multifamily dwelling, as defined in Government Code Section 65863.4(d), where the result of the rehabilitation would be a net increase in available residential units.

I. **“Located within one-half mile of a major transit stop”** means that any point on a proposed development, for which an applicant seeks a density bonus, other incentives or concessions, waivers or reductions of development standards, or a vehicular parking ratio pursuant to this section, is within one-half mile of any point on the property on which a major transit stop is located, including any parking lot owned by the transit authority or other local agency operating the major transit stop.

J. **“Lower income households”** means lower income households as defined by Health and Safety Code Section 50079.5.

K. **“Major transit stop”** shall mean a major transit stop as defined in Public Resources Code Section 21155(b).

L. **“Maximum allowable residential density”** or **“base density”** means the maximum number of units allowed under the Zoning Ordinance, Article IX of this Municipal Code (the “Zoning Ordinance”), specific plan, or the Land Use and Circulation

Element (LUCE), or, if a range of density is permitted, means the maximum number of units allowed by the specific zoning district, as set forth in Division 2 of the Zoning Ordinance, specific plan, or the LUCE applicable to the project. If the density allowed under the Zoning Ordinance is inconsistent with the density allowed under the LUCE or a specific plan, the greater shall prevail. If a housing development is subject to tiered development standards, the “maximum allowable residential density” or “base density” shall mean the maximum number of units allowed at the selected tier.

M. **“Moderate-income households”** means moderate-income households as defined in Health and Safety Code Section 50053.

N. **“Persons and families of moderate income”** means persons and families of moderate income as defined in Health and Safety Code Section 50093.

O. **“Shared housing building”** means a residential or mixed-use structure, with five or more shared housing units and one or more common kitchens and dining areas designed for permanent residence of more than 30 days by its tenants. The kitchens and dining areas within the shared housing building shall be able to adequately accommodate all residents. A “shared housing building” may include other dwelling units that are not shared housing units, provided that those dwelling units do not occupy more than 25 percent of the floor area of the shared housing building. A shared housing building may include 100 percent shared housing units.

P. **“Shared housing unit”** means one or more habitable rooms, not within another dwelling unit, that includes a bathroom, sink, refrigerator, and microwave, is used for permanent residence, that meets the “minimum room area” specified in Section R304 of the California Residential Code (Part 2.5 of Title 24 of the California Code of Regulations),

and complies with the definition of “guestroom” in Section R202 of the California Residential Code. If a local ordinance further restricts the attributes of a shared housing building beyond the requirements established in this section, the local definition shall apply to the extent that it does not conflict with the requirements of this section.

Q. **“Total units” or “total dwelling units”** means a calculation of the number of units that:

(i) Excludes unit(s) added by a density bonus awarded pursuant to this section or any local law granting a greater density bonus; and

(ii) Includes unit(s) designated to satisfy the requirements of Chapter 9.64, Affordable Housing Production Program.

(iii) For purposes of calculating a density bonus granted pursuant to this section for a shared housing building, “unit” means one shared housing unit and its pro rata share of associated common area facilities.

R. **“Very low income households”** means very low income households as defined in Health and Safety Code Section 50105.

S. **“Very low vehicle travel area”** means an urbanized area, as designated by the United States Census Bureau, where the existing residential development generates vehicle miles traveled per capita that is below 85 percent of either regional vehicle miles traveled per capita or city vehicle miles traveled per capita. For purposes of this paragraph, “area” may include a travel analysis zone, hexagon, or grid. For the purposes of determining “regional vehicle miles traveled per capita” pursuant to this paragraph, a “region” is the entirety of incorporated and unincorporated areas governed by a multicounty or single-county metropolitan planning organization, or the entirety of the

incorporated and unincorporated areas of an individual county that is not part of a metropolitan planning organization.

#### **9.22.040 Eligibility**

A. Except as set forth in subsection B, a housing development project shall be eligible for a density bonus and additional incentives, concessions, waivers or reductions of development standards, and parking ratios as set forth in this Section.

1. The City will grant one density bonus, the amount of which shall be specified in Section 9.22.050, and, if requested by the applicant and consistent with the applicable requirements of this Chapter, incentives and concessions, as set forth in Section 9.22.060(A) and (B), waivers or reductions of development standards, as set forth in Section 9.22.070, and parking ratios, as described in Section 9.22.060(C), to the applicant of a housing development when the applicant seeks and agrees to construct a housing development project that will, excluding any units permitted by the density bonus awarded pursuant to this Chapter, contain at least any one of the following:

- a. 10% of the total units of the housing development, including shared housing building development, for lower income households;
- b. 5% of the total units of the housing development, including shared housing building development, for very low income households;
- c. A senior citizen housing development as defined in Section 51.3 and 51.12 of the Civil Code or a qualifying mobile home park that limits residency based on age requirements for older persons pursuant to Section 798.76 or 799.5 of the Civil Code, including a shared housing building development meeting this criteria;

d. 10% of the total units of a housing development are sold to persons and families of moderate income, provided that all units in the development are offered to the public for purchase;

e. 10% of the total units of a housing development for transitional foster youth, as defined by Section 66025.9 of the Education Code, disabled veterans, as defined by Section 18541 of the Government Code, or homeless persons, as defined in the Federal McKinney-Vento Homeless Assistance Act (42 U.S.C. 11301 et seq.) affordable at the same level as very low income units;

f. 20% of the total units for lower income students in a student housing development that meets the requirements of Government Code Section 65915(b)(1)(F);

g. 100% of all units in the development, or shared housing building development, including total units and density bonus, but exclusive of manager's unit or units, are for lower income households, except that up to 20% of the units in the development, including total units and density bonus units, may be for moderate-income households; or

h. 100% Affordable Housing Projects as defined in Section 9.52.020.0050.

2. ***Land Donations.*** An applicant for a tentative subdivision map, parcel map, or other residential development approval that donates land to the City in accordance with Government Code Section 65915(g) shall be eligible for a density bonus in accordance with the terms and conditions of Government Code Section 65915(g).

3. ***Housing Development with Childcare Facility.*** An applicant that proposes to construct a housing development that conforms to the requirements of subsection (A)(1) and that also includes a childcare facility that will be located on the premises of, as part of, or adjacent to the project shall be eligible for a density bonus in accordance with the terms and conditions of Government Code Section 65915(h).

B. Notwithstanding subsection A, an applicant that submits an application for housing development, including a planning entitlement or permit, shall be ineligible for a density bonus or any other incentive or concession under this Chapter if the housing development is proposed on a property that includes a parcel or parcels that contains: (1) rental dwelling units that are, or, if the dwelling units have been vacated or demolished in the 5-year period preceding the application, have been subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons or families of lower or very low income; (2) rental units that are controlled rental units pursuant to City Charter Section 1800 et seq., subject to Civil Code Section 1947.12, or subject to any other form of State or local rent or price control; or (3) units occupied by lower or very low income households, unless the proposed housing development replaces those units, and either of the following applies:

1. The proposed housing development, inclusive of the units replaced pursuant to this Section, contains affordable units at the percentages set forth in Section 9.22.050(B).

2. Each unit in the development, exclusive of manager's unit or units, is affordable to, and occupied by, either a lower or very low income household.

C. For purposes of this Section, “replace” shall mean either of the following:

1. If any dwelling units described in this Section are occupied on the date of application, the proposed housing development shall provide at least the same number of units of equivalent size to be made available at affordable rent or affordable housing cost to, and occupied by, persons and families in the same or lower income category as those households in occupancy. If the income category of the household in occupancy is not known, it shall be rebuttably presumed that lower income renter households occupied these units in the same proportion of lower income renter households to all renter households within the jurisdiction, as determined by the most recently available data from the United States Department of Housing and Urban Development’s Comprehensive Housing Affordability Strategy database.

For unoccupied dwelling units described in subsection A in a development with occupied units, the proposed housing development shall provide units of equivalent size to be made available at affordable rent or affordable housing cost to, and occupied by, persons and families in the same or lower income category. If the income category of the last household in occupancy is not known, it shall be rebuttably presumed that lower income renter households occupied these units in the same proportion of lower income renter households to all renter households within the jurisdiction, as determined by the most recently available data from the United States Department of Housing and Urban Development’s Comprehensive Housing Affordability Strategy database.

All replacement calculations resulting in fractional units shall be rounded up to the next whole number. If the replacement units will be rental dwelling units, the replacement units shall be subject to a recorded affordability restriction for at least 55

years in accordance with Section 9.22.050(D). If the proposed development is for-sale units, the units replaced shall be subject to Government Code Section 65915(c)(2).

2. If all dwelling units described in subsection A have been vacated or demolished within the 5-year period preceding the application, the proposed housing development shall provide at least the same number of units of equivalent size as existed at the highpoint of those units in the 5-year period preceding the application to be made available at affordable rent or affordable housing cost to, and occupied by, persons and families in the same or lower income category as those persons and families in occupancy at that time, if known. If the incomes of the persons and families in occupancy at the highpoint is not known, it shall be rebuttably presumed that low-income and very low income renter households occupied these units in the same proportion of low-income and very low income renter households to all renter households within the jurisdiction, as determined by the most recently available data from the United States Department of Housing and Urban Development's Comprehensive Housing Affordability Strategy database. All replacement calculations resulting in fractional units shall be rounded up to the next whole number. If the replacement units will be rental, the replacement units shall be subject to a recorded affordability restriction for at least 55 years in accordance with subsection 9.22.050(D). If the proposed development is for-sale units, the units replaced shall be subject to Government Code Section 65915(c)(2).

3. Notwithstanding paragraphs (1) and (2), for any dwelling unit described in subsection A that is or was, within the 5-year period preceding the application, a controlled rental unit pursuant to City Charter Section 1800 et seq., a rental unit subject to Civil Code Section 1947.12, or a rental unit subject to any other form of State or local rent or price



control, and that is or was occupied by persons or families above lower income, replacement units must be made available at affordable rent or affordable housing cost to, and occupied by, low-income persons or families. If the replacement units will be rental dwelling units, these units shall be subject to a recorded affordability restriction for at least 55 years. If the proposed development is for-sale units, the units shall be replaced subject to Government Code Section 65915(c)(2).

4. For purposes of this Section, “equivalent size” means that the replacement units contain at least the same total number of bedrooms as the units being replaced.

#### **9.22.050 Density Bonus**

A. An eligible applicant under Section 9.22.040 may seek a density bonus in the amounts set forth in this Section and in accordance with the procedures set forth in Section 9.22.080. Applicants may request a lesser percentage of density increase than that which is available for a housing development under this Section, including, but not limited to, no increase in density; 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).

B. **Determining Density Bonus Percentage.** The number of density bonus units to be granted shall be determined as follows:

1. For housing developments that meet the criteria of Section 9.22.040(A)(1)(a), the density bonus shall be calculated as follows:

<b>Percentage Low-Income Units</b>	<b>Percentage Density Bonus</b>
10	20
11	21.5
12	23

13	24.5
14	26
15	27.5
16	29
17	30.5
18	32
19	33.5
20	35
21	38.75
22	42.5
23	46.25
24	50

2. For housing developments that meet the criteria of Section 9.22.040(A)(1)(b), the density bonus shall be calculated as follows:

Percentage Very Low Income Units	Percentage Density Bonus
5	20
6	22.5
7	25
8	27.5
9	30
10	32.5
11	35
12	38.75
13	42.5
14	46.25
15	50

3. a. For housing developments that meet the criteria of Section 9.22.040(A)(1)(c), the density bonus shall be 20% of the number of senior housing units.

b. For housing developments that meet the criteria of Section 9.22.040(A)(1)(e), the density bonus shall be 20% of the number of the type of units giving rise to a density bonus under that paragraph.

c. For housing developments that meet the criteria of Section 9.22.040(A)(1)(f), the density bonus shall be 35% of the student housing units.

d. For 100% Affordable Housing Projects or housing developments that meet the criteria of Section 9.22.040(A)(1)(g), the following shall apply:

i. Except as otherwise provided in clause (ii), the density bonus shall be 80% of the number of units for lower income households.

ii. If the housing development is located within one-half mile of a major transit stop or is located in a very low vehicle travel area in a designated county, there shall be no maximum control on density.

4. For housing developments that meet the criteria of Section 9.22.040(A)(1)(d), the density bonus shall be calculated as follows:

Percentage Moderate-Income Units	Percentage Density Bonus
10	5
11	6
12	7
13	8
14	9
15	10
16	11
17	12

Percentage Moderate-Income Units	Percentage Density Bonus
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
41	38.75
42	42.5
43	46.25
44	50

5. An applicant for a tentative subdivision map, parcel map, or other residential development approval that donates land to the City in accordance with Government Code Section 65915(g) shall be entitled to a density bonus as provided by Government Code Section 65915(g).

6. To calculate density bonus for housing developments that provide onsite affordable units in accordance with Chapter 9.64, Affordable Housing Production Program, all onsite affordable units shall be counted as very low-income units up to the highest percentage of density bonus granted under this Chapter and State Density Bonus Law.

**C. Calculating Base Density**

1. In residential districts, the maximum allowable residential or base density, as defined in 9.22.030(L), shall be determined using dwelling units per acre.

2. Except as provided in subsection (3) below, in non-residential districts which do not provide a dwelling-units-per-acre standard for density, the maximum allowable residential or base density shall be calculated by:

a. Estimating the realistic development capacity of the site based on the objective development standards applicable to the project, including, but not limited to, floor area ratio, site coverage, maximum building height and number of stories, building setbacks and stepbacks, public and private open space requirements, minimum percentage or square footage of any non-residential component, and parking requirements, unless not required for the base project. Parking requirements shall include considerations regarding number of spaces, location, design, type, and circulation. Applicants may provide a base density study

which the City shall accept, provided that it includes all applicable objective development standards.

b. Maintaining the same average unit size and other project details relevant to the base density study, except those development standards or requirements that may be modified by waiver or concession to accommodate the bonus units, in the proposed project as in the study.

3. Notwithstanding subsection (2), for any housing development subject to tiered development standards, the maximum allowable residential density shall be based on the maximum number of units allowed for the selected tier in the zoning district. The maximum allowable residential or base density shall be calculated by:

a. Estimating the realistic development capacity of the site based on the objective development standards applicable to the project, including, but not limited to, floor area ratio, site coverage, maximum building height and number of stories, building setbacks and stepbacks, public and private open space requirements, minimum percentage or square footage of any non-residential component, and parking requirements, unless not required for the base project. Parking requirements shall include considerations regarding number of spaces, location, design, type, and circulation. Applicants may provide a base density study which the City shall accept, provided that it includes all applicable objective development standards.

b. Maintaining the same average unit size and other project details relevant to the base density study, except those development standards or

requirements that may be modified by waiver or concession to accommodate the bonus units, in the proposed project as in the study.

**D. Calculating Density Bonus.**

1. Density bonus shall be calculated by the following formula:

Density bonus = base density X percentage density bonus granted.

2. For purposes of calculating the amount of the density bonus pursuant to subsection B, a housing development is entitled to only one density bonus over maximum allowable residential density or base density. An applicant who requests a density bonus must elect whether the bonus shall be awarded on the basis of Section 9.22.040(A)(1)(a), (b), (c), (d), (e), (f), (g), or (h). Density bonuses from more than one category may not be combined.

3. All density calculations resulting in fractional units will be rounded up to the next whole number.

4. For purposes of calculating a density bonus pursuant to subsection B for a shared housing building, “unit” means one shared housing unit and its pro-rated share of associated common area facilities.

5. For purposes of calculating a density bonus pursuant to subsection B, the residential units shall be on contiguous sites that are the subject of one development application, but do not have to be based upon individual subdivision maps or parcels. The density bonus shall be permitted in geographic areas of the housing development other than the areas where the units for the lower income households are located.

**E. Continued Affordability.** Prior to issuance of a building permit, an applicant shall agree to continued affordability of restricted affordable units in accordance with

Government Code Section 65915(c) and Section 9.64.130, of Chapter 9.64 Affordable Housing Production Program, and the Administrative Guidelines adopted thereto.

### **9.22.060 Incentives and Concessions for Affordable Housing**

A. An eligible applicant under Section 9.22.040 may request the following numbers of incentives or concessions in accordance with the procedures set forth in Section 9.22.080:

<b>Minimum Percentage of Affordable Units</b>	<b>Number of Incentives and Concessions Permitted</b>
<ul style="list-style-type: none"> <li>• 5% Very Low,</li> <li>• 10% Low, or</li> <li>• 10% Moderate in for-sale developments</li> </ul>	1
<ul style="list-style-type: none"> <li>• 10% Very Low,</li> <li>• 17% Low, or</li> <li>• 20% Moderate in for-sale developments</li> </ul>	2
<ul style="list-style-type: none"> <li>• 15% Very Low,</li> <li>• 24% Low, or</li> <li>• 30% Moderate in for-sale developments</li> </ul>	3
<ul style="list-style-type: none"> <li>• 100% Affordable Housing Projects or projects meeting the criteria of Section 9.22.040(A)(1)(g)</li> </ul>	4

To determine the number of incentives and concessions for housing developments that provide onsite affordable units in accordance with Chapter 9.64, Affordable Housing Production Program, all onsite affordable units shall be counted as very low-income units up to the highest amount of incentives and concessions granted by this Chapter 9.22 and State Density Bonus Law.

B. **By-Right Incentives or Concessions.** Without following the procedures in Section 9.22.080, the Director shall approve requested incentives and concessions as follows:

1. For housing developments in residential zones:
  - a. Up to a 15% deviation from one side setback requirement.



- b. Up to a 10% increase in parcel coverage per floor and/or story (one concession per floor and/or story).
  - c. Up to a 15% deviation from rear setback requirements.
  - d. Up to one additional story and six feet of building height.
- 2. For housing developments in all non-residential zones:
  - a. Up to an additional 11 feet of Building Height.
  - b. Up to a 10% reduction in Minimum Ground Floor height.
  - c. Up to a 50% decrease in private outdoor living area per unit, provided that an equivalent amount is substituted for common outdoor living area.
  - d. Up to a 5% decrease in unit mix requirement for market rate units only.
  - e. Up to a 10% decrease in residential parking requirement.
  - f. Up to a 10% decrease in long-term residential bicycle parking.
  - g. Additional floor area to accommodate the density bonus units based on project's average unit size.
- 3. In addition to the above, for 100% Affordable Housing Projects or projects meeting the criteria of Section 9.22.040(A)(1)(g) located within one-half mile of a major transit stop or located in a very low vehicle travel area in a designated county:
  - a. Height increase of up to three additional stories, or 33 feet. This shall not count towards one of the four incentives or concessions available for 100% Affordable Housing Projects or projects meeting the criteria of Section 9.22.040(A)(1)(g).

C. **By Right Parking Incentives.** In addition to the above, an eligible project under Section 9.22.040 shall be entitled to the parking incentives set forth in Government Code Section 65915(p).

D. Nothing in this Section limits or requires the provision of direct financial incentives for a housing development, including the provision of publicly owned land by the City or the waiver of fees or dedication requirements.

#### **9.22.070 Waiver or Reduction of Development Standards**

A. An eligible applicant under Section 9.22.040 may in accordance with the procedures set forth in Section 9.22.080 seek a waiver or reduction of any development standards that will have the effect of precluding the construction of a housing development at the densities or with the concessions or incentives permitted by this Chapter. The eligible applicant shall show that any development standard requested to be waived or modified will have the effect of physically precluding the construction of the housing development at the densities or with the concessions or incentives permitted by this Chapter.

B. A proposal for a waiver or reduction of development standards pursuant to this Section shall neither reduce nor increase the number of incentives or concessions to which the applicant is entitled pursuant to Section 9.22.060.

C. A housing development that: (i) receives a waiver from any maximum controls on density pursuant to Section 9.22.050(3)(d)(ii) and up to three additional stories or 33 feet in height in accordance with 9.22.060(A)(4), and (ii) is not located in the Pico Neighborhood Area, as outlined in Figure 9.40.020.A, shall be eligible for, and may receive, additional waivers or reductions of development standards in accordance with

this Section. Additional waivers or reductions of development standards shall not include additional height or number of stories.

#### **9.22.080      Procedures**

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

A. An application for a density bonus, incentive or concession, waiver or reduction of a development standard, or revised parking standard pursuant to this Chapter shall be submitted with the first application for approval of a housing development and processed concurrently with all other applications in accordance with applicable State law, including, but not limited to, the Permit Streamlining Act, 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 or concessions, waivers or reductions of development standards, or modified parking standards. For all incentives or concessions that are not included within the menu of incentives or concessions set forth in subsections B and C of Section 9.22.060, the application shall include documentation-providing evidence that the requested incentives and

concessions result in identifiable and actual cost reductions. The documentation shall include all of the following items:

- a. The identifiable and actual cost reduction achieved through the incentive or concession;
  - b. Evidence that the cost reduction allows the applicant to provide affordable units or affordable sales prices; and
  - c. Other documentation requested by the Director. The Director may require that any documentation include such other information as is required to evaluate the documentation as deemed necessary by the Director.
4. For any requested waiver or reduction of a development standard, the applicant shall provide evidence that the development standard for which the waiver or reduction is requested will have the effect of physically precluding the construction of the residential project with the density bonus 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 donated provide proof of site control, and provide evidence that all of the requirements and each of the findings included in Government Code Section 65915(g) can be made; and
6. If a density bonus or concession is requested for a childcare facility, the application shall show the location and square footage of the childcare 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 or incentive, or waiver or reduction, nor the granting of a density bonus, shall be interpreted, in and of

itself, to require a General Plan amendment, Zoning Ordinance, Variance, or other discretionary approval.

C. For housing developments requesting an incentive or concession not included within the menu of by-right incentives or concessions listed in subsections B and C of Section 9.22.060 or a waiver or reduction pursuant to Section 9.22.070, the following shall apply:

1. The Director shall grant the concession or incentive requested by the applicant unless the Director makes a written finding, based upon substantial evidence, of any of the following:

a. The incentive or concession does not result in identifiable and actual cost reductions 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 low-income and moderate income households; or

c. The concession or incentive would be contrary to State or Federal law.

2. The Director shall grant the waiver or reduction if the development standard will have the effect of physically precluding the construction of a housing development at the densities permitted under Section 9.22.050, or with the concessions or incentives

permitted under Section 9.22.060. Notwithstanding the foregoing, the Director shall not be required to grant a waiver or reduction if:

- a. The waiver or reduction would have a specific, adverse impact, as defined in paragraph (2) of subdivision (d) of Section 65589.5, upon health, safety, or the physical environment, and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact;
- b. The waiver or reduction would have an adverse impact on real property that is listed in the California Register of Historical Resources;
- c. The waiver or reduction would be contrary to State or Federal law.

## **CHAPTER 9.23 COMMUNITY BENEFITS**

### **9.23.010 Purpose**

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

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

### **9.23.020 Applicability**

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

### 9.23.030 Qualifying Benefits

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

A. **Housing.** All Tier 2 projects that propose to include dwelling units must meet the following requirements:

1. ***Affordable Housing.*** Applicants shall incorporate the following:
  - a. At least 50 percent more affordable housing units than would be required pursuant to Section 9.64.050. Any fractional affordable housing unit that results from this formula shall be provided as a whole affordable housing unit (i.e., any resulting fraction shall be rounded up to the next larger integer).
  - b. On-site affordable housing units required by this Subsection shall be affordable to 50% or 80% income households, as defined by Section 9.64.020. Subject to the modifications contained in this Subsection (A), all of the affordable units shall comply with all other provisions of Chapter 9.64, Affordable Housing Production Program.
  - c. Affordable housing units required by this Subsection (A) may be provided offsite, pursuant to Section 9.64.060, if the affordable housing units are owned in whole or part and operated by a non-profit housing provider for the life of the project, and the Final Construction Permit Sign Off or Certificate of Occupancy for the affordable units is issued prior to or concurrently with the Tier 2 project.



2. **Unit Mix.** Applicants shall incorporate the following:

a. For market rate units:

- i. At least 10% of the units shall be three-bedroom units;
- ii. At least 15% of the units shall be two-bedroom units; and
- iii. No more than 15% of the units shall be studio units.

b. For affordable housing units:

i. The unit mix percentage for affordable two- and three-bedroom housing units shall be equal to or greater than the unit mix percentage required for the corresponding market rate units pursuant to subsection (A)(2)(a) of this Section. If the calculation results in 0.5 or more, the fraction shall be treated as a whole affordable housing unit.

ii. The unit mix percentage for studio affordable housing units shall not exceed 15% of the total number of affordable units.

c. The Director may grant a waiver from this unit mix requirement pursuant to the requirements and procedures for Waivers in Chapter 9.43.

d. The requirements of Subsection (A)(2) of this Section shall not apply to project applications filed prior to the effective date of this Ordinance.

B. **Affordable Housing Commercial Linkage Fee.** All Tier 2 Projects proposing to include non-residential uses shall pay a housing mitigation fee 14 percent above the base fee as required by Chapter 9.68, Affordable Housing Commercial Linkage Fee Program, for that portion of the floor area above the maximum Tier 1 floor area allowed by this Ordinance.

C. **Transportation Impact Fee.** All Tier 2 Projects shall pay an additional Transportation Impact Fee (TIF) 14 percent above the base fee required by Chapter 9.66, Transportation Impact Fee Program, for that portion of the floor area above the maximum Tier 1 floor area allowed by this Ordinance.

D. **Open Space.** All Tier 2 Projects shall either pay an additional Open Space Fee (OSF) 14 percent above the base fee required by Chapter 9.67, Parks and Recreation Development Impact Fee Program, for that portion of the floor area above the maximum Tier 1 floor area allowed by this Ordinance, or provide publicly accessible open space that complies with the following requirements.

1. Minimum area: 7,500 square feet of usable space.
2. Open space is owned, operated, and maintained by the developer or property manager in accordance with an approved maintenance plan to be reviewed and approved by the Director of Community and Cultural Services or his/her designee.
3. Each part of the open space shall be accessible from other parts of the open space without leaving the open space area.
4. Open space shall be directly accessible from the sidewalk, and be accessible to persons with disabilities.
5. Open space shall be on the ground level.
6. No more than 20 percent of the open space is occupied by open space-related above-grade structures, such as pergolas or public restroom structures.
7. A minimum of 35 percent of the open space is planting area with grass, ground cover, bushes, or trees. All trees shall be planted flush with the surrounding grade. The Urban Forester shall be consulted as to the selection of these trees, their size, and

the appropriate planter size to facilitate the trees' viability in the given urban conditions and microclimate.

8. The open space is open to the public, without charge, each day of the year from 6 a.m. to 11 p.m., except for temporary closures for necessary maintenance or public safety.

9. At a minimum, the following elements shall be included within the open space:

- a. Trees and landscaping;
- b. Seating;
- c. Bike racks;
- d. Refuse and Recycling Receptacles; and
- e. Signage that include hours of operation.

**E. Transportation Demand Management.** All Tier 2 Projects shall include the following Transportation Demand Management measures in addition to those required by Chapter 9.53, Transportation Demand Management:

1. For non-residential components of projects, provide the following:

- a. A Transportation Allowance equivalent to at least 75% of the cost of a monthly regional transit pass, in accordance with Section 9.53.130(B)(2)(b)(viii).
- b. Bike valet, free of charge, during all automobile valet operating hours.

2. For residential components of projects, provide the following:

- a. A Transportation Allowance equivalent to at least 75% of the cost of a monthly regional transit pass, in accordance with Section 9.53.130(B)(2)(c)(iv).

- b. Free on-site shared bicycles intended for resident and guest use.

This shall be optional if Citywide bikeshare is available within a 2-block radius of the project site.

## **CHAPTER 9.28     PARKING, LOADING, AND CIRCULATION**

### **9.28.020     Applicability**

The requirements of this Chapter apply to the following.

A.     **New Buildings and Land Uses.** On-site parking shall be provided according to the provisions of this Chapter at the time any building or structure is erected or any new land use is established.

B.     **Addition, Enlargement of Use, and Change of Use of Non-Residential Uses in Existing Buildings.**

1.     Except as provided in subsection (B)(2), a change of use shall provide the difference between the required parking ratio for the proposed use and one automobile parking space per 300 square feet.

2.     Changes in use that create an increase of 10 or fewer required parking spaces, calculated in accordance with subsection (B)(1), shall not be required to provide additional on-site automobile parking according to the provisions of this Chapter, except that if the change of use is a restaurant, the calculation shall be based on the square footage of the dining area only, and shall exclude any square footage dedicated to back-of-house operations and outdoor dining. Bicycle parking shall be provided in accordance with Section 9.28.140.

3.     Existing parking shall be maintained and additional parking shall be required only for such addition, enlargement, or change of use and not for the entire building or site. If the number of existing parking spaces is greater than the requirements for such use, the number of spaces in excess of the prescribed minimum may be counted toward meeting the parking requirements for the addition, enlargement, or change in use.

4. A change in occupancy is not considered a change in use unless the new occupant is a different use than the former occupant.

**C. Additions, Alterations, and Enlargement of Use of Residential Uses in Existing Buildings.**

For any new residential use that is not a multiple-unit dwelling in an existing building or structure, if the new residential use will require a greater number of parking spaces as compared to the previous use, parking spaces in the number specified in Section 9.28.060, Off-Street Parking, shall be provided for the new use.

**D. Construction Timing.** On-site parking facilities required by this Chapter shall be constructed or installed prior to the issuance of a Certificate of Occupancy for the uses that they serve.

**9.28.030 General Provisions**

**A. Existing Parking and Loading to be Maintained.**

1. No existing parking and/or loading serving any use may be reduced in amount or changed in design, location, or maintenance below the requirements for such use at the time it was entitled unless equivalent substitute facilities are provided, except that:

a. A new Housing Project is only required to maintain or replace at least 50% of the existing on-site parking serving an existing use to be retained.

b. For additions, expansions, or alterations to existing schools, existing on-site parking may be reduced by 50% to accommodate the proposed addition, expansion, alteration if school land use is retained.

2. Within the Downtown Community Plan area, properties must maintain the maximum number of parking spaces set forth in Table 9.28.060.

3. For Historic Resources, see Section 9.28.180(B).

B. **Access.** Access to parking for intended users, including employees, shall be available during all business hours.

C. **Assignment.** Assignment of parking spaces to individual users or tenants within a mixed use and/or multi-tenant project shall be prohibited except when such spaces are reserved for disabled parking, car or vanpool users, car share vehicles, or residential units.

D. **Application to All Parking.** All parking provided must be in compliance with the standards set forth in this Chapter.

E. **Parking and Loading Operations Plan.** Projects that result in greater than 40 provided parking spaces, new private parking surface lots or structures, or projects that provide space-efficient parking shall submit a Parking and Loading Operations Plan to the Director for review and approval before issuance of any building permits.

#### **9.28.040 Calculating Off-Street Parking and Loading Spaces**

A. **Rules for Calculating Required Spaces.** The following rules shall be followed for calculating the amount of off-street parking and loading spaces.

1. **Rounding.** Fractional space requirements totaling 0.5 or above shall be rounded up to the next whole space after calculating the total number of required spaces. Rounding up shall not apply to loading spaces; however, a minimum of one space shall be provided.

2. **Residential Uses.** For purposes of calculating off-street parking requirements for dwelling units, all private living spaces including, but not limited to, dens, studios, family rooms, studies and lofts shall be considered as “bedrooms” except that a maximum of one such room per unit shall not count as a bedroom if it is less than 100 square feet in area. Kitchens, bathrooms, and one living room per unit shall not be considered bedrooms. Semiprivate rooms shall not count as bedrooms if they have no doors and a minimum 7-foot opening to adjacent living space. A loft or mezzanine shall not count as a bedroom if the maximum width of the loft or mezzanine is less than 7 feet.

3. **Non-residential Uses.** Unless otherwise specified, the floor areas used to calculate the number of off-street parking and loading spaces required for non-residential uses shall include:

a. All floor area located above or below grade devoted to office, retail, service, or other activities and uses, storage areas, restrooms, lounges, lobbies, kitchens, and interior hallways and corridors, unless exempted by this Chapter; and

b. All outdoor areas that will accommodate a permanent activity that will generate a demand for parking facilities in addition to that which is provided for principal activities and uses within the building or structure.

4. **Multiple Uses.** When two or more principal uses are located on the same parcel, the estimated parking demand shall be the sum of the estimated demand of the various individual uses computed separately, in accordance with this Section, unless shared parking is approved pursuant to Section 9.28.180.



5. ***Exclusions.*** Floor area devoted to the following shall not be included when determining required parking and loading spaces:

- a. Automobile parking;
- b. Loading areas;
- c. Driveways, drive aisles, ramps;
- d. Bicycle parking;
- e. Showers or locker areas not associated with a physical training, personal service or instructional service; and
- f. Outdoor dining and seating less than 200 square feet in size associated with restaurants.

6. ***Maximum Parking Limits.*** The maximum number of parking spaces allowed shall be based on use type as listed in the table in Section 9.28.060, Off-Street Parking. The following rules apply when calculating maximum parking limits:

- a. ***Maximum Amount of Parking.*** When a use is subject to minimum parking requirements set forth in Section 9.28.060, Off-Street Parking, the maximum allowable amount of parking shall be 2 spaces or 5%, more, whichever is greater, than the quantities specified in Section 9.28.060, except for permanent public parking. No additional parking is allowed in excess of the quantities specified in Section 9.28.060 for the Downtown Community Plan area in Section 9.28.060, Off-Street Parking. In order to obtain approval for permanent public parking in excess of these maximum allowable amounts, a Conditional Use Permit approved by the Planning Commission shall be required pursuant to Chapter 9.41, subject to the following additional required findings:

i. Parking provided in excess improves the pedestrian, transit, and bicycle network;

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

iii. Accommodating excess parking does not degrade the overall urban design quality of the project proposal;

iv. All above-grade parking is architecturally screened and the excess parking does not diminish the quality and viability of existing or planned landscape enhancements; and

v. Where off-street parking is proposed that exceeds the maximum quantities specified, such parking shall not be the principal use of the property.

b. *Replacement of Existing Parking.* If a site contains existing surface parking that serves as Code or permit-required parking for an off-site user, such parking spaces may be replaced on-site as part of any redevelopment of the site, and such replacement parking shall not be considered parking that exceeds the quantities specified in Section 9.28.060 for purposes of subsection (A)(5)(b).

c. *Parking Requirements of Other Governmental Entities.* Should parking above the maximum be imposed by another governmental entity based on established minimum parking requirements, and such additional parking was not simply requested by the applicant, parking in the amount to meet the entity's minimum requirements may be allowed.

**9.28.050      Reserved****9.28.060      Off-Street Parking**

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

**A.      Applicability.**

1.      Minimum off-street parking requirements are set forth in Table 9.28.060. Notwithstanding the forgoing, minimum off-street parking requirements shall not apply to any of the following:

a.      Land uses within one-half mile of a Major Transit Stop, except the following:

- i.      Hotels and Motels
- ii.     Bed and Breakfasts

b.      Outside of one-half mile of a Major Transit Stop, all land uses within a Housing Project, except for those located within the Single-Unit Residential (R1) and Ocean Park Single-Unit Residential (OP1) zoning districts.

c.      Additions, alterations, and enlargement of residential uses in existing buildings, including increases to the number of dwelling units and/or bedrooms.

d.      All land uses within the Downtown Community Plan area.

2.      Maximum off-street parking requirements are set forth in Table 9.28.060 for land uses within the Downtown Community Plan and Section 9.28.040(A)(6)(a), above, for all other areas within the City.

<b>TABLE 9.28.060: PARKING REGULATIONS BY USE AND LOCATION</b>			
<b>Land Use Classification</b>	<b>Projects Outside of One-Half Mile of a Major Transit Stop (minimum parking required)</b>	<b>Projects Within One-Half Mile of a Major Transit Stop (minimum parking required)</b>	<b>Downtown Community Plan Area (maximum parking allowed)</b>
<b>Residential Uses</b>			
<i>Single-Unit Dwelling</i>	2 spaces per dwelling unit	N/A	2 spaces per dwelling unit
<i>Accessory Dwelling Unit</i>	N/A†	N/A†	N/A
<i>Junior Accessory Dwelling Unit</i>	N/A	N/A	N/A
<i>Duplex, Multiple-Unit Dwelling</i>  <i>9.22.060(C), By Right Parking Incentives, for alternative parking ratios)</i>	<i>Market Rate Units:</i> Guest = 1 space per 5 units Studio, no bedrooms = 1 space per unit 1 bedroom = 1.5 space per unit 2 or more bedrooms = 2 spaces per unit	N/A	<i>Market Rate Units:</i> Guest = 1 space per 15 units Studio, no bedrooms = 0.5 space per unit 1 bedroom = 0.5 space per unit 2 or more bedrooms = 1 space per unit
	<i>Deed Restricted Affordable Units:</i> Studio, no bedrooms = 0.5 space per unit 1 bedroom = 0.75 space per unit 2 or more bedrooms = 1 space per unit	N/A	<i>Deed Restricted Affordable Units:</i> Guest = 1 space per 30 units Studio, no bedrooms = 0.25 space per unit 1 bedroom = 0.25 space per unit 2 or more bedrooms = 0.5 space per unit
<i>Senior Citizen Multiple-Unit Residential</i>	0.5 space per unit Guest = 1 space per 5 units Low and moderate income units = 0.25 space per unit	N/A	0.5 space per unit Guest = 1 space per 6 units Low and moderate income units = 0.25 space per unit
<i>Single-Room Occupancy Housing</i>	See Multiple-Unit Dwelling	N/A	See Multiple-Unit Dwelling
<i>Group Residential</i>	0.5 space per bed	N/A	0.5 space per bed
<i>Congregate Housing</i>	1 space per 5 beds	N/A	1 space per 5 beds
<i>Senior Group Residential</i>	0.5 space per unit Guest = 1 space per 5 units Deed restricted affordable = 0.25 space per unit	N/A	0.5 space per unit Guest = none required Deed restricted affordable = 0.25 space per unit
<i>Elderly and Long-Term Care</i>	0.5 space per bed plus one visitor space per 5 beds	N/A	0.2 space per bed
<b>Family Day Care</b>			
<i>Large</i>	None required other than what is required for the existing residence	N/A	None required other than what is required for the existing residence
<i>Small</i>	None required other than what is required for the existing residence	N/A	None required other than what is required for the existing residence
<b>Residential Facilities</b>			
<i>Residential Care, General</i>	If more than 6 residents = 0.5 space per bed plus 1 visitor space per 5 beds	N/A	If more than 6 residents = 0.5 space per bed plus 1 visitor space per 5 beds
<i>Residential Care, Limited</i>	None required other than what is required for existing residence	N/A	None required other than what is required for existing residence
<i>Residential Care, Senior</i>	If more than 6 residents = 0.25 space per bed plus 1 visitor space per 5 beds	N/A	If more than 6 residents = 0.25 space per bed plus 1 visitor space per 5 beds
	If less than 6 residents = none other than what is required for the existing residence	N/A	If less than 6 residents = none other than what is required for the existing residence

<b>TABLE 9.28.060: PARKING REGULATIONS BY USE AND LOCATION</b>			
<b>Land Use Classification</b>	<b>Projects Outside of One-Half Mile of a Major Transit Stop (minimum parking required)</b>	<b>Projects Within One-Half Mile of a Major Transit Stop (minimum parking required)</b>	<b>Downtown Community Plan Area (maximum parking allowed)</b>
<i>Hospice, General</i>	If more than 6 residents = 0.25 space per bed plus 1 visitor space per 5 beds	N/A	If more than 6 residents = 1 space per 5 beds
	If less than 6 residents = none other than what is required for the existing residence	N/A	If less than 6 residents = none other than what is required for the existing residence
<i>Hospice, Limited</i>	None required other than what is required for the existing residence	N/A	None required other than what is required for the existing residence
<i>Supportive Housing</i>	If more than 6 residents = 0.5 space per bed plus 1 visitor space per 5 beds	N/A	If more than 6 residents = 1 space per 5 beds
	If less than 6 residents = none other than what is required for the existing residence	N/A	If less than 6 residents = none other than what is required for the existing residence
<i>Transitional Housing</i>	None other than what is required for residential type	N/A	None other than what is required for residential type
<b>Public and Semi-Public Uses</b>			
<i>Adult Day Care</i>	1 space per 500 sq. ft.	N/A	1 space per 500 sq. ft.
<i>Child Care and Early Education Facilities</i>	1 space per 500 sq. ft.	N/A	1 space per 500 sq. ft.
<i>Colleges and Trade Schools, Public or Private</i>	1 space per 80 sq. ft. of assembly or classroom area or 1 space per every 4 fixed seats, whichever is greater	N/A	1 space per 100 sq. ft. of assembly or classroom area or 1 space per every 5 fixed seats, whichever is greater
<i>Community Assembly</i>	1 space for each 4 seats	N/A	1 space for each 6 seats
<i>Cultural Facilities</i>	1 space per 300 sq. ft.	N/A	1 space per 500 sq. ft.
<i>Emergency Shelters</i>	1 space per 10 beds	N/A	1 space per 10 beds
<i>Hospitals and Clinics</i>	1 space per 250 sq. ft.	N/A	1 space per 250 sq. ft.
<i>Schools, Public or Private</i>	<i>Elementary and Middle Schools:</i> 2 spaces per classroom	N/A	<i>Elementary and Middle Schools:</i> 1.75 spaces per classroom
	<i>High Schools:</i> 5 spaces per classroom	N/A	<i>High Schools:</i> 4 spaces per classroom
<i>Social Service Centers</i>	1 space per 300 sq. ft.	N/A	1 space per 300 sq. ft.
<b>Commercial Uses</b>			
<b>Animal Care, Sales, and Services</b>			
<i>Grooming and Pet Stores</i>	See Retail Sales	N/A	See Retail Sales
<i>Kennel</i>	1 space per 1,000 sq. ft.	N/A	1 space per 1,000 sq. ft.
<i>Pet Day Care Services</i>	1 space per 500 sq. ft.	N/A	1 space per 1,000 sq. ft.
<i>Veterinary Services</i>	See Medical Office	N/A	See Medical Office
<b>Automobile/Vehicle Sales and Service</b>			
<i>Alternative Fuels and Recharging Facilities</i>	2 spaces for self-service station	N/A	2 spaces for self-service station
	1 space per 100 sq. ft. of retail	N/A	1 space per 100 sq. ft. of retail
<i>Automobile Rental</i>	1 space per 500 sq. ft.	N/A	N/A
	1 space per 1,000 sq. ft. of outdoor rental storage area	N/A	
<i>Automobile Storage Uses</i>	1 space	N/A	-
<i>Automobile/Vehicle Sales and Leasing</i>	1 space per 300 sq. ft. for offices plus	N/A	1 space per 300 sq. ft. for offices plus
	1 space per 1,000 sq. ft. of net new	N/A	1 space per 1,000 sq. ft. of net

<b>TABLE 9.28.060: PARKING REGULATIONS BY USE AND LOCATION</b>			
<b>Land Use Classification</b>	<b>Projects Outside of One-Half Mile of a Major Transit Stop (minimum parking required)</b>	<b>Projects Within One-Half Mile of a Major Transit Stop (minimum parking required)</b>	<b>Downtown Community Plan Area (maximum parking allowed)</b>
	display area and requirements for automobile repair where applicable		new display area and requirements for automobile repair where applicable
<i>Automobile/Vehicle Repair, Major and Minor</i>	1 space per 500 sq. ft. of non-service bay floor area	N/A	1 space per 500 sq. ft. of non-service bay floor area
	2 spaces per service bay	N/A	2 spaces per service bay
<i>Automobile/Vehicle Washing</i>	2 spaces for each washing stall, not including the stall	N/A	2 spaces for each washing stall, not including the stall
<i>Service Station</i>	2 spaces if self-service station	N/A	2 spaces if self-service station
	1 space per 100 sq. ft. of retail	N/A	1 space per 100 sq. ft. of retail
	Must follow requirements for repair where applicable	N/A	Must follow requirements for repair where applicable
<b>Banks and Financial Institutions</b>			
<i>Banks and Credit Unions</i>	See Business, Professional, and Creative Office	N/A	1 space per 300 sq. ft.
<i>Check Cashing Businesses</i>	See Business, Professional, and Creative Office	N/A	N/A
<i>Business Services</i>	See Business, Professional, and Creative Office	N/A	See Business, Professional, and Creative Office
<b>Commercial Entertainment and Recreation</b>			
<i>Cinemas</i>	1 space per 4 seats	N/A	Up to 99 seats = 1 space for every 8 fixed seats
			> 99 seats = 1 space for every 5 fixed seats
<i>Theaters</i>	1 space per 4 seats	N/A	See Cinemas
<i>Convention and Conference Centers</i>	1 space per 80 sq. ft.	N/A	1 space per 100 sq. ft.
<i>Large-Scale Facilities</i>	1 space per 80 sq. ft.	N/A	1 space per 100 sq. ft.
<i>Small-Scale Facilities, less than 1,500 sq. ft.</i>	1 space per 300 sq. ft.	N/A	1 space per 500 sq. ft.
<i>Small-Scale Facilities, 1,500 sq. ft. and more</i>	1 space per 80 sq. ft.	N/A	1 space per 500 sq. ft.
<i>Instructional Services</i>	See Retail Sales	N/A	See Retail Sales
<b>Eating and Drinking Establishments</b>			
<i>Bars/Nightclubs/Lounges</i>	1 space per 50 sq. ft.	N/A	1 space per 500 sq. ft.
<i>Restaurants, less than 2,500 sq. ft.</i>	1 space per 300 sq. ft.	N/A	1 space per 500 sq. ft.
<i>Restaurants, 2,500 – 5,000 sq. ft.</i>	1 space per 200 sq. ft.	N/A	1 space per 500 sq. ft.
<i>Restaurants, 5,000+ sq. ft.</i>	1 space per 125 sq. ft.	N/A	1 space per 300 sq. ft.
<i>Restaurant Outdoor Eating Areas, less than 200 sq. ft.</i>	None	N/A	None
<i>Restaurant Outdoor Eating Areas, 200 sq. ft. and more</i>	Same as required for restaurant type	N/A	Outdoor eating areas less than 500 sq. ft. = no additional parking.
<i>Food Hall</i>	1 space per 300 sq. ft.	N/A	Outdoor eating areas 500 sq. ft. and more = same as required for

TABLE 9.28.060: PARKING REGULATIONS BY USE AND LOCATION			
Land Use Classification	Projects Outside of One-Half Mile of a Major Transit Stop (minimum parking required)	Projects Within One-Half Mile of a Major Transit Stop (minimum parking required)	Downtown Community Plan Area (maximum parking allowed)
			restaurant type. 1 space per 500 sq. ft.
Equipment Rental	See Retail Sales	N/A	See Retail Sales
Food and Beverage Sales			
Convenience Market	See Retail Sales	N/A	See General Market
General Market less than 2,500 sq. ft.	1 space per 300 sq. ft.	N/A	1 space per 500 sq. ft.
General Market 2,500-5,000 sq. ft.	1 space per 250 sq. ft.	N/A	1 space per 500 sq. ft.
General Market 5,000+ sq. ft.	1 space per 250 sq. ft.	N/A	1 space per 300 sq. ft.
Liquor Stores	See Retail Sales	N/A	See General Market
Funeral Parlors and Mortuaries	1 space per 80 sq. ft. or 1 space per 4 seats, whichever is higher	N/A	1 space per 100 sq. ft. or 1 space per 6 seats, whichever is higher
Live-Work	1 space per unit plus	N/A	1 space per 500 sq.ft.
	1 guest space per unit	N/A	
Lodging			
Bed and Breakfast	1 space per room plus parking required for dwelling unit	1 space per room	1 space per room
Hotels and Motels	1 space per room plus 1 space per 200 sq. ft. of meeting and banquet space	0.75 space per room plus 1 space per 250 sq. ft. of meeting and banquet space	0.5 space per guest room plus 1 space for each 250 sq. ft. used for meetings and banquets.
			Other uses such as bars, restaurants, retail and services which are open to the general public shall provide parking as required for the use at a rate ½ the individual use.
Offices			
Business, Professional, Creative, less than 2,500 sq. ft.	1 space per 300 sq. ft.	N/A	1 space per 500 sq. ft.
Business, Professional, Creative, 2,500+ sq. ft.	1 space per 300 sq. ft.	N/A	1 space per 500 sq. ft.
Medical and Dental, less than 1,000 sq. ft.	1 space per 300 sq. ft.	N/A	1 space per 300 sq. ft.
Medical and Dental, 1,000+ sq. ft.	1 space per 250 sq. ft.	N/A	1 space per 300 sq. ft.
Walk-In Clientele	See Business, Professional, and Creative Office	N/A	See Business, Professional, and Creative Office
Personal Services			
General Personal Services	See Retail Sales	N/A	See Retail Sales
Tattoo or Body Modification Parlor	See Retail Sales	N/A	See Retail Sales
Physical Training	See Retail Sales	N/A	See Retail Sales
Retail Sales			
Retail, less than 2,500 sq. ft.	1 space per 300 sq. ft.	N/A	1 space per 500 sq. ft.

<b>TABLE 9.28.060: PARKING REGULATIONS BY USE AND LOCATION</b>			
<b>Land Use Classification</b>	<b>Projects Outside of One-Half Mile of a Major Transit Stop (minimum parking required)</b>	<b>Projects Within One-Half Mile of a Major Transit Stop (minimum parking required)</b>	<b>Downtown Community Plan Area (maximum parking allowed)</b>
<i>Retail, 2,500 – 5,000 sq. ft.</i>	1 space per 300 sq. ft.	N/A	1 space per 500 sq. ft.
<i>Retail, 5,000 sq. ft. or more</i>	1 space per 300 sq. ft.	N/A	1 space per 300 sq. ft.
<i>Maintenance and Repair Services</i>	See Retail Sales	N/A	See Retail Sales
<i>Nurseries and Garden Centers</i>	Interior spaces, see Retail Sales, plus 1 space per 1,000 sq. ft. of outdoor display and storage area	N/A	Interior spaces, see Retail Sales, plus 1 space per 1,000 sq. ft. of outdoor display and storage area
<b>Industrial Uses</b>			
<i>Artist's Studio</i>	1 space per 400 sq. ft.	N/A	1 space per 1,000 sq. ft.
<i>Commercial Kitchens</i>	1 space per 300 sq. ft.	N/A	1 space per 300 sq. ft.
<i>Industry, General</i>	1 space per 400 sq. ft.	N/A	N/A
<i>Industry, Limited</i>	1 space per 400 sq. ft.	N/A	N/A
<i>Media Production</i>	1 space per 400 sq. ft. of studio space	N/A	1 space per 500 sq. ft.
	1 space per 300 sq. ft. of editing space		
	1 space per 300 sq. ft. of administrative space		
<i>Research and Development</i>	1 space per 300 sq. ft.	N/A	N/A
<b>Warehousing, Storage, and Distribution</b>			
<i>Indoor Warehousing and Storage</i>	1 space per 1,000 sq. ft.	N/A	N/A
<i>Personal Storage</i>	1 space per 4,000 sq. ft.	N/A	N/A
<i>Wholesaling and Distribution</i>	1 space per 1,000 sq. ft.	N/A	N/A

### 9.28.070 Location of Parking

Required off-street parking and loading spaces shall be located on the same parcel as the use they serve, except as otherwise provided in this Chapter. Entrances to off-street parking and loading should be located on a non-primary façade, except as described below. Where a parcel contains more than 1 street frontage, the parking entrance should be located on the secondary street or alley. All efforts should be made to eliminate the impacts of parking entrances on main thoroughfares and transit-oriented streets. The requirements of this Section shall not apply to vehicles on display by an automobile dealer in a showroom or approved outdoor area unless otherwise specified by the ordinance codified in this Section.



**A. Above-Ground Parking.**

1. ***Residential Districts.*** Parking shall be located in the rear half of the parcel, except as provided below:

a. ***Single-Unit Residential Districts.***

i. Required parking may be located in the front half of the parcel provided the parking is located behind the primary first-story façade facing the street. Required parking in the single-unit residential districts shall not be required to be located within an enclosed garage; however, allowable garages may be located in the front half of the parcel subject to the setback requirements of the Base District and the following:

(1). Garage doors facing a public street shall be located at least 5 feet behind the primary façade facing the street, and never less than the required Base District setback.

(2). ***Projection into Front Yard Setback.*** In the R1 Single-Unit Residential District, a one-story garage attached to the primary structure with a maximum height of 14 feet, including parapets and railings, a maximum length of 25 feet, and with garage doors perpendicular to the public street, shall be allowed to project up to 6 feet into the required front yard if no alley access exists, but may not extend closer than 20 feet to the front property line.

ii. ***Accessory Dwelling Units and Junior Accessory Dwelling Units.*** Parking displaced by the establishment of an Accessory Dwelling Unit or Junior Accessory Dwelling Unit may be relocated in the front half of the parcel and an

existing curb cut may be retained if parking meets dimensional requirements, hazardous visual obstruction standards, and is not located on a no backout street.

b. *Multi-Unit Residential Districts.* Parking may be located in the front half of the parcel in Multi-Unit Residential Districts provided that no part of a required front setback shall be used for parking purposes.

c. *Garage Openings and Doors.*

i. *Garage Opening Setback.* Garage openings shall be located the following minimum distances from parcel lines adjoining streets and alleys:

(1) Front-entry garage: 20 feet.

(2) Side-entry garage: 5 feet.

(3) Garage with alley access: 15 feet from centerline of alley.

(4) Narrow parcels: For garages with rear vehicular access from an alley and located on a parcel 27 feet wide or less, the side setback adjacent to a street or another alley may be reduced to 3 feet.

(5) A minimum 22-foot turning radius is required from the garage to the opposite side of the street alley, drive aisle, or driveway.

ii. *Garage Door Width.* If a garage faces the front or street side parcel line, the garage doors shall not be more than 18 feet wide. A door to a single space shall not be more than 9 feet wide. Not more than 1 double garage may be entered from the side street side of a corner or a reversed corner parcel. However, within the Single-Unit Residential (R1) District, the following shall apply:

(1) Garage doors facing the public street may not exceed 16 feet in width unless located in the rear half of the parcel except as provided in Section 9.07.030(A).

(2) On parcels 27 feet wide or less, no more than one garage door shall be permitted facing the public street, and the garage door shall not exceed 9 feet in width.

d. *Sloped Parcels.* Garages may be located in the required front setback when the elevation of the ground at a point 50 feet from the front parcel line and midway between the side parcel lines differs 12 feet or more from the level of the curb or in all Ocean Park Districts where there is a change in existing grade of 10 feet or more between the midpoint of the front parcel line and the midpoint of the rear parcel line subject to the following:

i. Height shall not exceed 14 feet if a pitched roof, 11 feet for a flat roof, or 1 story;

ii. No portion of the garage may be closer than 5 feet from the front property line;

iii. The garage may not occupy more than 50 percent of the width of the front setback; and

iv. In all Ocean Park Districts, a garage that complies with subsections (i) through (iii) may be set back a distance equal to the average setback of garages on adjacent parcels if the interior garage width does not exceed 20 feet.

e. *Along the Pacific Coast Highway.* Uncovered parking may be located in the front half of the parcel and within the required front setback on parcel located along the Pacific Coast Highway between the Santa Monica Pier and the north City limits.

f. *Rooftop Parking.* Rooftop parking is prohibited in all Residential Districts.

2. ***Mixed-Use and Non-Residential Districts.***

a. *Interior Side and Rear Setbacks.* Above-ground parking that does not extend above the first floor level may be located within required interior side and rear setback provided above ground parking is set back a minimum of 5 feet from an interior parcel line adjacent to a Residential District.

b. *Rooftop Parking.*

i. Rooftop parking is prohibited in the following areas:

(1) Neighborhood Commercial Districts; and

(2) Except as authorized in Section 9.31.070(D)(6), within 50 feet of Residential Districts.

ii. Where permitted, rooftop parking areas shall be screened at their perimeters to prevent light spill onto adjacent properties. Non-skid or other similar surface treatment on both floors and ramps of the rooftop shall be required to prevent tire squeals. In order to minimize noise and air impacts, exhaust vents and other mechanical equipment shall be located as far from residential uses as feasible consistent with Chapter 8 of the Municipal Code.

**B. Subterranean Parking Structures.**

1. **Required Setbacks.** A subterranean parking structure may be constructed and maintained in any required setback area except in any required unexcavated areas.

2. **Openings.** All openings for ingress and egress facing the front parcel line shall be situated at or behind the front building line of the main building. There shall be no more than 1 vehicular opening facing the front parcel line for each main building. Pedestrian access openings are permitted.

3. **Crossing Property Lines.** Development located on 2 or more separate parcels may share common subterranean parking garages or link circulation between subterranean parking facilities only if the parcels are combined pursuant to Section 9.21.030, Development on Multiple Parcels.

**C. Semi-Subterranean Parking Structures.**

1. **Front Setback.** Semi-subterranean parking structures shall not be located within a required front setback.

2. **Side and Rear Setback.**

a. On parcels less than 50 feet in width, a semi-subterranean parking structure may extend to both property lines and to the rear property line.

b. On parcels having a width of 50 feet or greater, a semi-subterranean parking structure may be constructed and maintained in any required side or rear setback area except in a required unexcavated area.

3. **Openings.** All openings for ingress and egress facing the front parcel line shall be situated at or behind the front building line of the main building. There shall be

no more than 1 vehicular opening facing the front parcel line for each main building. Pedestrian access openings are permitted.

4. ***Parking Podium Height.*** The finished floor of the first level of the building or structure above the parking structure shall not exceed 3 feet above the average natural, sloped average natural, or theoretical grade of the parcel, except for openings for ingress and egress.

#### **9.28.080 Loading Spaces**

A. **Purpose.** Loading spaces are required to ensure adequate areas for loading purposes for all on-site uses so that commercial and passenger loading activities will be conducted without negatively affecting traffic safety or the quality of abutting public streets for people walking, bicycling, or driving. Loading spaces also facilitate low-car-use lifestyles by supporting shared delivery and passenger transportation services.

B. **Applicability.** The regulations in this Section shall apply to existing and proposed projects with new buildings, additions, or changes of use, and shall govern design of both required and non-required loading areas, except as provided in 9.28.080(C), Parking and Loading Operations Plan.

#### **C. Parking and Loading Operations Plan.**

1. Except as provided in paragraph 2, below, no building permit shall be issued for a change of use of up to 5,000 square feet unless the Director has reviewed and approved a parking and loading operations plan for the proposed project. The Director may, in accordance with the requirements of this Section 9.28.080, approve a parking and loading operations plan that results in a waiver or reduction in the number and/or dimensions of loading areas and spaces otherwise required under this Section 9.28.080.

2. Notwithstanding the provisions of paragraph 1, above, no building permit shall be issued for a new building, addition, enlargement of use, or change in use within the Downtown Community Plan Area, excluding the Ocean Transition (OT) District, which shall be subject to the provisions of paragraph, 1, above, unless the Director has reviewed and approved a parking and loading operations plan for the proposed project. The Director may, in accordance with the requirements of this Section 9.28.080, approve a parking and loading operations plan that results in a waiver or reduction in the number and/or dimensions of loading areas and spaces otherwise required under this Section 9.28.080.

3. *Review Procedure.* The parking and loading operations plan shall include information as deemed appropriate by the Director for approval, including, but not limited to, plans, prior uses, easements, and other items necessary or relevant to describe existing conditions and the proposed project. The Director may approve a parking and loading operations plan upon a determination that the plan is not in conflict with other project operations and impacts to the public right-of-way, which may include, but not be limited to, impacts to resource, recovery and recycling operations, noise impacts, and public safety concerns. When determining whether to grant a waiver of a loading requirement, the Director shall consider existing site conditions, including the location of existing improvements, and whether the abutting rights-of way can accommodate loading without disruption to traffic circulation, public health and safety services (e.g. police, fire, etc.), and public infrastructure and utilities. No waiver shall be granted for a semi-tractor trailer loading space.

D. **Submittal of Loading Plan.** As part of the application for all applicable projects, a loading plan shall be submitted. The plan shall include a site plan dimensioning all required and non-required loading spaces and indicating the path of travel to the space and the path of travel for the goods or passengers from the loading space. The approved loading plan shall be retained on-site at all times and shall be made available to all site users.

E. **Loading Space Dimensions.** Loading spaces shall comply with the following standards, as required in this Section. Loading spaces shall not count as parking spaces.

1. A standard loading space shall be at least 30 feet long, 12 feet wide, and have a clearance of 14 feet.

2. A semi-tractor trailer loading space shall be at least 65 feet long, 15 feet wide, and have a clearance of 14 feet.

3. A passenger loading space shall be at least 18 feet long and 10 feet wide. Design should not reduce pedestrian orientation of the site or increase the number of curb-cuts and shall not require pedestrians to cross a driveway, parking aisle, alley, or street in order to reach the building entrance. The spaces must be accessible without a fee, key, or access card and located as close as practicable to the building entrance or passenger elevator.

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

1. ***Residential Only.***

- a. Projects with more than 50 units shall be required to provide 1 standard loading space.



2. **Commercial Only.**

a. Projects with 2,500 or less square feet of floor area shall not be required to provide loading.

b. Projects with 2,501 to 7,500 square feet of floor area shall provide 1 passenger loading space at grade or on the first parking level above or below grade. See SMMC 9.28.080.E.3.

c. Projects with 7,501 to 50,000 square feet of floor area shall provide 1 standard loading space; however, if the use includes a market, restaurant, or other food sales and service of more than 5,000 square feet of floor area, the required loading space shall be a semi-tractor trailer loading space.

d. Projects with 50,000 or more square feet of floor area shall provide 1 passenger loading space and one standard loading space; however, if the use includes a market, restaurant, or other food sales and service of more than 5,000 square feet of floor area, the required loading space shall be a semi-tractor trailer loading space.

3. **Mixed-Use Projects.** Mixed-use projects shall provide the required loading spaces for the use that requires the greater number of loading spaces. If the number of required loading spaces for the residential and commercial uses is equal, the loading space with the greater dimensional requirements shall be required.

4. **Schools and Day Care Centers.** Schools and day care centers shall provide loading spaces based on enrollment as follows:

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

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

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

**G. Location of Loading Spaces.** Loading areas shall be located as follows:

1. All loading facilities shall be provided off-street and within the subject property. The Director may authorize up to one required on-street passenger loading space along a frontage curb for certain designated times for schools and Child Care and Early Education Facilities.

2. Loading spaces shall be located adjacent to building door openings.

3. Loading spaces shall be situated to minimize interference with automobile, pedestrian, and bicycle paths of travel.

4. Loading spaces shall be situated to avoid adverse impacts upon neighboring properties, including noise pollution.

5. Loading spaces shall be accessible from an alley, or if no alley is adjacent to the site, a minor roadway.

6. Loading spaces shall be located in the required rear setback provided that it is not located in any required landscaped area and provided that no portion of a street or alley is counted as part of the required loading area.

H. **Design of Loading Spaces.**

1. **Screening.** Loading areas adjacent to residential uses or public streets or alleys shall be screened or a design shall be provided for approval by the Director.

2. **Identification.** Loading areas shall be designed, laid out, and clearly marked as being distinct from required parking spaces and aisles, unless the City approves the use of the parking area as an undesignated overlay loading area during non-business hours.

3. **Obstructions Prohibited.** No walkway, mechanical equipment, utility, waste collection/disposal receptacle, or other equipment or fixture may be placed in any loading area.

4. **Wayfinding Signage.** Loading space wayfinding signage is required for every site.

I. **Loading Space(s) Driveways and Maneuvering Areas.** Each on-site loading space required by this Chapter shall be provided with driveways for ingress and egress and maneuvering space of the same type and meeting the same criteria required for on-site parking spaces. Truck-maneuvering areas shall not encroach into required parking areas, travelways, or street rights-of-way. This requirement may be modified upon a finding by the Director that sufficient space is provided so that truck-maneuvering areas will not interfere with vehicle and pedestrian circulation.

J. **Exceptions for Buildings under 10,000 Square Feet.** Notwithstanding the requirements of this Chapter, a waiver or reduction in the number and/or dimensions of loading areas and spaces may be permitted by the Director for projects that will result in a total of less than 10,000 square feet on the property if it is determined that the only feasible location for a loading zone within the project boundaries will detract from the project's pedestrian orientation and thereby not meet the City's intent to create active, lively streetscapes.

K. **Exceptions to Providing Semi-Tractor Trailer Loading.** Notwithstanding the requirements of this Chapter, if a project is adjacent to an alley and the Director determines that the provision of parking for a semi-tractor trailer is not feasible, a 10-foot by 50-foot area parallel and adjacent to the alley may be dedicated for loading and unloading. No projections may be permitted if they would otherwise render the area inadequate for loading.

#### **9.28.120 Parking Design and Development Standards**

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

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

#### **B. Parking Access.**

1. **Driveways.** Driveways must lead to parking spaces that comply with the design standards in this Section and all other applicable standards.

a. *Single-Unit Residential and Ocean Parking Single-Unit Residential Districts.* Subject to Section 9.28.120(B)(3), no more than one driveway to a public

street is allowed on a parcel with less than 100 linear feet of street frontage, and no more than 2 driveways to a public street are allowed on a parcel with 100 linear feet or greater of street frontage.

b. *All Other Districts.* Subject to subsection (B)(3), the number of driveways shall not be more than necessary to allow access in and out of a parcel and/or building.

2. **Combined Entrances.** Combining entrances for off-street parking with those for off-street loading is permitted.

3. **Alley Access.** Access to parking areas shall be from alleys. Curb cuts are prohibited except where a project site meets at least one of the following criteria:

a. The site has no adjacent side or rear alley having a minimum right-of-way of 15 feet. Corner parcels with no adjacent side or rear alley must take access from the side street.

b. The average slope of a multi-unit residential parcel is at least 5 percent.

c. The Director determines that a curb cut is appropriate due to traffic, circulation, or safety concerns.

d. Commercial properties may have non-residential parking access from side streets.

4. **Hazardous Visual Obstructions.** Parking areas and access shall comply with Section 9.21.180, Hazardous Visual Obstructions.

5. **Gates.** Gates across driveways shall be a minimum of 18 feet from the parcel line in all Residential Multi-Unit and Commercial Districts, if access is not from an

alley. For parking lots or structures with more than 50 parking spaces, gates across driveways shall be a minimum of 36 feet from the parcel line, if access is not from an alley. Gates serving commercial uses that are designed to be open at all times during the on-site business' hours are exempt.

6. ***Shared Access.*** Non-residential projects are encouraged to provide shared vehicle and pedestrian access to adjacent non-residential properties for convenience, safety, and efficient circulation. A joint access agreement guaranteeing the continued availability of the share access between the properties approved by the Director shall be recorded in the County Recorder's office, in a form satisfactory to the City Attorney.

7. ***Street Access.***

a. Parking areas of 4 or more spaces shall be provided with suitable maneuvering room so that all vehicles therein may enter an adjacent street in a forward direction. Vehicles using surface parking located within 25 feet of any alley may enter an adjacent alley by backing out.

b. New parking spaces shall be designed to allow the vehicles to enter the adjacent street in a forward direction on streets determined to be of specific characteristics where driving forward is required as determined by the Director.

8. ***Turning Maneuvers.*** Use of a parking space shall not require more than 3 vehicle maneuvers except as provided below.

a. ***Large Parking Areas.*** Parking areas with 20 or more parking spaces, up to 5 percent of the total number of parking spaces, with a maximum of 10 spaces, may require 4 turning maneuvers. Such spaces shall be distributed around the parking area(s) on the parcel.

b. *Pacific Coast Highway*. Parcels with frontage less than 100 feet on Pacific Coast Highway may be able to access parking utilizing up to 4 maneuvers.

9. ***Driveway Width***. Driveway width shall be maintained free and clear of all obstructions.

a. The minimum width of a driveway serving 1 to 2 residences is 10 feet. Maximum width is 14 feet.

b. The minimum width of a driveway or ramp serving a commercial property or a residential property with more than 2 residences is as follows:

i. Parking areas with 1 to 20 Spaces. Single driveway at least 10 feet wide with a minimum apron width pursuant to the provisions of SMMC Section 7.04.180.

ii. Parking areas with 21 to 40 Spaces. Double driveway at least 20 feet wide with a minimum apron width pursuant to the provisions of SMMC 7.04.180.

iii. Parking areas with 41 or More Spaces. Number and type of driveway to be approved by the Director based on considerations of safety, efficiency, and effectiveness.

c. Ramps for commercial properties must be 20 feet wide minimum to accommodate two-way traffic.

d. The Director may reduce the driveway width as necessary and appropriate such that circulation, traffic, and safety concerns are adequately addressed.

C. **Dimensional Requirements.** Minimum parking dimensions shall comply with the standards approved by the Director.

1. ***Minimum Dimensions for Residential Garages and Carports.*** The width of any garage door shall be at least 8 feet for a single space and at least 16 feet for 2 spaces. Garages and carports serving residential uses shall be constructed to meet the following minimum inside dimensions and related requirements.

a. A single car garage or carport: 11.5 feet in width by 18 feet in length.

b. A 2-car garage or carport: 20 feet in width by 18 feet in length, except a private 2-car garage lawfully in existence on May 5, 1999 may be maintained if the garage serves a single unit residence and has an unobstructed inside dimension of at least 18 feet in width by 18 feet in length.

2. ***Parking Spaces.*** Minimum parking dimensions shall comply with the standards approved by the Director. The area of any such space shall be exclusive of any driveways, aisles, and maneuvering areas.

3. ***Motorcycle spaces.*** Motorcycle parking spaces shall be no less than 4 feet wide and 8 feet long with an aisle width of no less than 10 feet.

4. ***Space Efficient Spaces.*** These requirements do not apply to parking spaces that qualify as space efficient under Section 9.28.090.

5. ***Storage Areas.*** Storage areas may be located above the parking space provided that they do not encroach into the length of the parking space by more than 3.5 feet and provided that the storage area is at least 4.5 feet above the floor.

D. **Parking Lot Striping.** Except in a garage or carport containing 2 or fewer parking spaces, all parking stalls shall be clearly outlined with striping, and all aisles, approach



lanes, and turning areas shall be clearly marked with directional arrows and lines as necessary to provide for safe traffic movement. All parking spaces shall be clearly marked as compact, guest, carpool, or vanpool parking, if applicable.

**E. Circulation and Safety.**

1. Visibility shall be assured for pedestrians, bicyclists, and motorists entering individual parking spaces, circulating within a parking facility, and entering or leaving a parking facility. Exits from any subterranean or semi-subterranean parking structure shall provide sight distances which comply with standards established by the Director.

2. Parking lots shall be designed so that sanitation, emergency, and other public service vehicles can provide service without backing out unreasonable distances or making other dangerous or hazardous turning movements.

3. Separate vehicular and pedestrian circulation systems shall be provided where possible. Multi-unit residential developments of 5 or more units must provide pedestrian access that is separate and distinct from driveways. Parking areas for commercial and mixed-use developments that are 80 feet or more in depth and/or include 25 or more parking spaces must have distinct and dedicated pedestrian access from the commercial use to parking areas and public sidewalks, according to the following standards:

a. *Connection to Public Sidewalk.* An on-site walkway shall connect the main building entry to a public sidewalk on street frontage. Such walkway shall be the shortest practical distance between the main building entry and sidewalk, generally no more than 125 percent of the straight-line distance.

b. *Materials and Width.* Walkways shall provide at least 5 feet of unobstructed width and be hard-surfaced.

c. *Identification.* Pedestrian walkways shall be clearly differentiated from driveways, parking aisles, and parking and loading spaces through the use of elevation changes, a different paving material, or similar method.

d. *Separation.* Where a pedestrian walkway is parallel and adjacent to an auto travel lane, it must be raised and separated from the auto travel lane by a raised curb at least 4 inches high, bollards, or other physical barrier.

4. Parking areas provided shall be arranged so as to be safe and convenient.

F. **Wheel Stops.** Concrete bumper guards or wheel stops shall be provided for all unenclosed parking spaces abutting landscaped areas, walls, or walkways. A 6-inch high concrete curb surrounding a landscape area at least 6 feet wide may be used as a wheel stop, provided that the overhang will not damage or interfere with plant growth or its irrigation. A concrete sidewalk may be used as a wheel stop if the overhang will not reduce the minimum required walkway width.

G. **Slope.**

1. Areas used exclusively for parking, excluding ramps, shall be designed and improved with grades not to exceed a 6.67 percent slope.

2. Slopes of all driveways and ramps used for ingress or egress of parking facilities shall be designed in accordance with the standards established by the Director but shall not exceed a 20 percent slope. Profiles of driveway, ramp, and grade details must be submitted to the City Parking and Traffic Engineer for approval whenever any slope exceeds 6 percent.

H. **Landscaping.** Up to 2 feet of the front of a parking space as measured from a line parallel to the direction of the bumper of a vehicle using the space may be landscaped with ground cover plants instead of paving. Landscaping of parking areas shall be provided and maintained according to the standards of Chapter 9.26, Landscaping.

I. **Surfacing.** All driveways and parking areas shall be surfaces with a minimum thickness of 2 inches of asphaltic concrete over a minimum thickness of 4 inches of base material or alternative equivalent material approved by the Director. No unpaved area shall be used for parking.

J. **Drainage.** All parking areas shall be designed to meet the requirements of Chapter 7.10, Runoff Conservation and Sustainable Management.

K. **Screening.** In addition to the requirements of Section 9.21.140, Screening, parking areas shall be screened from view from public streets and adjacent parcels in a more restrictive district, according to the following standards. Screening shall add to the visual diversity of the use and need not be an opaque barrier.

1. **Height.** Screening of surface parking lots from adjacent public streets shall be a minimum of 3 feet and a maximum of 3.5 feet in height. Screening of parking lots along interior parcel lines that abut Residential Districts shall be a minimum of 5 feet and a maximum of 6 feet in height, except within the required front setback of the applicable Zoning District, where screening shall be 3 feet in height.

2. **Materials.** Screening may consist of one or any combination of the methods listed below.

a. **Walls.** Low-profile walls consisting of brick, stone, stucco, or other quality durable material approved by the Director, and including a decorative cap

or top finish as well as edge detail at wall ends. Plain concrete blocks are not allowed as a screening wall material unless capped and finished with stucco or other material approved by the Director.

b. *Fences.* An open fence of wrought iron or similar material combined with plant materials to form an opaque screen. Use of chain-link or vinyl fencing for screening purposes is prohibited.

c. *Planting.* Plant materials consisting of compact evergreen plants that form an opaque screen. Such plant materials must achieve a minimum height of 2 feet within 18 months after initial installation.

d. *Berms.* Berms planted with grass, ground cover, or other low-growing plant materials.

L. **Lighting.** Public parking areas designed to accommodate 10 or more vehicles shall be provided with a minimum of .05 foot-candle and a maximum of 3.0 foot-candles of light over the parking surface during the hours of use from 1/2 hour before dusk and until 1/2 hour after dawn.

1. Lighting design shall be coordinated with the landscape plan to ensure that vegetation growth will not substantially impair the intended illumination.

2. All artificial lighting used to illuminate a parking lot for any number of automobiles in any District shall be arranged so that all direct rays from such lighting fall entirely within such parking lot and be consistent with Section 9.21.080, Lighting.

M. **Alternative Compliance.** The Director may approve other screening plans, designs, and materials of equal area and screening which satisfy the intent of the screening standards.

N. **Alternative Parking Area Designs.** Where an applicant can demonstrate to the satisfaction of the Director that variations in the dimensions otherwise required by this Section are warranted in order to achieve environmental design and green building objectives, including, but not limited to, achieving certification under the LEED™ Green Building Rating System or equivalent, an alternative parking area design may be approved.

O. **Maintenance.** Parking lots, including landscaped areas, driveways, and loading areas, shall be maintained free of refuse, debris, or other accumulated matter and shall be kept in good repair at all times.

P. **Compact Parking.** Compact parking must be distributed in parking areas or levels; it may not be located within 25 feet of an entrance/exit ramp from the public right-of-way, driveway or ground floor pedestrian entrance. A maximum of 40 percent of parking spaces may be compact.

#### **9.28.180 Reduction of Required Parking**

The following exemptions shall apply to the requirements of off-street parking and loading requirements.

A. **By Right Parking Incentives Provided Under State Density Bonus Law.** A project that is eligible under Section 9.22.040, Eligibility, shall be entitled to the parking incentives set forth in Government Code Section 65915(p).

B. **City-Designated Historic Resources.** For any principal or conditional use located in a City-Designated Historic Resource, the required number of parking and loading spaces to be provided and maintained shall be the same as the number of spaces that existed on the site on July 6, 2010. Existing parking facilities associated with designated

landmarks shall be maintained. Within the Downtown Community Plan area, there shall be no minimum required number of parking or loading spaces to be provided and maintained for any principal or conditional use located in a City-Designated Historic Resource. Existing parking or loading serving a City-Designated Historic Resource in the Downtown Community Plan area that was not required at the time the City-Designated Historic Resource was originally entitled may be reduced without providing equivalent substitute facilities when such a reduction is necessary to allow for an addition to the City-Designated Historic Resource.

C. **Car Share Spaces.** Substitution of car-sharing spaces for required parking is allowed if all of the following are met:

1. For every car-sharing parking space that is provided, the parking requirement is reduced by 2 spaces, up to a maximum of 25 percent of the required parking spaces, not to exceed 10 spaces; and
2. A copy of the car-sharing agreement between the property owner and the car-sharing company must be submitted with the building permit.

D. **Off-Site Shared Parking.** Shared parking is intended to provide an opportunity for multiple uses to use parking facilities on separate properties more efficiently. Shared parking shall be permitted in all non-residential districts identified in Table 9.02.010-A, subject to the following:

1. The maximum allowable reduction in the number of spaces to be provided shall not exceed 25 percent of the sum of the number required for each use served and not reduce the total number of spaces to less than 1 space for every 500 square feet of floor area in a commercial mixed-use development.

2. An applicant for a permit for shared parking shall be required to submit data substantiating a request for reduced parking requirements. The data shall include substantial evidence of the demand and usage of the parking facility. A permit for shared parking shall describe the limits of any area subject to reduced parking requirements and the reduction applicable to each use.

3. ***Permit Required—Shared Parking of Fewer Than 10 Spaces.***

a. Shared parking of fewer than 10 parking spaces may be approved through an administrative shared parking permit.

b. The applicant shall provide evidence to the satisfaction of the Director of availability of off-site parking, and that no on-site parking is available during the times when additional off-site parking is requested.

4. ***Permit Required—Shared Parking of 10 or More Spaces.***

a. Shared parking of 10 or more parking spaces in a private parking facility that is otherwise limited to on-site parking may be approved through a Minor Use Permit. The Director may establish additional conditions to further the intent of this subsection and ensure that parking spaces needed for the primary on-site uses will be available during the hours needed for their use.

b. *Findings.* The Director, or Planning Commission on appeal, may approve an application for shared parking, in whole or in part, with or without conditions, only when all of the following findings are made in an affirmative manner:

i. The operation of the requested shared parking permit at the location proposed and within the time period specified will not adversely impact the

primary use of the parking facility for its intended on-site users, or otherwise endanger the public health, safety, or general welfare.

ii. The shared parking permit sets forth the maximum number of shared parking spaces that are being approved for use by off-site users that will be available during peak and off-peak parking demand periods so as to ensure that a sufficient number of spaces will be provided to meet the greater parking demand of the anticipated users.

iii. Additional requirements, restrictions or agreements, as deemed necessary by the Director are included as a requirement(s) of the shared parking permit to ensure that parking spaces needed for the primary on-site uses will be available during the hours needed for their use.

iv. The off-site shared parking will not reduce parking for new development.

c. The Director shall prepare a written decision which shall contain the findings of fact upon which such decision is based and all required conditions, if approved. Within 2 business days from the date when the determination has been made concerning the application and posted on the City's website, the decision shall be mailed to the applicant and to property owners and residents of property within a radius of 750 feet for which the shared parking is requested. Copies of the decision shall also be provided to the Planning Commission.

d. *Term of Permit.* A shared parking permit shall be valid for a one-year period from the date of issuance unless a different period is set by the Director, or the Planning Commission on appeal, as a condition of granting the shared parking



permit. The permit shall renew automatically for additional 1-year periods unless the permit is modified or revoked in accordance with subsection (D)(4)(f) of this Section.

e. *Monitoring.* The permit holder shall grant City staff access to the parking facility for the purpose of verifying parking availability prior to issuing the permit as well as to allow random monitoring after the permit is issued. The applicant shall submit an annual report to the Director that includes a copy of current lease agreements for the parking facility that is shared and shall submit data substantiating an ongoing request for reduced parking requirements.

f. *Modification or Revocation.* The City may modify or revoke an approved Shared Parking Permit in accordance with the following procedures:

i. If the Director receives evidence that the conditions of the permit have not been met, or the permit granted is being or has recently been exercised contrary to the terms of the approval or in violation of a specific statute, ordinance, law, or regulation, the Director shall serve notice of these violations, either in person or by registered mail, on the owner of the property and on the permit holder and shall provide the permit holder with a reasonable opportunity to cure the violation(s).

ii. If the permit holder or property owner has not responded to the notice within 10 days or the Director determines that the permit holder has failed to cure the violation, the Director may refer the matter to a revocation hearing. Notice of hearing shall be published once in a newspaper of general circulation within the City and shall be served either in person or by registered mail on the

owner of the property and on the permit holder at least 10 days prior to such hearing. The notice of hearing shall contain a statement of the specific reasons for revocation.

iii. After the hearing, a shared parking permit may be revoked by the Director or by the Planning Commission on appeal or review if any one of the following findings is made:

(1) That the shared parking permit was obtained by misrepresentation or fraud; or

(2) That the conditions of the permit have not been met, or the permit granted is being or has recently been exercised contrary to the terms of the approval or in violation of a specific statute, ordinance, law, or regulation.

iv. A written determination of modification or revocation of the shared parking permit shall be mailed to the property owner and the permit holder within 10 days of such determination.

g. *Appeals.* Any person may appeal the approval, conditions of approval, denial, modification or revocation of a shared parking permit to the Planning Commission if filed within 14 consecutive calendar days of the date the decision is made in the manner provided in Chapter 9.37, Common Procedures.

E. **On-Site Shared Parking.** Facilities may be shared if multiple uses cooperatively establish and operate parking facilities and if these uses generate parking demands primarily during hours when the remaining uses are not in operation. (For example, if one use operates during evenings or weekdays only.) The applicant shall have the burden of

proof for a reduction in the total number of required parking spaces, and documentation shall be submitted substantiating the reasons for this requested parking reduction. Shared parking shall be approved only if:

1. A sufficient number of spaces are provided to meet the greater parking demand of the participating uses.
2. Satisfactory evidence has been submitted by the parties operating the shared parking facility, describing the nature of the uses and times when the uses operate so as to demonstrate the lack of conflict between them.
3. Additional documents, covenants, deed restrictions or other agreements as may be deemed necessary by the Director are executed to assure that the required parking spaces provided are maintained and uses with similar hours and parking requirements as those uses sharing the parking remain for the life of the building.

F. **Bicycle Parking.** Substitution of non-required bicycle spaces for existing required automobile parking spaces is allowed according to the following provisions:

1. Layout and design must meet bicycle parking Section 9.28.140(D) general requirements with final layout and number to be approved by the Director.
2. For buildings with fewer than 10 automobile parking spaces, 1 existing required automobile parking space may be replaced with 5 bicycle spaces if no other suitable location for bicycle parking exists on the property as determined by the Director.
3. For every 5 bicycle spaces that are provided in the footprint of an existing required parking space, automobile parking is reduced by 1 space, up to a maximum of 15 percent of the required parking spaces.
4. This provision does not apply to single or 2-unit residential dwellings.

G. **Motorcycle Parking.** There shall be a credit of 1 automobile parking space for every 4 motorcycle parking spaces provided, not to exceed 5 percent of the total number of automobile parking spaces required.

H. **Reduction of Required Parking Related to Governmental Requirements.** Up to three parking spaces may be reduced to accommodate governmental requirements upon approval by the Director, with total loss of spaces to be minimized. Governmental requirements may include, but are not limited to, refuse and recycling requirements, public utilities, and traffic safety requirements.

## CHAPTER 9.31 STANDARDS FOR SPECIFIC USES AND ACTIVITIES

### Section 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. Permanent provisions for eating and cooking shall include a room or area

used for the preparation and storage of food that includes at a minimum, but is not limited to, a sink, refrigerator, and built-in stove or range top.

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 approved 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 attached or detached ADU and 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.

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 or attached accessory structure.

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 Multiple-Unit Dwellings.*** One or more ADUs may be permitted on a parcel with an existing or proposed 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% 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 or existing detached legal accessory structures.

b. *Detached ADUs.* No more than 2 detached ADUs may be established or constructed on a parcel with an existing or proposed multiple-unit dwelling by converting an existing legal accessory structure or through new construction.

3. ***Parcel Within the Single-Unit Residential (R1) Zoning District.*** In addition to any ADU permitted pursuant to (G)(1)(a) and (b), above, one additional detached ADU may be constructed or established in conjunction with an existing or proposed single-unit dwelling as described below:

a. The additional detached ADU is used as a rental unit subject to a deed restriction in a form approved by the City Attorney.

b. The additional detached ADU may be newly constructed or may be established by converting floor area of a legal existing detached accessory structure.

c. Any ADU permitted under this subsection shall be subject to all provisions set forth in this Section.

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 6 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 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.*** 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. Notwithstanding the size limitation in subsection (J), an ADU that is established by converting floor area of a legal existing accessory structure may expand the footprint of the existing accessory structure at least 150 square feet to accommodate ingress and egress. An ADU may expand beyond 150 square feet if the addition or enlargement is made to conform to all standards set forth in this Section and is a minimum of 6 feet from the existing single-unit dwelling, as measured between exterior walls. ADUs that expand beyond 150 square

feet in accordance with these provisions are subject to the size limitations in subsection J.

iii. Notwithstanding the size limitation in subsection (J), 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*. A JADU that is constructed or established by converting floor area of an existing single-unit dwelling must be contained entirely within the footprint of the single-unit dwelling.

## 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% of the existing multiple-unit dwelling total unit count, whichever is greater, may be established within the residential portions of existing multiple-unit dwellings that are not used as livable space and are enclosed on at least 3 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.

### b. *Conversion of Existing Legal Accessory Structures to ADU(s).*

ADUs may be established within existing residential portions of legal detached accessory structures pursuant to (G)(2)(a) and (b), above.

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. Notwithstanding any of the foregoing:
  - a. For attached ADUs, if there is an existing primary dwelling, the total floor area of the ADU shall not exceed 50% of the existing primary dwelling, or the maximum size limits in subsections (2) and (3), whichever is greater.
  - b. For ADUs established by converting floor area of an existing legal accessory structure, the size limitations set forth in subsection (l)(1)(b) shall apply.
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.* ADUs and JADUs established in accordance with this Section shall be excluded from floor area. See Section 9.04.080, Determining Floor Area.
2. *Parcel Coverage.*
  - a. 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.

b. Areas directly below a fully-enclosed second-story cantilever of an ADU or JADU that are open on at least two sides shall not be considered part of the ground floor footprint area for purposes of calculating ground floor 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 4 feet, measured from parcel line, are required for an ADU or JADU, except that:

a. An ADU or JADU constructed or established pursuant to subsection (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 subsection (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 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 2 stories or 24 feet in height.

N. **Design Standards and Exterior Features.** The exterior design features of an ADU or JADU 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 Section 9.07.030.

3. Upper-story outdoor spaces for attached ADUs and JADUs 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 restrictions set forth below. For purposes

of this paragraph, upper-story outdoor space necessary for minimum ingress and egress requirements will not be considered when calculating the total aggregate square feet.

a. 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;

b. 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);

c. 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 feet from the rear parcel line;

d. 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 4 feet, and a height of no more than 16 feet.



**Q. Parking.**

1. ***Required Parking.*** No parking shall be required for an ADU or JADU. If parking is provided, it 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 or JADU is located.

2. ***No Replacement.*** When parking areas including, but not limited to, garages, carports, uncovered parking spaces, or covered parking structures, are demolished in conjunction with the construction of an ADU or JADU or converted to an ADU or JADU, 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, except as may be permitted under Santa Monica Municipal Code Chapter 6.20, Home-Sharing and Vacation Rentals, an ADU or JADU shall not be used for rentals of terms of 30 days or less.

**T. Limitations on Separate Sale.**

1. Except as provided in subsection (2), below, 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).

2. Notwithstanding the prohibition in subsection (1), above, an ADU may be sold or conveyed separately from the primary residence to a qualified buyer in accordance with the provisions of Government Code Section 65852.26.

**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 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.

#### **Chapter 9.31.125 Duplexes and Lot Splits on Parcels Zoned for Single-Unit Residential**

The purpose of this section is to establish standards, requirements, and procedures for projects developed pursuant to the regulations set forth in State Senate Bill 9 (SB9), and any successor legislation, with the intent to increase access to housing by allowing the development of two residential units on parcels zoned primarily for single-unit dwellings.

##### **A. Applicability**

This section shall apply to parcels located in the Single-Unit Residential (R1) and Ocean Park Single-Unit Residential (OP1) zoning districts, and select parcels within Multi-Unit Residential and Ocean Park Neighborhood zoning districts limited to one single-unit dwelling based on specific limitations, including, but not limited to, density calculations and parcel size and/or dimensions. Projects proposed pursuant to this section shall meet all of the following:

1. Location Requirements:

a. The parcel is located in an urbanized area or urban cluster, as defined by the Census Bureau;

b. The parcel is not located within a designated historic district or does not contain a historic resource;

c. The parcel is not located on a site identified in California Government Code Section 65913.4(a)(6)(B), (C), (I), (J), (K), which includes, but is not limited to, the following:

i. Prime farmland, wetlands, land identified for conservation, land under conservation easement, or habitat for protected species;

d. The parcel is not located on a site identified in California Government Code Section 65913.4(a)(6)(D), (E), (F), (G), (H), unless the development satisfies the requirements therein, which includes, but is not limited to, the following:

i. Very high fire hazard severity zone, hazardous waste site, delineated earthquake fault zone, 100-year floodplain, or regulatory floodway

2. Displacement Protections:

a. Projects shall not include alteration or demolition of any of the following types of housing:

i. Deed restricted affordable housing;

ii. Rent-controlled housing or housing subject to any form of price control, including, but not limited to, units subject to the California statewide rent control law and Article XVIII of the Santa Monica Charter, the City's rent control law;

- iii. Housing occupied by a tenant in the last three years; or
- iv. Housing on parcels with an Ellis Act eviction in the last 15 years from date of application submittal.

**B. Permitted Projects**

The following project types are permitted pursuant to this section:

- 1. *Lot Split*. A permitted parcel may be subdivided into two parcels pursuant to Section (D), below.
- 2. *Duplex*. One duplex may be established or constructed on a permitted parcel pursuant to Section (E), below.
- 3. *Lot Split with single-unit dwelling or duplex*. Single-unit dwellings and duplexes are permitted to be established in conjunction with a lot split pursuant to Sections (D) and (E), below.

**C. Review Process.**

- 1. Projects established under this Section shall be subject to a ministerial approval and design review process as determined by the Director prior to submittal of a building permit.
- 2. Lot splits shall be subject to the provisions of Chapter 9.54, Land Divisions, except that no Planning Commission hearing is required for the tentative map process.

**D. Lot Split Standards and Requirements.** Parcels subdivided pursuant to this Section shall comply with the following standards and requirements:

- 1. *Minimum Parcel Size*. Parcels resulting from a permitted lot split shall be no smaller than 1,200 square feet and 40% of the original parcel size.
- 2. *Minimum Parcel Dimensions*. No minimum parcel width or depth.

3. *Access.* Access to a public right-of-way shall be provided for each resulting parcel.

4. *Subdivision Limitations.*

a. The subject parcel has not been previously subdivided pursuant to this section.

b. The subject parcel is not adjacent to another parcel that has been subdivided pursuant to this Section by the same owner or any person acting in concert with the same owner.

5. *Owner Occupancy.* Property owner shall intend to live on one of the resulting parcels for three years after subdivision completion.

6. *Process.* Zoning conformance review and approval shall be required prior to submittal of a building permit.

**E. Development Standards and Requirements.** Development established or constructed under this Section shall comply with all of the following standards and requirements. Where provisions are not specifically addressed, the standards of the underlying zoning district shall apply.

1. *Land Uses.* Permitted uses shall be limited to the following:

- a. Single-Unit Dwelling
- b. Duplex
- c. Accessory Dwelling Unit
- d. Junior Accessory Dwelling Unit

2. *Maximum Unit Count.*

a. *No Lot Split.* Up to four units are permitted per parcel. A duplex must be established but no more than one duplex is permitted. The four permitted units are inclusive of Accessory Dwelling Units pursuant to Section 9.31.025.

b. *Lot Split.* Up to two units are permitted on each parcel created by a lot split, of which at least one single unit dwelling or a duplex must be established on each parcel. The two permitted units are inclusive of Accessory Dwelling Units and Junior Accessory Dwelling Units pursuant to Section 9.31.025, unless otherwise permitted under Section 9.31.025(G)(3).

c. *Parcels 10,000 SF or Greater.* Notwithstanding subsection (i) and (ii), above, on parcels 10,000 SF or greater, more than four units may be permitted per parcel, inclusive of Accessory Dwelling Units pursuant to Section 9.31.025.

3. *Minimum Front Setback.* If a lot split results in a front parcel line that is adjacent to an alley, no more than 4 feet is required.

4. *Minimum Side and Rear Setbacks.*

a. New Construction: 4 feet, except in the following circumstance:

i. In the case of a lot split, no setback shall be required from the newly created interior parcel line provided that the structures meet fire and safety standards.

b. Existing development or reconstruction in same location and dimensions may retain nonconforming setbacks.

5. *Guaranteed Unit Size.* Notwithstanding standards set forth within this section or the underlying zoning district, no standard shall preclude the establishment or construction of two units of at least 800 square feet each.

6. **Owner Occupancy.** Property owner shall intend to live in one of the proposed units for three years.

**F. Parking.** One parking space is required per unit established pursuant to this Section, except no parking is required if any of the following applies:

1. The parcel is located within one-half mile walking distance of either a high-quality transit corridor, as defined in subdivision (b) of Section 21155 of the Public Resources Code, or a major transit stop, as defined in Section 21064.3 of the Public Resources Code; or

2. There is a car share vehicle located within one block of the parcel.

**G. Rental and Sale Requirement.** When two or more units are established under this section, at least one of the units shall be either sold or used as a rental unit subject to a deed restriction in a form approved by the City Attorney prior to issuance of a building permit.

**H. Lease Terms.** Units created under this section shall not be used for rental terms of 30 days or less.

**I. Development Impact Fees.**

1. *Applicability of Chapter 9.64, Affordable Housing Production Program.* Permitted projects under this Section are exempt from the affordable housing fee pursuant to Chapter 9.64.

2. *Applicability of Chapter 9.65, Childcare Linkage Program, Chapter 9.66, Transportation Impact Fee Program, and Chapter 9.67, Parks & Recreation Development Impact Fee Program.* Fees pursuant to Chapter 9.65, Chapter 9.66, and Chapter 9.67 shall be required for units created under this Section.



### **Section 9.31.195 Multiple Unit Dwelling Projects**

The purpose of this section is to establish requirements for multiple-unit dwelling projects; however, 100% affordable housing projects are exempt from Subsection (A) and (B) of this Section.

**A. Unit Mix.** Multiple-unit dwelling projects with more than 50 units shall incorporate the requirements set forth below, except Tier 2 projects shall comply with Section 9.23.030(A)(2).

1. For market rate units:
  - a. At least 10% of the units shall be three-bedroom units;
  - b. At least 10% of the units shall be two-bedroom units;
  - c. No more than 15% of the units shall be studio units;
2. Affordable housing unit mix shall be governed by Chapter 9.64, Affordable Housing Production Program.
3. The Director may grant a waiver from this unit mix requirement pursuant to the requirements and procedures for Waivers in Chapter 9.43.

**B. Transportation Demand Management.** Multiple-unit dwelling projects that meet the applicability established in Section 9.53.030 shall include the following Transportation Demand Management measures in addition to those required by Chapter 9.53, Transportation Demand Management:

1. For non-residential components of projects, provide the following:
  - a. A Transportation Allowance equivalent to at least 75% of the cost of a monthly regional transit pass, in accordance with Section 9.53.130(B)(2)(b)(viii).

b. Bike valet, free of charge, during all automobile valet operating hours.

2. For residential components of projects, provide a Transportation Allowance equivalent to at least 75% of the cost of a monthly regional transit pass, in accordance with Section 9.53.130(B)(2)(c)(iv).

C. **Air Quality Assessment Zone.** Multiple-unit dwelling projects within the Air Quality Assessment Zone shall be required to prepare a technical memorandum that describes the effectiveness of design features to reduce exposure to diesel particulate matter (DPM) as a part of the early project design process. Such memorandum shall be submitted at the time of project application and shall be subject to review and approval by the Director prior to project approval.

D. **Unit Replacement Requirements.** Multiple-unit dwelling projects shall comply with all applicable residential unit replacement requirements including, but not limited to, Government Code Section 66300(d) and State Density Bonus law.

#### **Section 9.31.196 Multiple-Unit Dwelling Projects Located on Community Assembly Surface Parking Lots**

The purpose of this section is to promote fair housing opportunities throughout the City by incentivizing multiple-unit dwelling projects on surface parking lots associated with existing Community Assembly uses.

A. **Applicability.** This section shall apply to multiple-unit dwelling projects on surface parking lots owned in whole or in part by a Community Assembly use, where at least a portion of the existing Community Assembly use is retained.

B. **Allowable Uses.** The multiple-unit dwelling project may include the existing Community Assembly use and related ancillary uses for the support or expansion of the Community Assembly use.

C. **Affordability Requirements.** Multiple-unit dwelling projects shall include at least 50% of total units affordable to 80% income households.

D. **Affordable Units.** The affordable housing units shall be owned in whole or in part and operated by a nonprofit housing provider for the life of the project.

E. **Building Height.** Projects shall receive a height increase of up to 33 feet above maximum building height for the underlying zone district. Projections that have already received up to three additional stories or 33 feet in height in accordance with 9.22.060(A)(4), shall not be eligible for additional building height pursuant to this Subsection.

F. **Density.** There shall be no limit to density.

G. **Parking Requirements.** There shall be no minimum parking requirements. Replacement of existing parking for the associated community assembly use shall not be required.

H. **Additional Requirements.** Projects shall comply with the requirements set forth in Section 9.31.195, Multiple-Unit Dwelling Projects.

I. **Process.** Projects shall be processed as Administrative Approvals pursuant to Chapter 9.39.

### **9.31.197 Multiple-Unit Dwelling Projects Located on Residentially Zoned Surface Parking Lots**

The purpose of this section is to incentivize new housing choices and affordability on underutilized sites in high opportunity areas that would not displace existing tenants.

A. **Applicability.** This section shall apply to new multiple-unit dwelling projects on surface parking lots in residential zones associated with existing multiple-unit dwelling or commercial uses.

B. **Relationship to Chapter 9.16, “A” Off-Street Parking Overlay District.** Where there is a conflict between compliance with Chapter 9.16 and this section, the provisions of this section shall control.

C. **Retention of Existing Multiple-Unit Dwelling Use.** Any new multiple-unit dwelling project shall not remove any existing dwelling units.

D. **Consolidation of Parcels.** Residentially zoned parcels eligible under this section that are associated with commercial uses shall be exempt from parcel consolidation restrictions in Section 9.21.030(B), Development on Multiple Parcels.

E. **Development Standards.** Except as set forth below, all multiple-unit dwelling projects developed on a surface parking lot shall be subject to the development standards required for the underlying residential zone.

1. *Maximum Allowable Density.* Maximum allowable density shall be based solely on unit density calculations for the underlying residential district. Any additional density restrictions on maximum number of units for each district shall not apply. For parcels zoned R1, maximum allowable density shall be calculated based on 1 unit per 2,000 square feet of parcel area, or four units, whichever is greater.

2. *Minimum Interior Side Setback.* When the surface parking lot is redeveloped together with the associated adjacent commercial parcel, no interior side setback on the residential parcel is required from the shared parcel line or adjacent alley except as required by Building Code.

3. *Daylight Plane.* When the surface parking lot is redeveloped together with the associated adjacent commercial parcel, no daylight plane shall be required for the commercial parcel.

F. **Parking.** Pursuant to Section 9.28.030(A), any required parking that is removed from the residential parcel to be developed shall be replaced.

G. **Access.** Notwithstanding Section 9.21.040(B), access to parking serving a non-residential use may be taken from a residentially zoned parcel if the required non-residential parking is replaced.

H. **Additional Requirements.** Projects shall comply with the requirements set forth in Section 9.31.195, Multiple-Unit Dwelling Projects.

## **DIVISION 4: ADMINISTRATION AND PERMITS**

Chapter 9.39, Administrative Approval

Chapter 9.40, Development Review Permit

Chapter 9.43, Modifications and Waivers

## **CHAPTER 9.39 ADMINISTRATIVE APPROVAL**

### **9.39.010 Purpose**

An Administrative Approval provides for an administrative review and assessment of the proposed development project to ensure compliance with the explicit standards contained in this Article 9, consistent with the goals, objectives, and policies of the General Plan.

### **9.39.020 Applicability**

A. Except as provided in subsection (B), an Administrative Approval shall be required prior to issuance of any Building Permit for the development of any of the following:

1. *Housing Projects.* For Housing Projects, all new construction and new additions to existing buildings as follows:

- a. 100% affordable housing projects;
- b. Moderate Income Housing Overlay project, as defined in Section 9.12.020(D);
- c. Streamlined Housing Project, as defined in Section 9.39.040 below, located on a parcel or parcels that do not exceed 43,560 square feet in size, including projects that have been granted modifications and waivers pursuant to Chapter 9.43, Modifications and Waivers; or
- d. Pursuant to Government Code Section 65583.2(c), any housing project as defined by 65589.5(h)(2) providing at least 20% of the onsite units as affordable units located on a nonvacant site that was identified in the 5th Cycle (2013-2021) Housing Element suitable sites inventory.

2. *Non-Housing Projects.* For non-housing projects of more than 1,000 square feet, all new construction and new additions to existing buildings that do not exceed the following:

- a. Tier 1 maximum limits;
  - b. In Multi-Unit Residential Districts or Ocean Park Neighborhood Districts, 10,000 square feet;
  - c. In Neighborhood Commercial and Oceanfront Districts, 7,500 square feet;
  - d. In Nonresidential Districts not specified in subsection (A)(2)(c) above, 15,000 square feet; or
  - e. In the Pico Neighborhood Area as outlined in Figure 9.40.020.A, notwithstanding subsection (A)(2)(b) through (d) above, and until the adoption of a Pico Neighborhood Plan, 7,500 square feet.
3. Multiple-unit dwelling projects located on community assembly surface parking lots pursuant to Section 9.31.196
- B. No Administrative Approval and only a building permit shall be required for:
1. Any new single-unit dwellings or additions thereto in any zoning district;
  2. Housing Projects consisting of new construction and new additions to existing buildings located in the Multi-Unit Residential Districts or Ocean Park Neighborhood Districts that are no greater than 10,000 square feet; or
  3. Non-housing projects consisting of new construction and new additions to existing buildings located in Residential and Nonresidential Districts no greater than 1,000 square feet.

#### **9.39.030 Application**

Application for an Administrative Approval shall be filed in a manner consistent with the requirements contained in Section 9.37.020, Application Forms and Fees.



#### **9.39.040 Definitions**

For purposes of this Chapter, “Streamlined Housing Project” shall mean a project consisting of any of the following:

- A. Residential units only; or
- B. Mixed-use developments consisting of residential and nonresidential uses in which nonresidential uses do not exceed 25% of the total building square footage and are limited to the first two floors of buildings that are two or more stories; or
- C. Transitional or supportive housing.

#### **9.39.050 Special Procedures for Housing Projects**

- A. For projects eligible for an Administrative Approval under 9.39.020(A)(1)(c), an applicant shall conduct a community meeting to receive community input on the proposal. The community meeting shall be conducted prior to submitting an application, with noticing and reporting as required in guidelines adopted by the Director.
- B. For projects eligible for an Administrative Approval under 9.39.020(A)(1)(a) through (d), within 14 calendar days after a decision is made, a copy of the written decision and project plans shall be posted on the City’s website.

#### **9.39.060 Review and Decision**

- A. Following receipt of a decision from the Architectural Review Board, or compliance with the conditions set forth in Section 9.55.120(E)(2), the Director shall issue a determination on the Administrative Approval in accordance with this Chapter.
- B. The Director shall issue an Administrative Approval if the proposed development conforms precisely to applicable development standards, except to the extent

modifications or waivers have been granted pursuant to Chapter 9.43, Modifications and Waivers.

C. The Director shall deny the Administrative Approval only if the development is not in compliance with applicable development standards, except to the extent modifications or waivers have been granted pursuant to Chapter 9.43, Modifications and Waivers.

D. The Director shall prepare a written decision which shall contain the findings of fact upon which such decision is based. A copy of the decision shall be sent to the applicant within 14 calendar days after the decision is made.

#### **9.39.070 Term, Extension, and Revocation**

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

### **CHAPTER 9.40 DEVELOPMENT REVIEW PERMIT**

#### **9.40.020 Applicability**

A. A Development Review Permit approved by the Planning Commission shall be required prior to issuance of any building permit for the development of any of the following:

1. *Housing Projects.* For Housing Projects, all new construction and new additions to existing buildings as follows:

a. Any Housing Project that does not meet the applicability of an Administrative Approval as set forth in Section 9.39.020(A)(1).

2. *Non-Housing Projects.* For non-housing projects, all new construction and new additions to existing buildings that exceed the following thresholds:

a. Tier 1 maximum limits;

- b. In Multi-Unit Residential Districts or Ocean Park Neighborhood Districts, 10,000 square feet;
- c. In Neighborhood Commercial and Oceanfront Districts, 7,500 square feet;
- d. In Nonresidential Districts not specified in subsection (A)(2)(c) above, 15,000 square feet; or
- e. In the Pico Neighborhood Area as outlined in Figure 9.40.020.A, notwithstanding subsections (A)(2)(b) through (d) above, and until the adoption of a Pico Neighborhood Plan, 7,500 square feet.

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



#### **9.40.040 Procedures**

Following receipt of a decision of the Architectural Review Board in accordance with Chapter 9.55, a public hearing before the Planning Commission shall be set and notice of such hearing given in a manner consistent with Section 9.37.050, Public Notice.

#### **9.40.050 Required Findings**

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

- A. The physical location, size, massing, setbacks, pedestrian orientation, and placement of proposed structures on the site and the location of proposed uses within the project are consistent with applicable standards;
- B. The rights-of-way can accommodate autos, bicycles, pedestrians, and multi-modal transportation methods, including parking and access standards;
- C. The health and safety services (police, fire etc.) and public infrastructure (e.g., utilities) are sufficient to accommodate the new development;
- D. The project is generally consistent with the Municipal Code, General Plan, and any applicable Specific Plan;
- E. The project has no specific adverse impact on public health or safety; and
- F. The project provides Community Benefits consistent with Chapter 9.23.

## CHAPTER 9.43 MODIFICATIONS AND WAIVERS

### 9.43.020 Applicability: Minor Modifications

A. The provisions of this Section shall apply to specific development proposals that are for uses permitted by right or by discretionary review in the District. In no case shall a minor modification be granted pursuant to this Chapter to permit a use or activity that is not otherwise permitted in the District where the property is located, nor shall a minor modification be granted that alters the procedural or timing requirements of this Ordinance.

B. Subject to the requirements of this Chapter and except as provided in subsection (C) of this Section, the Director may grant relief from no more than 2 of the following dimensional requirements:

1. **Setbacks.** Up to 10 percent of the required front, side, and rear setback standards.
2. **Build-to Line.** Up to 5 percent of the standards for building façade location.
3. **Parcel Coverage.** Up to 5 percent of the maximum amount of parcel coverage.
4. **Height.** Maximum height of buildings and structures, up to 5 percent or 2 feet, whichever is less. The modified height shall not exceed the maximum height permitted in the applicable land use district of the LUCE.
5. **Transparency.** Required ground-floor building transparency, up to 10 percent of minimum.
6. **Parking, Loading, and Circulation.** Modifications to dimensional standards that do not result in a reduction of required parking and loading spaces.

7. **Outdoor Living Area.** Allow common outdoor living area to be substituted in lieu of minimum required private outdoor living area in an equivalent amount. For the conversion of existing commercial or industrial buildings to live-work units, allow a reduction in the minimum required open space as necessary.

8. **Bicycle Parking.** Modification to the bicycle parking location requirements set forth in Section 9.28.140.

9. **Parcel Lines.** For corner parcels, consider the parcel line separating the narrowest street frontage of the parcel from the street as the side parcel line.

10. **Exclusions.** Minor Modifications pursuant to this Chapter shall not be granted for the following standards:

- a. Parcel area, width, or depth;
- b. Maximum number of stories;
- c. Minimum or maximum number of required parking spaces;
- d. Residential density; or
- e. Maximum floor area ratio (FAR).

C. Subject to the requirements of this Chapter, the Director may grant relief from any of the dimensional requirements specified in subsection B of this Section for properties containing a Historic Resource.

D. For any Minor Modification application filed concurrently with an application that is subject to Planning Commission review, the Planning Commission may grant relief from any of the dimensional requirements specified in subsection B of this Section.

**9.43.030 Applicability: Major Modifications**

A. The provisions of this Section shall apply to specific development proposals that are for uses permitted by right or by discretionary review in the District. In no case shall a Major Modification be granted pursuant to this Section to permit a new use or activity that is not otherwise permitted in the District where the property is located, nor shall a major modification be granted that alters the procedural or timing requirements of this Article.

B. Subject to the requirements of this Chapter and except as provided in subsection C of this Section, the Director may grant relief from no more than 2 of the following requirements:

1. **Setbacks.** Up to 20 percent or 5 feet, whichever is less of the required front, side, and rear setback standards.
2. **Build-To Line.** Up to 20 percent of standards for building façade location.
3. **Parcel Coverage.** Up to 10 percent of the maximum amount of parcel coverage.
4. **Height.** Maximum height of buildings and structures, up to 20 percent or 5 feet, whichever is less. The modified height shall not exceed the maximum height permitted in the applicable land use district of the LUCE.
5. **Ground Floor (Floor-to-Floor) Height.**
  - a. *Minimum.* Up to 1 foot of the required minimum ground floor (floor-to-floor) height.
  - b. *Maximum.* Up to 4 feet of the required maximum ground floor (floor-to-floor) height.

6. **Landscaping.** Up to 10 percent of the required landscaping.

7. **Exclusions.** Major Modifications pursuant to this Chapter shall not be granted for the following standards:

- a. Parcel area, width, or depth;
- b. Maximum number of stories;
- c. Minimum or maximum number of required parking spaces;
- d. Residential density; or
- e. Maximum floor area ratio (FAR).

C. If the application for a Major Modification involves a project that includes the retention and preservation of a structure or improvement that is a City-Designated Historic Resource, the Director may grant relief from maximum building height, maximum number of stories, required setbacks, maximum parcel coverage and building envelope requirements; permitted building height projections; permitted projections in required yard areas; access to private open space; landscaping; and provision of unexcavated yard areas.

D. For any Major Modification application filed concurrently with an application that is subject to Planning Commission review, the Planning Commission may grant relief from any of the dimensional requirements specified in subsection B of this Section.

#### **9.43.040 Applicability: Waivers**

A. The provisions of this Section shall apply to specific development proposals that are for uses permitted by right or conditionally permitted in the District. In no case shall a waiver be granted pursuant to this Section to permit a use or activity that is not otherwise



permitted in the District where the property is located, nor shall a waiver be granted that alters the procedural or timing requirements of this Ordinance.

B. Subject to the requirements of this Chapter, the Director may grant waivers from the following requirements specified in this Ordinance:

1. Upper-Story Stepbacks.
2. Build-To Lines.
3. Active Commercial Design Standards, including Transparency.
4. Active Use Requirement.
5. Unit Mix.
6. Pedestrian-Oriented Design Standards.

## **DIVISION 5 GENERAL TERMS**

### Chapter 9.52, Terms and Definitions

### **9.52.010 List of Terms**

30% Income Household

50% Income Household

60% Income Household

80% Income Household

100% Affordable Housing Project

Abandoned, Abandonment

Abutting, Adjoining, or Adjacent

Access

Accessory Building

Accessory Dwelling Unit

Accessory Food Service

Accessory Structure

Accessory Use

Act of Nature

Affordable Rent

Alley

Alteration

Arcade

Area Median Income (AMI)

Artist

Attic

Awning

Balcony

Base District

Base Height

Basement

Bathroom

Bay Window

Bedroom

Block

Buffer, Buffering

Building

*Building, Accessory*

*Building, Principal*

Building Code

Building Face

Building Envelope

Building Footprint

Building Height

Building Site

Build-To Line

California Department of Alcoholic Beverage Control (ABC)

California Environmental Quality Act (CEQA)

Canopy

Car Sharing

Carport

Change of Use

Clerestory

City

City Council

City Engineer

City-Designated Contributing Building or Structure

City-Designated Historic Resource

City-Designated Landmark

City-Designated Structure of Merit

Commercial Boulevard

Conditionally Permitted

Construction

Corner Build-To Area

County

Courtyard

Cripple Wall

Curb Cut

Daylight Plane

Deck

Demising Wall

Demolition

Development

Development Agreement

Director

Disability

Discretionary Permit

District

Domestic Violence Shelter

Driveway

Dwelling

Dwelling Unit

Easement

Effective Date

Emergency

Entrance

Environmental Review

Environmental Impact Report (EIR)

Erect

Excavation

Façade

Façade, Street-Facing

Feasible

Fee

Fence

Floor Area

Floor Area Ratio

Footprint

Frontage, Street

Garage

*Semi-Subterranean Garage*

*Subterranean Garage*

Garage Sales

General Plan

Glare

Government Code

Grade

*Average Natural Grade*

*Existing Grade*

*Finished Grade*

*Segmented Average Natural Grade*

*Theoretical Grade*

Ground Floor

Ground Floor Street Frontage

Habitation

Hazardous Materials

Height

Historic Resource

Historic Resources Inventory

Home Occupation

Household

Housing Project

Illegal Use

Intensity of Use

Intersection, Street

Junior Accessory Dwelling Unit

Kitchen

Landscape

*Automatic Controller*

*Backflow Prevention Device*

*Groundcover*

*Hedge*

*Irrigation System*

*Landscaping*

*Moisture Sensing Device*

*Mulch*

*Plant Area*

Lighting

*Foot-Candle*

*Light Fixture*

*Shielded Fixture*

Lightwell



Living Quarters

Loading Space

Loft

Lot

Maintenance and Repair

Major Transit Stop

Manufactured Housing

Mezzanine

Mixed-Use Development

Mobile Home Park

Natural Disaster

Nonconforming Building

Nonconforming Structure

Nonconforming Use

Open Space

*Open Space, Common*

*Open Space, Private*

*Open Space, Usable*

Outdoor Sales, Temporary and Seasonal

Outdoor Storage

Overlay District

Parapet

Parcel

*Parcel, Corner*

*Parcel, Flag*

*Parcel, Key*

*Parcel, Reversed Corner*

*Parcel, Through*

Parcel Area

Parcel Depth

Parcel Frontage

Parcel Line

*Parcel Line, Front*

*Parcel Line, Rear*

*Parcel Line, Side*

Parcel Width

Parking Facility

*Accessory Parking*

*Long-Term Parking*

Parking, Bicycle

*Long-Term Bicycle Parking*

*Short-Term Bicycle Parking*

Parking Space, Off-Street

*Accessible Parking*

*Car Share Parking*

*Independently-Accessible Parking*

*Shared Parking*

*Stacked Parking*

*Tandem Parking*

*Unbundled Parking*

*Valet Parking*

Parking Structure

*Semi-Subterranean*

*Subterranean*

Patio

Paving

Permit

Permitted Use

Person

Person with a Disability

Planning Commission

Plaza

Podium

Port Cochere

Pre-Existing

Primary Use

Private Tennis Court

Project

Public Land

Public Resources Code

Qualified Applicant

Ramp

Reasonable Accommodation

Residential Use

Review Authority

Right-of-Way

Roof

*Barrel Roof*

*Gambrel Roof*

*Hip Roof*

*Mansard Roof*

*Pitched Roof*

*Shed Roof*

Roof Deck

Screening

Security Grate or Grilles

Senior Citizen

Setback

*Setback, Front*

*Setback, Rear*

*Setback, Side*

*Setback, Street Side*

Sexually-Oriented Business

Shrub

Sidewalk

Sidewalk Café

Sign-Related Definitions

Site

Skylight

Solar Energy System

State Historical Building Code

Story

Street

Street Tree

Street Wall

Structural Alterations

Structure

*Structure, Accessory*

*Structure, Main*

*Structure, Subterranean*

*Structure, Temporary*

Subdivision

Swimming Pool

Temporary Structure

Third Street Promenade Area

Trailer

Trash Screen/Enclosure

Unit

Use

*Use, Accessory*

*Use, Primary*

Use Classification

Use Permit

Use Type

Utilities

Vibration

View Corridor

Wall

Window

*Primary Room Window*

*Secondary Room Window*

Yard

Zoning Administrator

Zoning District

#### **9.52.020 Definitions**

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

**9.52.020.0010 30% Income Household.** A household whose gross income does not exceed the 30% income limits applicable to the Los Angeles-Long

Beach Primary Metropolitan Statistical Area, adjusted for household size, as published and periodically updated by HUD.

**9.52.020.0020      50% Income Household.** A household whose gross income does not exceed 50% of the area median income, adjusted for household size, as published and periodically updated by HUD. 50% income households include 30% income households.

**9.52.020.0030      60% Income Household.** A household whose gross income does not exceed 60% of the area median income, adjusted for household size, as published and periodically updated by HUD. 60% income households include 50% income households.

**9.52.020.0040      80% Income Household.** A household whose gross income does not exceed 80% of the area median income, adjusted for household size, as published and periodically updated by HUD. 80% income households include 60% income households.

**9.52.020.0050      100% Affordable Housing Project.** Housing projects with a minimum of 25% of the units deed restricted or restricted by an agreement approved by the City for occupancy by 60% Income Households or less and the remainder of the housing units are deed restricted or restricted by an agreement approved by the City for occupancy by 80% Income Households or less. Such projects may include nonresidential uses not to exceed 33% of the project's total floor area.

**9.52.020.0060      Abandoned, Abandonment.** When, for a continuous period of one year or more, a nonconforming building, parcel, or use ceases. Resumption of a use after abandonment is a change of use. See Division 3, Section 9.27.050(B), Nonconforming Uses, Structures, and Parcels, for additional regulations.

**9.52.020.0070      Abutting, Adjoining, or Adjacent.** Having a common property line or district line or separated only by an alley, path, private street, or easement.

**9.52.020.0080 Access.** The place, or way through which pedestrians and/or vehicles shall have safe, adequate and usable ingress and egress to a property or use as required by this Article.

**9.52.020.0090 Accessory Building.** See Building, Accessory.

**9.52.020.0095 Accessory Dwelling Unit.** 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. See Division 3, Section 9.31.025, Accessory Dwelling Units and Junior Accessory Dwelling Units, for further details.

**9.52.020.0100 Accessory Food Service.** Establishments where food is located on the same parcel as or within a primary permitted use and is clearly incidental to the primary permitted use that is not an eating and drinking establishment. Food service that is more extensive than these provisions will cause this use to be considered an eating and drinking establishment subject to all of the applicable regulations. See Division 3, Section 9.31.030, Accessory Food Service, for further details.

**9.52.020.0110 Accessory Structure.** See Structure, Accessory.

**9.52.020.0120 Accessory Use.** See Use, Accessory.

**9.52.020.0130 Act of Nature.** A natural occurrence such as an earthquake, flood, tidal wave, hurricane, superstorm, meteor, or tornado which causes substantial damage to buildings or property.

**9.52.020.0135 Affordable Rent.** Affordable rent shall mean the following:

- A. For 30% income households, the product of 30% times 30% of the area median income adjusted for household size appropriate for the unit.
- B. For 50% income households, the product of 30% times 50% 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% times 60% of the area median income adjusted for household size appropriate for the unit.



- D. For moderate income households, the product of 30% times 110% of the area median income adjusted for household size appropriate for the unit.

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

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

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

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

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

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

- A. A person who works in or is skilled in any of the fine arts, including, but not limited to, painting, drawing, sculpture, book arts, and print making;
- B. A person who creates imaginative works of aesthetic value, including, but not limited to, literature, poetry, play writing, film, video, digital media works, literature, costume design, photography, architecture, music composition, and conceptual art;

- C. A person who creates functional art, including, but not limited to, jewelry, rugs, decorative screens and grates, furniture, pottery, toys, and quilts;
- D. A performer, including, but not limited to, singers, musicians, dancers, actors, and performance artists.

**9.52.020.0180 Attic.** The area less than 7 feet in height, located above the ceiling of the top story and below the roof that is not usable as habitable or commercial space and is not accessible via a permanent access structure. An attic shall not be considered a story. City-designated landmarks may adapt attics to be habitable so long as they are within the historic building envelope and result in no change to the roofline. Such an adoption will also not be considered a story.

**9.52.020.0190 Awning.** An architectural projection that provides weather protection, identity or decoration and is wholly supported by the building to which it is attached. An awning is typically constructed of non-rigid materials on a supporting framework which projects from and is supported by the exterior wall of a building.

**9.52.020.0200 Balcony.** A platform that projects from the wall of a building 30 inches or more above grade that is accessible from the building's interior, is not accessible from the ground and is not enclosed by walls on more than 2 sides. See also Deck.

**9.52.020.0210 Base District.** See Zoning District.

**9.52.020.0220 Base Height.** The maximum height to which a building or structure may be built by right pursuant to the Land Use and Circulation Element (LUCE) of the General Plan. This is also called the Tier 1 height.

**9.52.020.0230 Basement.** The level(s) of a structure located below Average Natural Grade, Segmented Average Natural Grade, or Theoretical Grade, in which no portion of the level directly below Average Natural Grade, Segmented Average Natural Grade, or Theoretical Grade projects more than 3 feet above Average Natural Grade, Segmented Average Natural Grade, or Theoretical Grade. Up to 4 wall surfaces of the level directly below Average

Natural Grade, Segmented Average Natural Grade, or Theoretical Grade may be exposed above Finished Grade, so long as this exposure does not exceed 40% of each of these wall surface areas. Each wall surface area is calculated by multiplying the height by the length of the wall. In addition, the visible wall surface height of these walls shall not exceed 3 feet above Finished Grade, except for an entrance to a garage, which must be designed to the minimum feasible width and not exceed the maximum size requirements set forth in Chapter 9.28, or for any light well or emergency egress as required by the Building Code. A basement shall not be considered a story.

**9.52.020.0240 Bathroom.** A room containing a sink, a toilet, and a shower and/or bathtub.

**9.52.020.0250 Bay Window.** An angular or curved window that projects from the building surface.

**9.52.020.0260 Bedroom.** Any habitable space in a dwelling unit or accessory structure other than a kitchen or living room that is intended for or capable of being used for sleeping, is at least 70 square feet in area, is separated from other rooms by a door, and is accessible to a bathroom without crossing another bedroom.

**9.52.020.0270 Block.** Property bounded on all sides by a public right-of-way.

**9.52.020.0280 Building.** Any structure having a roof supported by columns or walls and intended for the shelter, housing or enclosure of any individual, animal, process, equipment, goods or materials.

**9.52.020.0290 Building, Accessory.** A detached building located on the same parcel as the principal building, which is incidental and subordinate to the principal building in terms of both size and use. A building will be considered part of the principal building if located less than 6 feet from the principal building or if connected to it by fully enclosed space.

**9.52.020.0300 Building, Principal.** A building in which the principal use of the parcel on which it is located is conducted.

- 9.52.020.0310 Building Code.** Any ordinance of the City governing the type and method of construction of buildings, signs, and sign structures and any amendments thereto and any substitute therefor, including, but not limited to, the California Building Code, the State Historic Building Code, other state-adopted uniform codes and the Minimum Building Security Standards Ordinance.
- 9.52.020.0320 Building Face.** The general outer surface of the structure or walls of a building. Where bay windows or pillars project beyond the walls, the outer surface of the windows or pillars shall be considered to be the face of the building.
- 9.52.020.0330 Building Envelope.** The aggregate of building mass and building bulk permitted on a parcel which is defined by height regulations, setbacks and other property development standards.
- 9.52.020.0340 Building Footprint.** See Footprint.
- 9.52.020.0350 Building Height.** See Height.
- 9.52.020.0360 Building Site.** A parcel or parcels of land occupied or to be occupied, by a main building and accessory buildings together with such open spaces as are required by the terms of this title and having its principal frontage on a street, road, highway, or waterway.
- 9.52.020.0370 Build-To Line.** A line parallel to the parcel line where the façade of the building is required to be located.
- 9.52.020.0380 Buffer, Buffering.** An area on a parcel which is designed to separate structures and uses from the general public and/or adjacent properties to reduce negative impacts. It may include landscaping, fences, and walls.
- 9.52.020.0390 California Department of Alcoholic Beverage Control (ABC).** The California State agency that regulates the permitting of alcohol beverage sales, including the sale of beer, wine, and distilled spirits.
- 9.52.020.0400 California Environmental Quality Act (CEQA).** Public Resources Code Section 21000 et seq., or any successor statute and associated guidelines (California Code of Regulations Section 15000 et seq.) that

require public agencies to document and consider the environmental effects of a proposed action before a decision.

**9.52.020.0410 Canopy.** A roofed shelter projecting over a sidewalk, driveway, entry, window, or similar area that may be wholly supported by a building or may be wholly or partially supported by columns, poles, or braces extending from the ground.

**9.52.020.0420 Car Sharing.** A formal or informal membership organization that owns a variety of motor vehicles that are parked in a number of different areas. Members use the motor vehicles under the terms of their membership.

**9.52.020.0430 Carport.** A permanently roofed structure providing space for parking or temporary storage of vehicles. It may or may not include sides, but will be considered a garage if all 4 sides are enclosed.

**9.52.020.0440 Change of Use.** A discontinuance of an existing use and the substitution therefor of a use such that the new use represents a different use group (as defined in Chapter 9.51, Use Classifications) or is otherwise differently regulated by the zoning ordinance compared to the prior use. A change of ownership alone does not constitute a change of use. Resumption of a use after abandonment is a change of use.

**9.52.020.0450 Clerestory.** A window or row of windows which typically run horizontally and are located at the upper portion of a wall to allow additional light and air into a room. A clerestory is not a skylight.

**9.52.020.0460 City.** The City of Santa Monica.

**9.52.020.0470 City Council.** The City Council of the City of Santa Monica.

**9.52.020.0480 City Engineer.** The City Engineer of the City of Santa Monica.

**9.52.020.0490 City-Designated Contributing Building or Structure.** A building or structure designated by the City as contributing to the designation of an area as a historic district pursuant to Section 9.56.130.

**9.52.020.0500 City-Designated Historic Resource.** Any existing property or structure that is designated by the City as a Landmark, Structure of Merit, or a Contributor to a Designated Historic District.

**9.52.020.0510 City-Designated Landmark.** An improvement designated by the City as appropriate for historic preservation pursuant to Section 9.56.120.

**9.52.020.0520 City-Designated Structure of Merit.** An improvement designated by the City as appropriate for official recognition pursuant to Section 9.56.090.

**9.52.020.0530 Commercial Boulevard.** Commercial boulevards shall include the following:

- A. Wilshire Boulevard between the eastern city limits and Ocean Avenue;
- B. Santa Monica Boulevard between the eastern city limits and Lincoln Boulevard;
- C. Broadway between the eastern city limits and Lincoln Boulevard;
- D. Colorado Avenue between the eastern city limits and Lincoln Boulevard;
- E. Olympic Boulevard between the eastern city limits and Lincoln Boulevard;
- F. Ocean Park Boulevard between the eastern city limits and Lincoln Boulevard;
- G. Pico Boulevard between the eastern city limits and Main Street; and
- H. Lincoln Boulevard between the southern city limits and Wilshire Boulevard.

**9.52.020.0540 Conditionally Permitted.** Permitted subject to approval of a Conditional Use Permit or Minor Use Permit.

**9.52.020.0550 Construction.** Construction, erection, enlargement, alteration, conversion or movement of any building, structures, or land together with any scientific surveys associated therewith.

**9.52.020.0560 Corner Build-To Area.** Area of a corner parcel where the façade of the building is required to be located.

**9.52.020.0565 County.** County of Los Angeles.

- 9.52.020.0570 Courtyard.** An unroofed area that is completely or mostly enclosed by walls of a building.
- 9.52.020.0580 Cripple Wall.** The short wood stud walls that enclose a crawl space under the first floor used to support a dwelling between the concrete foundation and the ground floor of a building. It elevates the dwelling above ground to allow access to the utility lines or to level a dwelling built on a slope.
- 9.52.020.0590 Curb Cut.** A break in a curb allowing vehicle access from the roadway to a legal parking area within the parcel.
- 9.52.020.0600 Daylight Plane.** A setback or series of setbacks on new buildings which allows the flow of light and air to adjacent residential buildings and properties.
- 9.52.020.0610 Deck.** A platform, either freestanding or attached to a building that is used for outdoor space. It typically extends from the façade of a building and is supported by pillars or posts but may be located on a flat portion of a building, such as a roof or setback. It is distinct from a patio. See also Balcony.
- 9.52.020.0620 Demising Wall.** A partition wall that separates one tenant or owner's space from another or from the building hallway or other common area.
- 9.52.020.0630 Demolition.** The destruction, dismantling, or removal of a building or structure or substantial portion of a building or structure so that it constitutes demolition pursuant to the provisions of Section 9.25.030, Demolition Defined.
- 9.52.020.0640 Development.** Any manmade change to improved or unimproved real estate, including, but not limited to, the division of a parcel of land into 2 or more parcels; the construction, reconstruction, conversion, structural alteration, relocation, expansion, or enlargement of any structure; any mining, excavation, landfill or land disturbance; and any use or extension of the use of land.
- 9.52.020.0650 Development Agreement.** An agreement between the City and any person having a legal or equitable interest in real property for the

development of such property and which complies with the applicable provisions of the Government Code Section 65864 et seq., and local law for such development agreements pursuant to Chapter 9.60, Development Agreements.

**9.52.020.0660 Director.** The Director of Planning and Community Development of the City of Santa Monica or designee.

**9.52.020.0670 Disability.** Physical or mental impairment that substantially limits one or more of a person's major life activities or a record of having an impairment, but the term does not include current, illegal use of, or an addiction to, a controlled substance. Current users of illegal controlled substances, persons convicted with illegal manufacture or distribution of a controlled substance, sex offenders, and juvenile offenders are not considered disabled under the Fair Housing Act, by virtue of that status.

**9.52.020.0680 Discretionary Permit.** A Development Review Permit, Major Modification, Variance, Minor Use Permit, or Conditional Use Permit, or any other appealable permit that requires findings to be made.

**9.52.020.0690 District.** See Zoning District.

**9.52.020.0700 Domestic Violence Shelter.** A residential facility that provides temporary accommodations to persons or families who have been the victims of domestic violence. Such a facility may also provide meals, counseling, and other services, as well as common areas for the residents of the facility.

**9.52.020.0710 Driveway.** An accessway that provides vehicular access between a street and the parking or loading facilities located on an adjacent property.

**9.52.020.0720 Dwelling.** A structure or portion thereof that is used principally for residential occupancy.

**9.52.020.0730 Dwelling Unit.** One or more rooms designed, occupied or intended for occupancy as separate living quarters, with full cooking, sleeping and bathroom facilities for the exclusive use of a single household. A dwelling unit shall exceed 375 square feet in size.



- 9.52.020.0740 Easement.** A portion of land created by grant or agreement for specific purpose; an easement is the right, privilege, or interest which one party has in the land of another.
- 9.52.020.0750 Effective Date.** The date on which a permit or other approval becomes enforceable or otherwise takes effect, rather than the date it was signed or circulated.
- 9.52.020.0760 Emergency.** A sudden unexpected occurrence demanding immediate action to prevent or mitigate loss or damage to life, health, property or essential public services.
- 9.52.020.0770 Entrance.** An opening, such as a door, passage, or gate, that allows access to a place.
- 9.52.020.0780 Environmental Review.** An evaluation process pursuant to CEQA to determine whether a proposed project may have a significant impact on the environment.
- 9.52.020.0790 Environmental Impact Report (EIR).** An Environmental Impact Report as required under the California Environmental Quality Act.
- 9.52.020.0800 Erect.** To build, construct, attach, hang, place, suspend, or affix to or upon any surface.
- 9.52.020.0810 Excavation.** The removal of soils or other materials below grade to install habitable space, parking, utilities, or landscaping.
- 9.52.020.0820 Façade.** The face of the exterior wall of a building exposed to public view or that wall viewed by persons not within the building. The portion of any exterior elevation of a building extending vertically from the grade to the top of a parapet wall or eave and horizontally across the entire width of the building elevation.
- 9.52.020.0830 Façade, Street-Facing.** Any building façade whose exterior wall faces or is within 45 degrees of parallel to an adjacent street, right-of-way, or public park, plaza, or open space.
- 9.52.020.0840 Feasible.** Capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social and technological factors.

- 9.52.020.0850 Fee.** A payment to the City for the processing of a permit or license application by a City Agency or Department.
- 9.52.020.0860 Fence.** An artificially-constructed barrier of any material or combination of materials erected to enclose or screen an area of land. Fences may also be walls, hedges and screen planting.
- 9.52.020.0870 Floor Area.** See Division 1, Section 9.04.080, Determining Floor Area, for rules for calculating floor area.
- 9.52.020.0880 Floor Area Ratio.** The ratio of the total floor area of all buildings on a parcel to the total area of the parcel. See Division 1, Section 9.04.090, Determining Floor Area Ratio, for rules for calculating floor area ratio.
- 9.52.020.0890 Footprint.** The horizontal area, as seen in plan view, of a building or structure, measured from the outside of exterior walls and supporting columns, and excluding eaves and subterranean and semi-subterranean levels.
- 9.52.020.0900 Frontage, Street.** That portion of a parcel that borders a public street. "Street frontage" shall be measured along the common parcel line separating said parcel or parcel of land from the public street, highway, or parkway.
- 9.52.020.0910 Garage.** A building or portion thereof, containing accessible and usable enclosed space designed, constructed and maintained for the parking or storage of one or more motor vehicles.
- 9.52.020.0920 Semi-Subterranean Garage.** A structure located partly underground used for parking and storage of vehicles.
- 9.52.020.0930 Subterranean Garage.** A structure entirely underground, except for openings for ingress and egress.
- 9.52.020.0940 Garage Sales.** The sale or offering for sale to the general public of over 5 items of personal property on a portion of a parcel in a residentially zoned district, whether inside or outside any building.
- 9.52.020.0950 General Plan.** The City of Santa Monica General Plan.

- 9.52.020.0960 Glare.** The effect produced by a light source within the visual field that is sufficiently brighter than the level to which the eyes are adapted, such as to cause annoyance, discomfort or loss of visual performance and ability.
- 9.52.020.0970 Government Code.** The Government Code of the State of California.
- 9.52.020.0980 Grade.** The location of the ground surface.
- 9.52.020.0990 Average Natural Grade.** See Division 1, Section 9.04.050(A)(1).
- 9.52.020.1000 Existing Grade.** The elevation of the ground at any point on a parcel as shown on the required survey submitted in conjunction with an application for a building permit or grading permit. Existing grade also may be referred to as natural grade.
- 9.52.020.1010 Finished Grade.** The finished surface of the ground, paving, lawn, or other improved surface between the building and the parcel line.
- 9.52.020.1020 Segmented Average Natural Grade.** See Division 1, Section 9.04.050(A)(2).
- 9.52.020.1030 Theoretical Grade.** See Division 1, Section 9.04.050(A)(3).
- 9.52.020.1040 Ground Floor.** The lowest floor of a building other than a basement that is closest to finished grade.
- 9.52.020.1050 Ground Floor Street Frontage.** The first level of a building, other than a basement, that borders a public street.
- 9.52.020.1060 Habitation.** Regular and exclusive use of a space or structure for shelter and other residential purposes in a manner that is private and separate from another residence on the same parcel.
- 9.52.020.1070 Hazardous Materials.** Any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

**9.52.020.1080 Height.** The vertical distance from a point on the ground below a structure to a point directly above. See also Division 1, Section 9.04.050, Measuring Height.

**9.52.020.1090 Historic Resource.** Any existing property or structure that is designated as a City Landmark, Structure of Merit, or a Contributor to a Designated Historic District, or is listed on either the California Register of Historical Resources or the National Register of Historic Places.

**9.52.020.1100 Historic Resources Inventory (HRI).** A database containing building descriptions and evaluations of properties that exhibit potential historic, architectural, or cultural significance in Santa Monica. Each property listed on the HRI has been evaluated by professionals using nationwide standards and criteria. The HRI is used to identify properties of potential historic significance, and properties on the HRI are eligible to apply the State Historical Building Code.

**9.52.020.1110 Home Occupation.** A commercial use conducted on residential property by the inhabitants of the subject residence, which is incidental and secondary to the residential use of the dwelling. See Section 9.31.160, Home Occupation.

**9.52.020.1120 Household.** One or more persons living together in a single dwelling unit, with access to and use of all common living and eating areas and all common areas and facilities for the preparation and storage of food and who maintain a single mortgage, lease, or rental agreement for all members of the household.

**9.52.020.1125 Housing Project.** A use consisting of any of the following:

- A. Residential units only;
- B. Mixed-use developments consisting of residential and nonresidential uses in which nonresidential uses do not exceed 33% of the total building square footage and are limited to the first two floors of buildings that are two or more stories.
- C. Transitional or supportive housing.

**9.52.020.1130      *Illegal Use.*** Any use of land or building that does not have the currently required permits and was originally constructed and/or established without permits or approvals required for the use at the time it was brought into existence.

**9.52.020.1140      *Intensity of Use.*** The extent to which a particular use or the use in combination with other uses affects the natural and built environment in which it is located, the demand for services, and persons who live, work, and visit the area. Measures of intensity include, but are not limited to, requirements for water, gas, electricity, or public services; number of automobile trips generated by a use; parking demand; number of employees on a site; hours of operation; the amount of noise, light or glare generated; the number of persons attracted to the site, or, in eating establishments, the number of seats.

**9.52.020.1150      *Intersection, Street.*** The area common to 2 or more intersecting streets.

**9.52.020.1155      *Junior Accessory Dwelling Unit.*** 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. See Division 3, Section 9.31.025, Accessory Dwelling Units and Junior Accessory Dwelling Units, for further details.

**9.52.020.1160      *Kitchen.*** A room or space within a building with appliances used for cooking or preparing food.

**9.52.020.1170      *Landscape.*** The following terms are related to Division 3, Chapter 9.26, Landscaping.

**9.52.020.1180      *Automatic Controller.*** An automatic timing device used to remotely control valves that operate an irrigation system.

**9.52.020.1190      *Backflow Prevention Device.*** A safety device used to prevent pollution or contamination of the water supply due to the reverse flow of water from the irrigation system.

**9.52.020.1200      *Groundcover.*** A low growing woody or herbaceous plant with low, compact growth habits which normally crawls or spreads, and which forms a solid mat or dense cover over the ground within 2 years of

installation. Mature heights of groundcover will usually range from 3 inches to 3 feet.

**9.52.020.1210     *Hedge.*** A boundary or barrier of plant material formed by a row or series of shrubs, bushes, trees, or other similar vegetation that enclose, divide, or protect an area or that prevent a person from passing between any combination of individual shrubs, bushes, trees, or other similar vegetation.

**9.52.020.1220     *Irrigation System.*** Any system, excluding water features, for distribution of water through a pressurized system within the landscape area, including, but not limited to, any system in which any portion is installed below grade or affixed to any structure.

**9.52.020.1230     *Landscaping.*** The planting, configuration and maintenance of trees, ground cover, shrubbery and other plant material, decorative natural and structural features (walls, fences, hedges, trellises, fountains, sculptures), earth patterning and bedding materials, and other similar site improvements that serve an aesthetic or functional purpose. See Section 9.26.060.

**9.52.020.1240     *Moisture Sensing Device.*** A device that measures the amount of water in the soil. The device may also suspend or initiate an irrigation event.

**9.52.020.1250     *Mulch.*** Any organic material such as leaves, bark, straw, compost, or inorganic mineral materials such as rocks, gravel, and decomposed granite left loose and applied to the soil surface for the beneficial purposes of reducing evaporation, suppressing weeds, moderating soil temperature, and preventing soil erosion.

**9.52.020.1260     *Plant Area.*** The portion of a parcel that is dedicated to the installation of landscaping.

**9.52.020.1270     *Lighting.*** The following terms are related to Section 9.21.080, Lighting.

- 9.52.020.1280     *Foot-Candle.*** A quantitative unit of measure for luminance. One foot-candle is equal to the amount of light generated by one candle shining on one square foot surface located one foot away. Equal to one lumen uniformly distributed over an area of one square foot.
- 9.52.020.1290     *Light Fixture.*** The assembly that holds a lamp and may include an assembly housing, a mounting bracket or pole socket, a lamp holder, a ballast, a reflector or mirrors, and a refractor or lens.
- 9.52.020.1300     *Shielded Fixture.*** Outdoor light fixtures shielded or constructed so that light rays emitted by the lamp are projected below the horizontal plane passing through the lowest point on the fixture from which light is emitted.
- 9.52.020.1310     *Lightwell.*** The portion of buildable area that is reserved as open space for light and air, usually enclosed by building walls on the subject property or adjacent property and extends for one or more floors.
- 9.52.020.1320     *Living Quarters.*** A structure or portion thereof that is used principally for human habitation.
- 9.52.020.1330     *Loading Space.*** An off-street space or berth on the same parcel with a building for the temporary parking of a vehicle while loading or unloading of goods.
- 9.52.020.1340     *Loft.*** See Mezzanine.
- 9.52.020.1350     *Lot.*** See Parcel.
- 9.52.020.1360     *Maintenance and Repair.*** The repair or replacement of nonbearing walls, fixtures, wiring, roof or plumbing that restores the character, scope, size or design of a structure to its previously existing, authorized, and undamaged condition.
- 9.52.020.1365     *Major Transit Stop.*** Major transit stop as defined in Public Resources Code Section 21064.3.
- 9.52.020.1370     *Manufactured Housing.*** A structure as defined by Health and Safety Code Section 18007, or any successor thereto.

- 9.52.020.1380 Mezzanine.** An intermediate floor within a building interior without walls, partitions, closets, screens or other complete enclosing interior walls or partitions that is open to the floor below and has a floor area that is no greater than one-third of the total area of the overlooked room below. When the total floor area of a mezzanine exceeds one-third of the total area of the overlooked room below it constitutes an additional story and is no longer considered a mezzanine. Mezzanines shall be concealed within the building and shall not appear as an additional story on the exterior building façade. See Story.
- 9.52.020.1390 Mixed-Use Development.** The development of a parcel or building with 2 or more different land uses such as, but not limited to, a combination of residential, office, manufacturing, retail, public or entertainment in a single or physically integrated group of structures.
- 9.52.020.1400 Mobile Home Park.** Any area or tract of land where 2 or more lots are rented or leased, or held out for rent or lease, to accommodate mobile homes used for human habitation in accordance with Health and Safety Code Section 18214, or any successor thereto.
- 9.52.020.1410 Natural Disaster.** See Act of Nature.
- 9.52.020.1420 Nonconforming Building.** See Nonconforming Structure.
- 9.52.020.1430 Nonconforming Structure.** A building or structure that was erected in compliance with the standards and requirements in effect when it was constructed but does not comply with all of the applicable provisions of this Article including, but not limited to, density, floor area, height, setback, usable open space, and other development standards. See Chapter 9.27, Nonconforming Uses and Structures.
- 9.52.020.1440 Nonconforming Use.** An occupancy or activity that was established in compliance with the standards and requirements in effect at the time it commenced and has not been abandoned within the same structure or on the same parcel since that date but does not comply with all of the applicable provisions of this Article, including, but not limited to, permitted use, location, intensity, operational characteristics, performance standards



or hours of operation. See Chapter 9.27, Nonconforming Uses and Structures.

**9.52.020.1450      Open Space.**

**9.52.020.1460      *Open Space, Common.*** Any outdoor area, not dedicated for public use, which is designed and intended for the common use and enjoyment of the residents and guests of more than one dwelling unit.

**9.52.020.1470      *Open Space, Private.*** Open areas for outdoor living and recreation that are adjacent and directly accessible to a single dwelling unit, reserved for the exclusive use of residents of the dwelling unit and their guests.

**9.52.020.1480      *Open Space, Usable.*** Outdoor areas that provide for outdoor living and/or recreation for the use of residents.

**9.52.020.1490      Outdoor Sales, Temporary and Seasonal.** The sale or offering for sale to the general public of merchandise outside of a permanent structure on property owned or leased by the person, firm, or corporation. These sales are of a limited duration and conducted on an occasional basis, and are secondary or incidental to the principal permitted use or structure existing on the property.

**9.52.020.1500      Outdoor Storage.** The keeping, in an unroofed area, of any goods, junk, material, merchandise or vehicles in the same place for more than 72 hours except for the keeping of building materials reasonably required for construction work on the premises pursuant to a valid and current Building Permit issued by the City.

**9.52.020.1510      Overlay District.** A zoning designation specifically delineated on the Districting Map establishing land use requirements that govern in addition to the standards set forth in the underlying base district.

**9.52.020.1520      Parapet.** A low wall or railing extending above the roof and along its perimeter.

**9.52.020.1530      Parcel.** A single unit of land separated from other units of land by legal description, the boundaries of which are shown on a parcel map or

final map, described in a deed, or for which a certificate of compliance has been issued pursuant to the Subdivision Map Act. [Parcel shall also include 2 or more parcels where the owner(s) have recorded a covenant with the Office of the County Recorder that states the intention of the owner(s) to combine and use the parcels as a single unit of land in compliance with City regulations.]

**9.52.020.1540     *Parcel, Corner.*** A parcel of land abutting 2 or more streets at their intersection, or upon 2 parts of the same street forming an interior angle of less than 135 degrees.

**9.52.020.1550     *Parcel, Flag.*** A parcel not fronting on or abutting a public road and where access is from a public road by a narrow right-of-way or driveway.

**9.52.020.1560     *Parcel, Key.*** The first interior parcel to the rear of a reversed corner parcel and not separated therefrom by an alley.

**9.52.020.1570     *Parcel, Reversed Corner.*** A corner parcel, the side street line of which is substantially a continuation of the front parcel line of the first parcel to its rear.

**9.52.020.1580     *Parcel, Through.*** A parcel which fronts on 2 parallel streets or which fronts upon 2 streets which do not intersect at the boundaries of the parcel.

**9.52.020.1590     *Parcel Area.*** The total area within the property lines of a parcel, excluding any street or alley right-of-way.

**9.52.020.1600     *Parcel Depth.*** The longest perpendicular length between a front and rear parcel line or an imaginary extension of a rear parcel line as necessary for non-rectilinear parcels.

**9.52.020.1610     *Parcel Frontage.*** The width of the front parcel line measured at the street right-of-way.

**9.52.020.1620     *Parcel Line.*** A line of record bounding a parcel that divides one parcel from another parcel or from a public or private street or any other public space.

**9.52.020.1630     *Parcel Line, Front.*** The parcel line separating a parcel from a street right-of-way. In the case of a corner parcel, the line separating the narrowest street frontage of the parcel from the street shall be considered the front. For corner parcels with equal street frontage dimensions, the front of the parcel is the street frontage that is consistent with the prevailing street frontage orientations along the block where the corner parcel is located. For parcels between a walk street and an alley, the front of the parcel is considered along the walk street. For through parcels between a walk street and a street with vehicular access, the front of the parcel is considered along the street with vehicular access.

**9.52.020.1640     *Parcel Line, Rear.*** The parcel line opposite and most distant from the front parcel line; or in the case of triangular or otherwise irregularly shaped parcel, a line 10 feet in length entirely within the parcel, parallel to, and at a maximum distance from the front parcel line.

**9.52.020.1650     *Parcel Line, Side.*** Any parcel line other than a front or rear parcel line.

**9.52.020.1660     *Parcel Width.*** For rectilinear parcels, the distance between the side parcel lines determined by the length of a straight line drawn at right angles to the side parcel lines and parallel with both the front and rear parcel lines. For non-rectilinear parcels, a series of measurements based on the location of the side parcel lines shall be required to determine varying parcel widths at any given locations on the parcel.

**9.52.020.1670     *Parking Facility.*** An area of a parcel, structure, or any other area, including driveways, which is designed for and the primary purpose of which is to provide for the temporary storage of operable motor vehicles.

**9.52.020.1680     *Accessory Parking.*** An area of a parcel, structure, or any other area, which is designed, reserved for, and the primary purpose of which is to provide off-street parking to serve a building or use that is the primary or main use of the parcel.

- 9.52.020.1690     *Long-Term Parking.*** An area designed for employee or parking when a vehicle is not normally moved during the period of an employee's work shift, as opposed to customer or visitor parking.
- 9.52.020.1700     *Parking, Bicycle.*** A covered or uncovered area equipped with a rack or other device designed and useable for the secure, temporary storage of bicycles.
- 9.52.020.1710     *Long-Term Bicycle Parking.*** Bicycle parking that is designed to serve employees, students, residents, commuters, and others who generally stay at a site for 3 hours or longer.
- 9.52.020.1720     *Short-Term Bicycle Parking.*** Bicycle parking that is designed to serve shoppers, customers, messengers, guests, and other visitors to a site who generally stay for a period of less than 4 hours.
- 9.52.020.1730     *Parking Space, Off-Street.*** An area, covered or uncovered, designed and usable for the temporary storage of a vehicle, which is paved and accessible by an automobile without permanent obstruction.
- 9.52.020.1740     *Accessible Parking.*** Parking spaces that are designed and reserved for a vehicle(s) that is dedicated to persons with disabilities.
- 9.52.020.1745     *Automated Parking System.*** Off-street parking facility where vehicular storage and retrieval within such facility is accomplished entirely through a mechanical conveyance system. A parking facility with parking lift systems that require an attendant to maneuver a vehicle that is to be parked shall not be considered an automated parking facility.
- 9.52.020.1750     *Car Share Parking.*** Parking spaces that are dedicated for a vehicle(s) provided by a certified car-share organization for the purpose of providing a car-share-service to occupants of a building or the general public.
- 9.52.020.1760     *Independently-Accessible Parking.*** Parking spaces that allow a vehicle to be accessed without having to move another vehicle under its own power. They shall include spaces accessed by automated garages, or car elevators, lifts or other space-efficient parking provided that no

more than one car needs to be moved under its own power to access any one space.

**9.52.020.1770     *Shared Parking.*** The management of parking spaces so that they can be used by multiple users. This allows for the more efficient use of parking facilities. Parking may be shared between multiple users on the same parcel, between multiple users on different parcels, or in dedicated shared parking facilities such as public parking lots.

**9.52.020.1780     *Stacked Parking.*** Space-efficient parking in which vehicles are stored and accessed by mechanical stackers or lifts or other space-efficient means.

**9.52.020.1790     *Tandem Parking.*** Parking spaces that are placed one behind another and where a vehicle needs to be moved to access the desired parking space.

**9.52.020.1800     *Unbundled Parking.*** The practice of selling or leasing parking spaces separate from the purchase or lease of the commercial or residential use.

**9.52.020.1810     *Valet Parking.*** Stacked or valet parking is allowed if an attendant is present or an automated system is in place to move vehicles. The automated system may or may not be managed by an attendant.

**9.52.020.1820     *Parking Structure.*** A structure used for parking and storage of vehicles.

**9.52.020.1830     *Semi-Subterranean.*** A parking structure located partially underground.

**9.52.020.1840     *Subterranean.*** A parking structure located entirely underground, except for openings for ingress and egress.

**9.52.020.1850     *Patio.*** An outdoor area, often paved, adjoining a building that is used for outdoor open space. It is not fully enclosed by walls and typically is located at grade or supported by minimal footings.

- 9.52.020.1860 Paving.** A type of material used over areas of a parcel such as driveways, parking spaces and areas, pathways, patios, and front setbacks used for access by vehicles and pedestrians.
- 9.52.020.1870 Permit.** Any Zoning Conformance, Conditional Use Permit, Minor Use Permit, Temporary Use Permit, Development Review Permit, Administrative Approval, Home Occupation, Building Permit, license, certificate, approval, or other entitlement for development and/or use of property as required by any public agency.
- 9.52.020.1880 Permitted Use.** Any use or structure that is allowed in a zoning district without a requirement for approval of a Use Permit, but subject to any restrictions applicable to that zoning district.
- 9.52.020.1890 Person.** Any natural person or other entity recognized by California law as such, including a firm, association, organization, partnership, business trust, company, or corporation.
- 9.52.020.1900 Person with a Disability.** A person who has a physical or mental impairment that limits one or more major life activities; anyone who is regarded as having that type of impairment; or anyone who has a record of that type of impairment.
- 9.52.020.1910 Planning Commission.** The Planning Commission of the City of Santa Monica.
- 9.52.020.1920 Plaza.** An outdoor space set aside for gathering or congregating and commercial activities, typically surrounded by building frontages.
- 9.52.020.1930 Podium.** A continuous raised platform supporting a building or a large block of 2 or 3 stories beneath a multi-story block of smaller area.
- 9.52.020.1940 Porte Cochere.** A roofed structure through which a vehicle can pass, extending from the entrance of a building over an adjacent driveway, the purpose of which is to shelter persons entering and exiting a building.
- 9.52.020.1950 Pre-Existing.** In existence prior to the effective date of this Article.
- 9.52.020.1960 Primary Use.** See Use, Primary.
- 9.52.020.1970 Private Tennis Court.** A tennis court which is used for noncommercial purposes by the owner(s) of the property or guests.

- 9.52.020.1980 Project.** Any proposal for a new or changed use or for new construction, alteration, or enlargement of any structure, that is subject to the provisions of this ordinance. This term includes, but is not limited to, any action that qualifies as a “project” as defined by the California Environmental Quality Act.
- 9.52.020.1990 Public Land.** Any government-owned land, including, but not limited to, public parks, beaches, playgrounds, trails, paths, schools, public buildings, and other recreational areas or public open spaces.
- 9.52.020.2000 Public Resources Code.** The Public Resources Code of the State of California.
- 9.52.020.2010 Qualified Applicant.** The property owner, the owner’s agent, or any person or other legal entity that has a legal or equitable interest in land that is the subject of a development proposal or is the holder of an option or contract to purchase such land or otherwise has an enforceable proprietary interest in such land.
- 9.52.020.2020 Ramp.** An access driveway leading from one parking level to another, or an access driveway from an entrance leading to parking at a different level.
- 9.52.020.2030 Reasonable Accommodation.** A type of discretionary permit that, if approved, would provide for persons with disabilities seeking equal access to housing under the California Fair Employment and Housing Act, the Federal Fair Housing Act, and the Americans with Disabilities Act (ADA) in the application of building and zoning laws and other land use policies, procedures, laws, rules, and regulations.
- 9.52.020.2040 Residential Use.** One or more rooms designed, occupied or intended for occupancy as primary living quarters in a building or portion thereof.
- 9.52.020.2050 Review Authority.** Body responsible for making decisions on zoning and related applications.
- 9.52.020.2060 Right-of-Way.** A strip of land acquired by reservation, dedication, forced dedication, prescription or condemnation and intended to be

occupied or occupied by a road, railroad, electric transmission lines, oil or gas pipeline, water line, sanitary storm sewer or other similar use.

**9.52.020.2070      Roof.** That portion of a building or structure above walls or columns that shelters the floor area or the structure below.

**9.52.020.2080      *Barrel Roof.*** An arched roof with a semi-circular, half-cylindrical shape.

**9.52.020.2090      *Gambrel Roof.*** A roof with 2 slopes on each of its 2 sides of which the lower is steeper than the upper slope.

**9.52.020.2100      *Hip Roof.*** A 4-sided roof with sloping ends and sides.

**9.52.020.2110      *Mansard Roof.*** A roof with 2 sloping planes of different pitch on each of the 4 sides.

**9.52.020.2120      *Pitched Roof.*** A roof with 2 sides that have at least one foot of vertical rise for every 3 feet of horizontal run.

**9.52.020.2130      *Shed Roof.*** A roof with a single slope.

**9.52.020.2140      Roof Deck.** A platform located on the flat portion of a roof or setback of a building that is used for outdoor space. It is distinct from a patio.

**9.52.020.2150      Screening.** Buffering of a building or activity from neighboring areas or from the street with a wall, fence, hedge, informal planting, or berm.

**9.52.020.2160      Security Grate or Grilles.** A metal grate that rolls up over, or slides across, a window or door to provide protection against unwanted entry. It also can be a fixed metal fixture over window openings.

**9.52.020.2170      Senior Citizen.** An individual 62 years of age or older unless otherwise expressly stated in this Article.

**9.52.020.2180      Setback.** The distance between the parcel line and a building, not including permitted projections, that must be kept clear or open. See also Section 9.04.040, Measuring Distances, Section 9.04.130, Determining Setbacks, and Section 9.21.110, Projections into Required Setbacks.



**9.52.020.2190     *Setback, Front.*** A space extending the full width of the parcel between any building and the front parcel line, and measured perpendicularly to the building at the closest point to the front parcel line.

**9.52.020.2200     *Setback, Rear.*** A space extending the full width of the parcel between the principal building and the rear parcel line measured perpendicularly from the rear parcel line to the closest point of the principal building. When a rear parcel line abuts an alley or walkstreet, the rear setback shall be measured from the center line of the alley or walkstreet.

**9.52.020.2210     *Setback, Side.*** A space extending the full depth of the parcel between the principal building and the side parcel line measured perpendicularly from the side parcel line to the closest point of the principal building. For non-rectilinear parcels, a space extending the full depth of the parcel between the principal building and the side parcel line(s) measured using a series of measurements parallel to the front parcel line to determine varying parcel widths at any given locations on the parcel.

**9.52.020.2220     *Setback, Street Side.*** A space extending the full depth of the parcel between the principal building and the side parcel line adjacent to a public street right-of-way measured perpendicularly from the side parcel line to the closest point of the principal building. For non-rectilinear parcels, a space extending the full depth of the parcel between the principal building and the side parcel line(s) adjacent to a public street right-of-way measured using a series of measurements parallel to the front parcel line to determine varying parcel widths at any given locations on the parcel.

**9.52.020.2230     *Sexually-Oriented Business.*** See Chapter 9.59, Sexually-Oriented Businesses, for details.

- 9.52.020.2240 Shrub.** A plant with a compact growth habit and branches coming from the base of the plant. Mature heights of shrubs may vary from one foot to 15 feet depending on their species and landscape application.
- 9.52.020.2250 Sidewalk.** A paved, surfaced, or leveled area, paralleling and usually separated from the street, used as a pedestrian walkway.
- 9.52.020.2260 Sidewalk Café.** Any outdoor dining area located in or adjacent to any public sidewalk or right-of-way which is associated with a restaurant or other eating and drinking establishment on a contiguous adjacent parcel.
- 9.52.020.2270 Sign-Related Definitions.** All terms relating to signage are defined in Chapter 9.61, Signs.
- 9.52.020.2280 Site.** A parcel, or group of contiguous parcels, that is proposed for development in accordance with the provisions of this Article and is in a single ownership or under unified control.
- 9.52.020.2290 Skylight.** That portion of a roof which is glazed to admit light, and the mechanical fastening required to hold the glazing, including a curb not exceeding 10 inches in height, to provide a weatherproofing barrier.
- 9.52.020.2300 Solar Energy System.** Any solar collector or other solar energy device, certified pursuant to State law, along with its ancillary equipment, whose primary purpose is to provide for the collection, storage, and distribution of solar energy for space heating, space cooling, electric generation, or water heating, or any structural design feature of a building, whose primary purpose is to provide for the collection, storage, and distribution of solar energy for electricity generation, space heating or cooling, or for water heating.
- 9.52.020.2310 State Historical Building Code.** California Code of Regulations, Title 24, Part 8, or any successor thereto, which constitutes a special State-adopted building code for historic buildings allowing flexible approaches to their construction problems. This Code was developed to accommodate changes necessary for the continued use of historic buildings, while preserving their historic character and significant architectural features. Applicants may elect to use the State Historic Building Code as an

alternative to standard construction codes such as the City's Building Code or Electrical Code.

**9.52.020.2320 Story.** That portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the upper surface of the roof above. A mezzanine with a floor area that exceeds one-third of the floor area of the overlooking room of the floor below constitutes a story. An attic and basement shall not be considered stories.

**9.52.020.2330 Street.** A public or private thoroughfare which affords the access to a block and to abutting property. "Street" includes avenue, place, way, drive, boulevard, highway, road, and any other thoroughfare, except an alley as defined herein.

**9.52.020.2340 Street Tree.** Trees that are located in the public right-of-way.

**9.52.020.2350 Street Wall.** A wall or portion of a wall of a building facing a street.

**9.52.020.2360 Structural Alterations.** Any physical change to or the removal of the supporting members of a structure or building, such as bearing walls, columns, beams, or girders including the creation, enlargement, or removal of doors or windows and changes to a roofline or roof shape.

**9.52.020.2370 Structure.** Anything constructed or erected, which requires a fixed location on the ground, or is attached to a building or other structure having a fixed location on the ground.

**9.52.020.2380 Structure, Accessory.** A detached subordinate structure, used only as incidental to the main structure on the same parcel.

**9.52.020.2390 Structure, Main.** A structure housing the principal use of a site or functioning as the principal use.

**9.52.020.2400 Structure, Subterranean.** A structure located entirely underground, except for openings for ingress and egress.

**9.52.020.2410 Structure, Temporary.** A structure without any foundation or footings and which is intended to be removed when the designated time

period, activity, or use for which the temporary structure was erected has ceased.

**9.52.020.2420 Subdivision.** See Chapter 9.54, Land Divisions, for all subdivision definitions.

**9.52.020.2430 Swimming Pool.** A pool, pond, or open tank capable of containing a large and deep enough body of water for people to use to swim.

**9.52.020.2440 Temporary Structure.** See Structure, Temporary.

**9.52.020.2445 Third Street Promenade Area.** The area including the Third Street Promenade and parcels located in that portion of the BC (2nd & 4th Streets) District bounded by 2nd Street to the west, Broadway to the south, 4th Street to the east, and Wilshire Boulevard to the north.

**9.52.020.2450 Trailer.** A vehicle without motor power, designed to be drawn by a motor vehicle and to be used for human habitation or for carrying persons or property, including a mobile home, trailer coach or house trailer.

**9.52.020.2460 Trash Screen/Enclosure.** A permanent, immobile structure, designed for the storage of a mobile resource recovery, recycling, or compost bin or container.

**9.52.020.2470 Unit.** See Dwelling Unit.

**9.52.020.2480 Use.** The purpose for which land or the premises of a building, structure, or facility thereon is designed, arranged, or intended, or for which it is or may be occupied or maintained.

**9.52.020.2490 Use, Accessory.** A use that is customarily associated with, and is incidental and subordinate to, the primary use and located on the same parcel as the primary use.

**9.52.020.2500 Use, Primary.** A primary, principal or dominant use established, or proposed to be established, on a parcel. In a mixed-use building, there may be more than one primary use.

**9.52.020.2510 Use Classification.** A system of classifying uses into a limited number of use types on the basis of common functional, product, or compatibility characteristics. All use types are grouped into the following

categories: residential; public and semi-public; commercial; industrial; and transportation, communication, and utilities. See Chapter 9.51, Use Classifications.

**9.52.020.2520 Use Permit.** A discretionary permit, such as a Minor Use Permit or Conditional Use Permit, which may be granted by the appropriate City authority to provide for the accommodation of land uses with special site or design requirements, operating characteristics, or potential adverse effects on surroundings, which are not permitted as of right but which may be approved upon completion of a review process and, where necessary, the imposition of special conditions of approval by the permit granting authority. See Chapter 9.41, Minor Use Permits and Conditional Use Permits.

**9.52.020.2530 Use Type.** A category which classifies similar uses based on common functional, product, or compatibility characteristics.

**9.52.020.2540 Utilities.** Equipment and associated features related to the mechanical functions of a building(s) and services such as water, electrical, telecommunications, and waste.

**9.52.020.2550 Vibration.** A periodic motion of the particles of an elastic body or medium in alternately opposite directions from the position of equilibrium.

**9.52.020.2560 View Corridor.** An area where there is a view of all or a portion of a panoramic subject, scene, or area.

**9.52.020.2570 Wall.** Any exterior surface of building or any part thereof, including windows.

**9.52.020.2580 Window.** An opening in a wall of a building that may be filled with glass or other material in a frame. They typically allow light and air into the interior of a building but also serve as vehicles for viewing merchandise in commercial properties.

**9.52.020.2590 Primary Room Window.** A glazed surface whose area is larger than any other glazed surface in a living room, dining room, family room, library, or similar such activity room in a dwelling unit.

**9.52.020.2600      *Secondary Room Window.*** A glazed surface serving a bedroom, bathroom, kitchen, stairway, corridor, or storage area in a dwelling unit, or a non-primary window in a primary space.

**9.52.020.2610      **Yard.**** See Setback.

**9.52.020.2620      **Zoning Administrator.**** The Director of the Department of Planning and Community Development, or designee.

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

## **DIVISION 6: LAND USE AND ZONING RELATED PROVISIONS**

Chapter 9.55, Architectural Review

Chapter 9.56, Landmarks and Historic Districts

Chapter 9.64, Affordable Housing Production Program

## **CHAPTER 9.55     ARCHITECTURAL REVIEW**

### **9.55.120     Project Review by and Approval of Architectural Review Board**

A.     Except as provided by Section 9.55.190 on administrative approval, no building permit shall be issued for any project in an architectural review district unless plans, elevations, or landscaping, have been approved by the Architectural Review Board or on appeal by the Planning Commission. In addition to those projects subject to administrative approval by the Director under Section 9.55.190, the Architectural Review Board, under authority of Section 9.55.070 of this Chapter, may, by resolution, authorize the Director to approve applications for building permits for minor or insignificant projects in an architectural review district, so long as such projects do not defeat the purposes and objectives of this Chapter.

B.     No completed project that is subject to and receives the Architectural Review Board's approval shall receive a certificate of occupancy or final building inspection approval until the Director certifies that such construction has complied with the conditions and restrictions, if any, imposed by the Architectural Review Board or on appeal by the Planning Commission, and that the final construction is in conformity with the plans approved by the Architectural Review Board or on appeal by the Planning Commission.

C.     Preliminary drawings of the design of a proposed project shall be submitted to the Community Development Department for informal review so that an applicant may be informed of Architectural Review Board policies prior to preparing for plan check submittal.

D.     Plans or proposals that require a design review approval by the Architectural Review Board shall be considered at a noticed public hearing in accordance with the procedures set forth in the Chapter. At the conclusion of a public hearing, or continued



public hearing, the Architectural Review Board shall issue a determination on an application. The Architectural Review Board shall be authorized to approve, conditionally approve, or disapprove exterior elevations, landscaping, and general appearance and to impose such conditions as it believes reasonable and necessary. The Architectural Review Board shall transmit its determination to the applicable review authority in writing, including the reasons for the determination, and the findings related to the criteria for the determination in Section 9.55.140

E. For projects that require an Administrative Approval:

1. Except as provided in subsection 2, below, the Board shall issue its determination prior to issuance of the Administrative Approval by the Director.

2. Notwithstanding subsection 1, above, the Architectural Review Board's design review approval shall occur after the Director's determination on the Administrative Approval if the project has met the following:

a. At least one Architectural Review Board design review approval hearing has occurred;

b. The applicant has submitted revised plans in response to the Architectural Review Board's design review comments; and

c. The project conforms precisely to all applicable development standards and the Administrative Approval determination by the Director is ready to be issued.

F. For projects that require a Development Review Permit, the Architectural Review Board shall issue its determination prior to consideration of the project by the Planning Commission.

G. The Architectural Review Board also shall have the authority to undertake review and approval of projects as authorized by the Zoning Ordinance or of sign permits as authorized by Chapter 9.61.

**9.55.130 Applications and Forms**

A. An application shall be filed by a qualified applicant.

B. The Director shall prepare and issue application forms and lists that specify the information that will be required from applicants for design review subject to the provisions of this Chapter. The Director shall require the submission of supporting materials as part of the application, including but not limited to plans, concept diagrams, renderings, models, material samples or images of materials, massing diagrams and/or models, typical details, landscape plans, and other items deemed necessary or relevant. Drawings and photographs demonstrating how the proposal fits in the surrounding context including a neighbor profile, figure-ground diagrams, and site plan. All material submitted becomes the property of the City, may be distributed to the public, and shall be made available for public inspection. At any time upon reasonable request, and during normal business hours, any person may examine an application and materials submitted in support of or in opposition to an application in the Planning Division offices. Unless prohibited by law, copies of such materials shall be made available at a reasonable cost.

C. The City Council shall approve by resolution a Municipal Fee Schedule that establishes fees for permits, appeals, amendments, informational materials, penalties, copying, and other such items. These fees may be amended by the City Council.

**9.55.150      Reserved**

**9.55.190      Administrative Design Approval**

A.      The Director is authorized to review and approve the following projects in an architectural review district by administrative approval:

1.      Additions to structures or accessory structures (other than those exempted from review by Section 9.55.170) if the addition is either:

a.      Behind an existing structure and not substantially visible from any public right-of-way (other than an alley), except for structures located in the R1 (Single-Unit Residential) District that are subject to review by the Architectural Review Board in accordance with Section 9.07.030(A); or

b.      Within an existing courtyard, not visible from the public right- of-way (other than an alley), and maintains required and usable open space.

2.      Additions to structures that are visible from a public right-of-way (other than an alley) if the addition is:

a.      Less than 1,000 square feet, consistent with the existing structure's design and proportions, and the structure is not located within the Downtown Community Plan area; or

b.      Less than 5,000 square feet, consistent with the existing structure's design and proportions, and the structure is located within the Downtown Community Plan area.

3.      New buildings that:

a.      Do not exceed 7,500 square feet.

b. Do not exceed 10,000 square feet and are new multiple-unit dwelling projects located in Residential and Ocean Park zoning districts.

4. Mechanical and electrical equipment on an existing structure that is substantially screened from view, and when required, rooftop screening on an existing structure that is in keeping with the design of the existing structure.

5. Replacement of existing materials with similar or consistent materials, provided that the new materials are of a comparable quality, texture, and craftsmanship as the existing structure.

6. Alterations to the design or materials of a façade of an existing structure if that structure is either:

a. Not located in the Main Street Neighborhood Commercial District or the BC (Promenade) District with frontage along the Third Street Promenade; or

b. Located in the Main Street Neighborhood Commercial District or the BC (Promenade) District with frontage along the Third Street Promenade, provided that the alterations are consistent with the structure's existing design.

7. New window frames, door frames, windows, and doors on existing structures, provided that the new elements are of high quality and are consistent with the materials on the existing structure.

8. New awnings without signage that are not backlit and of a design and color consistent with the existing structure, including any existing awnings.

9. New construction of and alterations to outdoor use areas permitted under Sections 9.31.199, Outdoor Commercial Uses on Private Property, and 9.31.200,

Outdoor Dining and Seating on Sidewalks, including, but not limited to, railings, awnings, lighting, and other structures and appurtenances thereto.

10. New freestanding walls or extensions to existing freestanding walls that are consistent with existing architecture.

11. Landscape and irrigation plans for:

a. New landscaping less than 1,000 square feet in area that is visible from the public right-of-way (other than an alley), conforms to the City's landscaping standards, and maintains existing mature trees wherever possible;

b. New landscaping that is not visible from the public right-of-way (other than an alley), conforms to the City's landscaping standards, and maintains existing mature trees wherever possible; or

c. New landscaping for single-unit dwellings (other than those exempted from review by Section 9.55.170) that conforms to the City's landscaping standards.

12. Notwithstanding anything to the contrary in this subsection A, the only projects subject to administrative design approval for existing structures on the historic resource inventory are projects involving minor or insignificant alterations to the design or materials of a façade.

B. Any application for administrative design approval pursuant to this Section shall comply with the requirements of Section 9.55.130.

C. The Director may approve, approve with conditions, or disapprove an application submitted to it pursuant to subsection A after consideration of whether the project complies with the criteria in Section 9.55.140(A).

D. If the Director finds that the project complies with the criteria in Section 9.55.140(A), the Director shall approve the application. The Director may impose conditions when the proposed project does not comply with the criteria in Section 9.55.140(A) and any such conditions are limited to those that will bring such project into conformity therewith; except, however, for any project submitted pursuant to subsection (A)(3), the Director may reduce the height of the required screening based on the placement of the equipment on the roof, the existing height of the subject building and surrounding buildings, and the overall visibility of the equipment. If an application is disapproved, the Director shall detail in its written findings, as applicable, the criteria with which the project does not comply or the guidelines, if any, that are violated. Any action taken by the Director to conditionally approve or deny a proposed project shall be in writing and include findings and conditions, as applicable. A copy of the Director's decision shall be provided to the applicant by email utilizing the email address provided on the application, in person, or by United States mail, upon request.

E. The Director's decision shall be effective and final upon issuance and not subject to administrative appeal.

F. No completed project that is subject to and receives the Director's administrative design approval shall receive a certificate of occupancy or final building inspection approval until the Director certifies that such construction has complied with the conditions and restrictions, if any, imposed by the Director, and that the final construction is in conformity with the plans approved by the Director.

## **CHAPTER 9.56 LANDMARKS AND HISTORIC DISTRICTS**

### **9.56.140 Alterations and Demolitions: Criteria for Issuance of a Certificate of Appropriateness**

For purposes of this Chapter, the Landmarks Commission, or the City Council on appeal, shall issue a certificate of appropriateness for any proposed alteration, restoration, construction, removal, relocation, demolition, in whole or in part, of or to a Landmark or Landmark Parcel, or of or to a Structure of Merit if the Structure of Merit is subject to a deed restriction pursuant to Section 9.43.100(G) or 9.64.030(C), or of or to a building or structure within a Historic District if it makes a determination in accordance with any one or more of the following criteria.

A. In the case of any proposed alteration, restoration, removal or relocation, in whole or in part, of or to a Landmark or to a Landmark Parcel or upon a parcel that contains a City-designated Historic Resource subject to a deed restriction pursuant to Section 9.43.100(G) or 9.64.030(C), the proposed work would not detrimentally change, destroy or adversely affect any exterior feature of the Landmark or Landmark Parcel upon which such work is to be done.

B. In the case of any proposed alteration, restoration, construction, removal or relocation, in whole or in part, of or to a building or structure within a Historic District, the proposed work would not be incompatible with the exterior features of other improvements within the Historic District, not adversely affect the character of the Historic District for which such Historic District was designated, or not be inconsistent with such further standards as may be embodied in the ordinance designating such Historic District. For any proposed work to any building or structure whose exterior features are not already

compatible with the exterior features of other improvements within the Historic District, reasonable effort shall be made to produce compatibility, and in no event shall there be a greater deviation from compatibility.

C. In the case of any proposed construction of a new improvement upon a Landmark Parcel or upon a parcel that contains a City-designated Historic Resource subject to a deed restriction pursuant to Section 9.43.100(G) or 9.64.030(C), the exterior features of such new improvement would not adversely affect and not be disharmonious with the exterior features of other existing improvements situated upon such Landmark Parcel.

D. The applicant has obtained a certificate of economic hardship in accordance with Section 9.56.160.

E. The Commission makes both of the following findings:

1. That the structure does not embody distinguishing architectural characteristics valuable to a study of a period, style, method of construction or the use of indigenous materials or craftsmanship and does not display such aesthetic or artistic quality that it would not reasonably meet the criteria for designation as one of the following: National Historic Landmark, National Register of Historic Places, California Registered Historical Landmark, or California Point of Historical Interest.

2. That the conversion of the structure into a new use permitted by right under current zoning or with a conditional use permit, rehabilitation, or some other alternative for preserving the structure, including relocation within the City, is not feasible.

F. In the case of any proposed alteration, restoration, removal or relocation, in whole or in part, to interior public space incorporated in a Landmark designation pursuant to



Section 9.56.110, the proposed work would not detrimentally change, destroy or adversely affect any interior feature of the Landmark structure.

G. The Secretary of Interior's Standards shall be used by the Landmarks Commission in evaluating any proposed alteration, restoration, or construction, in whole or in part, of or to a Landmark, Landmark Parcel, or to a Contributing Building or Structure within a Historic District.

H. Notwithstanding subsections (A) through (F) of this Section, a City-designated Historic Resource protected by a deed restriction pursuant to Section 9.43.100(G) or 9.64.030(C) shall not be relocated, removed, or demolished in contravention of the deed restriction.

**9.56.150 Certificate of Appropriateness for Structures of Merit**

A. Except as provided in Section 9.56.140, a certificate of appropriateness shall not be required for the alteration, restoration, construction or relocation of a Structure of Merit. However, the Architectural Review Board or the Planning Commission shall take into consideration the fact that the building has been designated a Structure of Merit in reviewing any permit concerning such structure.

B. Application for a certificate of appropriateness for the demolition of a Structure of Merit shall be made on a form furnished by the Department. An application shall be processed in accordance with the same procedures set forth in Sections 9.56.170 and 9.56.180 of this Code and shall be reviewed in accordance with the standards set forth in Section 9.56.140.

C. In an effort to agree to a means of historically preserving a Structure of Merit proposed for demolition, the Landmarks Commission shall have the following powers:

1. During a one hundred and eighty day time period commencing from proper filing of an application for certificate of appropriateness, the Commission may negotiate with the owner of a Structure of Merit, or with any other parties, in an effort to agree to a means of historically preserving the designated property. The negotiations may include, but are not limited to, acquisition by gift, purchase, exchange, condemnation or otherwise of the Structure of Merit.

2. Notwithstanding any of the foregoing, the Commission shall have the power to extend the required one hundred and eighty day time period to a duration not to exceed a three hundred and sixty day time period in any case where the Commission determines that such an extension is necessary or appropriate for the continued historical preservation of a Structure of Merit.

D. Notwithstanding subsection (C) of this Section, a Structure of Merit shall not be demolished in contravention of a deed restriction recorded pursuant to Section 9.43.100(G) or 9.64.030(C).

#### **9.56.190 Maintenance and Repair**

A. Every owner, or person in charge, of a Landmark, a Structure of Merit protected by a deed restriction pursuant to Section 9.43.100(G) or 9.64.030(C), or of a building or structure within a Historic District, shall have the duty of keeping in good repair all of the exterior features of such Landmark, Structure of Merit, or of such building or structure within a Historic District, and all interior features thereof which, if not so maintained, may cause or tend to cause the exterior features of such Landmark, or of such building or structure within a Historic District to deteriorate, decay, or become damaged, or otherwise to fall into a state of disrepair. All designated buildings or structures shall be preserved

against such decay and be kept free from structural defects through the prompt repair of any of the following:

1. Façades which may fall and injure members of the public or property.
2. Deteriorated or inadequate foundation, defective or deteriorated flooring or floor supports, deteriorated walls or other vertical structural supports.
3. Members of ceilings, roofs, ceiling and roof supports or other horizontal members which age, split or buckle due to defective material or deterioration.
4. Deteriorated or ineffective waterproofing of exterior walls, roofs, foundations or floors, including broken windows or doors.
5. Defective or insufficient weather protection for exterior wall covering, including lack of paint or weathering due to lack of paint or other protective covering.
6. Any fault or defect in the building which renders it not properly watertight or structurally unsafe.

B. This Section 9.56.190 of this Chapter shall be in addition to any and all other provisions of law requiring such Landmark, Structure of Merit protected by a deed restriction pursuant to Section 9.43.100(G) or 9.64.030(C) or such building or structure within a Historic District to be kept in good repair.

### **9.56.200 Unsafe or Dangerous Conditions**

Nothing contained in this Chapter shall prohibit the making of any necessary alteration, restoration, construction, removal, relocation or demolition, in whole or in part, of or to a Landmark or Landmark Parcel, or a Structure of Merit protected by a deed restriction pursuant to Section 9.43.100(G) or 9.64.030(C), or of or to a building or structure within a Historic District pursuant to a valid order of any governmental agency or pursuant to a

valid court judgment, for the purpose of remedying emergency conditions determined to be dangerous to life, health or property. A copy of such valid order of any governmental agency or such valid court judgment shall be filed with the Director of Planning and in such cases, no certificate of appropriateness from the Landmarks Commission shall be required.

#### **9.56.210 Ordinary Maintenance**

Nothing contained in this Chapter shall be construed to prevent ordinary maintenance or repair of any exterior features of a Landmark, a Structure of Merit protected by a deed restriction pursuant to Section 9.43.100(G) or 9.64.030(C), 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.

## **CHAPTER 9.64 AFFORDABLE HOUSING PRODUCTION PROGRAM**

### **9.64.010 Findings and Purpose**

The City's affordable housing production program requires developers of market rate multiple-unit developments to contribute to affordable housing production and thereby help the City meet its affordable housing need. As detailed in the findings supporting the ordinance codified in this Chapter, the requirements of this Chapter are based on a number of factors including, but not limited to, the City's long-standing commitment to economic diversity; the serious need for affordable housing as reflected in local, state, and Federal housing regulations and policies; the demand for affordable housing created by market rate development; the depletion of potential affordable housing sites by market-rate development; and the impact that the lack of affordable housing production has on the health, safety, and welfare of the City's residents including its impacts on traffic, transit and related air quality impacts, and the demands placed on the regional transportation infrastructure.

### **9.64.020 Definitions**

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

- A. **30% Income Household** means a household whose gross income does not exceed the 30% income limits applicable to the Los Angeles-Long Beach Primary Metropolitan Statistical Area, adjusted for household size, as published and periodically updated by HUD.
- B. **50% Income Household** means a household whose gross income does not exceed 50% income limits applicable to the Los Angeles-Long Beach Primary

Metropolitan Statistical Area, adjusted for household size, as published and periodically updated by HUD.

C. **80% Income Household** means a household whose gross income does not exceed 80% income limits applicable to the Los Angeles-Long Beach Primary Metropolitan Statistical Area, adjusted for household size, as published and periodically updated by HUD.

D. **Adjusted for Household Size** means 70% adjustment for a household of one person, 80% adjustment for a household of two persons, 90% adjustment for a household of three persons, 100% adjustment for a household of four persons, 108% adjustment for a household of five persons, 116% adjustment for a household of six persons, 124% adjustment for a household of seven persons, 132% adjustment for a household size of eight persons. For households of more than eight persons, adjustments shall be made in accordance with applicable HUD regulations.

E. **Adjusted for Household Size Appropriate for the Unit** means for a household of one person in the case of a studio unit, two persons in the case of a one-bedroom unit, three persons in the case of a two-bedroom unit, four persons in the case of a three-bedroom unit, and five persons in the case of a four-bedroom unit.

F. **Affordable Housing Fee** means a fee paid to the City by a multiple-unit project applicant pursuant to Section 9.64.070 of this Chapter.

G. **Affordable Housing Unit** means a dwelling unit developed by a multiple-unit project applicant pursuant to Section 9.64.050 or 9.64.060 of this Chapter.

H. **Affordable Housing Unit Development Cost** means the City's average cost to develop a unit of affordable housing.

I. **Affordable Ownership Housing Cost** means “affordable housing cost” as defined in Section 50052.5 of the Health and Safety Code, as amended from time to time in accordance with law.

J. **Affordable Rent** means:

1. For 30% income households, the product of 30% times 30% of the area median income adjusted for household size appropriate for the unit.

2. For 50% income households, the product of 30% times 50% of the area median income adjusted for household size appropriate for the unit.

3. For 80% income households whose gross incomes exceed the maximum incomes for 50% income households, the product of 30% times 60% of the area median income adjusted for household size appropriate for the unit.

4. For moderate income households, the product of 30% times 110% of the area median income adjusted for household size appropriate for the unit.

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

K. **Area Median Income or AMI** means the median family income applicable to the Los Angeles-Long Beach Metropolitan Statistical Area, as published and periodically updated from time to time by HUD.

L. **Dwelling Unit** means dwelling unit as defined in Santa Monica Municipal Code Section 9.52.020.0730, or any successor thereto, and shall also include a unit in single-room occupancy housing, as defined in Santa Monica Municipal Code Section 9.51.020(A)(1)(d)(ii), or any successor thereto.



M. **Floor Area** means floor area as defined in Santa Monica Municipal Code Section 9.52.020.0870, or any successor thereto.

N. **Gross Income** means gross income as defined in Title 25, Section 6914 of the California Code of Regulations, as amended from time to time, in accordance with law.

O. **HCD** means the California Department of Housing and Community Development, or its successor.

P. **Housing Cost** means housing cost as defined in Title 25, Section 6920 of the California Code of Regulations, as amended from time to time in accordance with law.

Q. **HUD** means the United States Department of Housing and Urban Development or its successor.

R. **Market Rate Unit** means a dwelling unit for which the rent or sales price is not restricted by this Chapter.

S. **Moderate Income Household** means a household whose gross income exceeds the maximum income for an 80% income household and whose gross income does not exceed the lesser of: (1) 120% of the area median income, adjusted for household size, as published and periodically updated by HCD; or (2) twice the income limit for 50% income households, adjusted for household size, as published and periodically updated by HUD.

T. **Multiple-unit Project** means a multiple-unit residential development, including, but not limited to, apartments, condominiums, townhouses or the multiple-unit residential component of a mixed-use project, for which City permits and approvals are sought.

U. **Multiple-unit Project Applicant** means 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 multiple-unit project.

V. **Multiple-Unit Residential District** means any zoning district designated in the City of Santa Monica Comprehensive Zoning Ordinance as a multiple-unit residential district.

W. **Parcel** means parcel as defined in Santa Monica Municipal Code Section 9.52.020.1530, or any successor thereto.

X. **Rent** means rent as defined in Title 25, Section 6918 of the California Code of Regulations, as amended from time to time in accordance with law.

Y. **Utility Allowance** means a reasonable allowance for utilities as published annually by the Santa Monica Housing Authority.

Z. **Vacant Parcel** means a parcel in a multiple-unit 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.

#### **9.64.030 Applicability of Chapter**

A. The obligations established by this Chapter shall apply to each multiple-unit project involving the construction of two or more dwelling units, not including Accessory Dwelling Units or Junior Accessory Dwelling Units. Multiple-unit projects that have received ministerial or discretionary planning approvals on or prior to July 26, 2013, shall be subject to the provisions of Santa Monica Municipal Code Section 9.64.010 *et seq.*, as they existed on the date of their approvals, except that pricing requirements for affordable

housing units shall be published by the City on an annual basis instead of adoption by resolution of the City Council. For purposes of this Chapter, ministerial or discretionary planning approvals include, but are not limited to: plan checks, variances, conditional use permits, administrative approvals, development review permits, and development agreement ordinances.

B. Notwithstanding the above, a multiple-unit rental housing project shall be subject to Section 9.64.110 of this Chapter but shall not be subject to the other requirements of this Chapter if:

1. The project is secured by a regulatory agreement, memorandum of agreement, or recorded covenant with the City valid for a minimum period of 99 years; and

2. The project is a 100% affordable housing project, as defined by Santa Monica Municipal Code Section 9.52.020.0050, that will be developed by a nonprofit housing provider receiving financial assistance through one of the City's housing trust fund programs.

C. Notwithstanding the above, a multiple-unit rental housing project shall be subject to Section 9.64.110 of this Chapter but shall not be subject to the other requirements of this Chapter if:

1. The project is secured by a regulatory agreement, memorandum of agreement, or recorded covenant with the City valid for a minimum period of 55 years; and

2. The project is a 100% affordable housing project, as defined by Santa Monica Municipal Code Section 9.52.020.0050 that: (a) will be developed by a nonprofit

housing provider receiving financial assistance through local, state, or federal funding sources; (b) will comply with the funding source regulations; (c) includes unit sizes that are no less than required by subsection 9.64.050(E), unless expressly authorized by the funding source; (d) includes rents that are no higher than the rents allowed under this Chapter unless expressly authorized by the funding source; and (e) if the 100% affordable housing project satisfies any affordable obligations for a market-rate project(s), the 100% affordable project shall provide more affordable housing than would be required on site for the market-rate project, and during the City's review of the project, the nonprofit affordable housing provider shall consult with the City regarding the category, round and type of funding being sought.

D. A City-Designated Historic Resource that is retained and preserved on site as part of a multiple-unit project shall not be considered or included in assessing any of the requirements under this Chapter. For a Structure of Merit, the applicant shall agree to record a deed restriction prior to issuance of a building permit for the project establishing that the Structure of Merit will be maintained for the life of the project.

#### **9.64.040 Affordable Housing Obligation**

A. Except as provided in Section 9.23.030(A), no building permit shall be issued for any multiple-unit project unless such project has been approved in accordance with the standards and procedures set forth in this Chapter.

B. All applicants for multiple-unit projects shall satisfy the affordable housing obligation by choosing one of the following options:

1. Provide affordable housing units on-site in accordance with Section 9.64.050;

2. Provide affordable housing units off-site in accordance with Section 9.64.060;

3. For projects of five units or less, pay an affordable housing fee in accordance with Section 9.64.070(A); or

4. Acquire land for affordable housing in accordance with Section 9.64.080.

C. An application for a multiple-unit project will not be determined complete until the applicant has submitted a written proposal that demonstrates the manner in which the requirements of this Chapter will be met.

#### **9.64.050 On-Site Option**

The following requirements must be met to satisfy the on-site provisions of this Chapter:

A. An applicant for a multiple-unit project of 6-19 units shall provide 15% of total units as affordable to no more than 80% income households.

B. An applicant for a multiple-unit project of twenty units or more shall construct affordable housing units pursuant to subsection A, above, which shall be divided equally among 50% income households, 80% income households, and moderate income households. Any remainder units above multiples of three shall be distributed to 50% income households first and 80% income households second. For illustrative purposes, Table 9.64.050(C), below, provides examples of how distribution would look for certain projects.

<b>Table 9.64.050(C)</b>			
<b># of Affordable Units in the Project</b>	<b>50% AMI</b>	<b>80% AMI</b>	<b>Moderate Income</b>
3	1	1	1
4	2	1	1
5	2	2	1
6	2	2	2
7	3	2	2
8	3	3	2

<b>Table 9.64.050(C)</b>			
<b># of Affordable Units in the Project</b>	<b>50% AMI</b>	<b>80% AMI</b>	<b>Moderate Income</b>
9	3	3	3
10	4	3	3
11	4	4	3
12	4	4	4
13	5	4	4
14	5	5	4
15	5	5	5
16	6	5	5
17	6	6	5
18	6	6	6
19	7	6	6
20	7	7	6
21	7	7	7
Additional affordable housing unit	Allocate 1 <sup>st</sup>	Allocate 2 <sup>nd</sup>	Allocate 3 <sup>rd</sup>

C. **Fractions.** Any fractional affordable housing unit that results from the formulas of this Section that is 0.5 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 0.5 can be satisfied by the payment of an affordable housing fee for that fractional unit only pursuant to Section 9.64.070(B).

D. **Income and Rent Limits.** The City shall make available a list of income levels for 30% income households, 50% income households, 80% income households, and moderate income households, adjusted for household size, the corresponding maximum affordable rents adjusted by household size appropriate for the unit, and the minimum number of units required for 30% income households, 50% income households, or 80% income households required for typical sizes of multiple-unit projects, which list shall be updated periodically.

**E. Affordable Housing Unit Requirements.**

1. The multiple-unit project applicant may reduce the 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.

2. The unit mix percentage for affordable two- and three-bedroom housing units shall be equal to or greater than the unit mix percentage for the corresponding market rate units.

3. The unit mix percentage for affordable studio housing units shall not exceed 15% of the total number of affordable units required.

4. The design of the affordable housing units shall be reasonably consistent with the market rate units in the project. An affordable housing unit shall have a minimum total floor area, depending upon the number of bedrooms provided, of no less than the following:

0 bedrooms	500 square feet
1 bedroom	600 square feet
2 bedrooms	850 square feet
3 bedrooms	1,020 square feet
4 bedrooms	1,200 square feet

5. An affordable housing unit shall comply with minimum occupancy requirements as follows:

0 bedrooms	1 occupant
1 bedroom	1 occupant

2 bedrooms 2 occupants  
3 bedrooms 3 occupants  
4 bedrooms 5 occupants

6. Affordable housing units must be evenly disbursed throughout the multiple-unit project to prevent undue concentrations of affordable housing units.

F. All affordable housing units in a multiple-unit project or a phase of a multiple-unit project shall be constructed concurrently with the construction of market rate units in the multiple-unit project or phase of that project.

G. On-site affordable housing units must be rental units.

H. Each multiple-unit project applicant, or their 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 multiple-unit project applicant who meets the requirements of this Section shall be entitled to the density bonuses, incentives or concessions, and waivers or reductions of development standards provided by Chapter 9.22, or any successor thereto.

J. All residential developments providing affordable housing on site pursuant to the provisions of this Section shall receive priority building department plan check processing by which housing developments shall have plan check review in advance of other pending developments to the extent authorized by law.

K. The City Council may by resolution establish compliance monitoring fees which reflect the reasonable regulatory cost to the City of ensuring compliance with this Section



when affordable housing units are being initially rented or sold, when the required annual reports are submitted to the City, and when the units are being re-sold or re-leased.

#### **9.64.060 Off-Site Option**

The following requirements must be met to satisfy the off-site option of this Chapter:

A. An applicant for a multiple-unit dwelling project consisting of 20 or more units shall agree to construct 5% more affordable housing units than the number of affordable housing units required by Section 9.64.050 (B).

B. **Fractions.** Any fractional affordable housing unit that results from the formulas of this Section that is 0.5 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 0.5 can be satisfied by the payment of an affordable housing fee for that fractional unit only pursuant to Section 9.64.070(B).

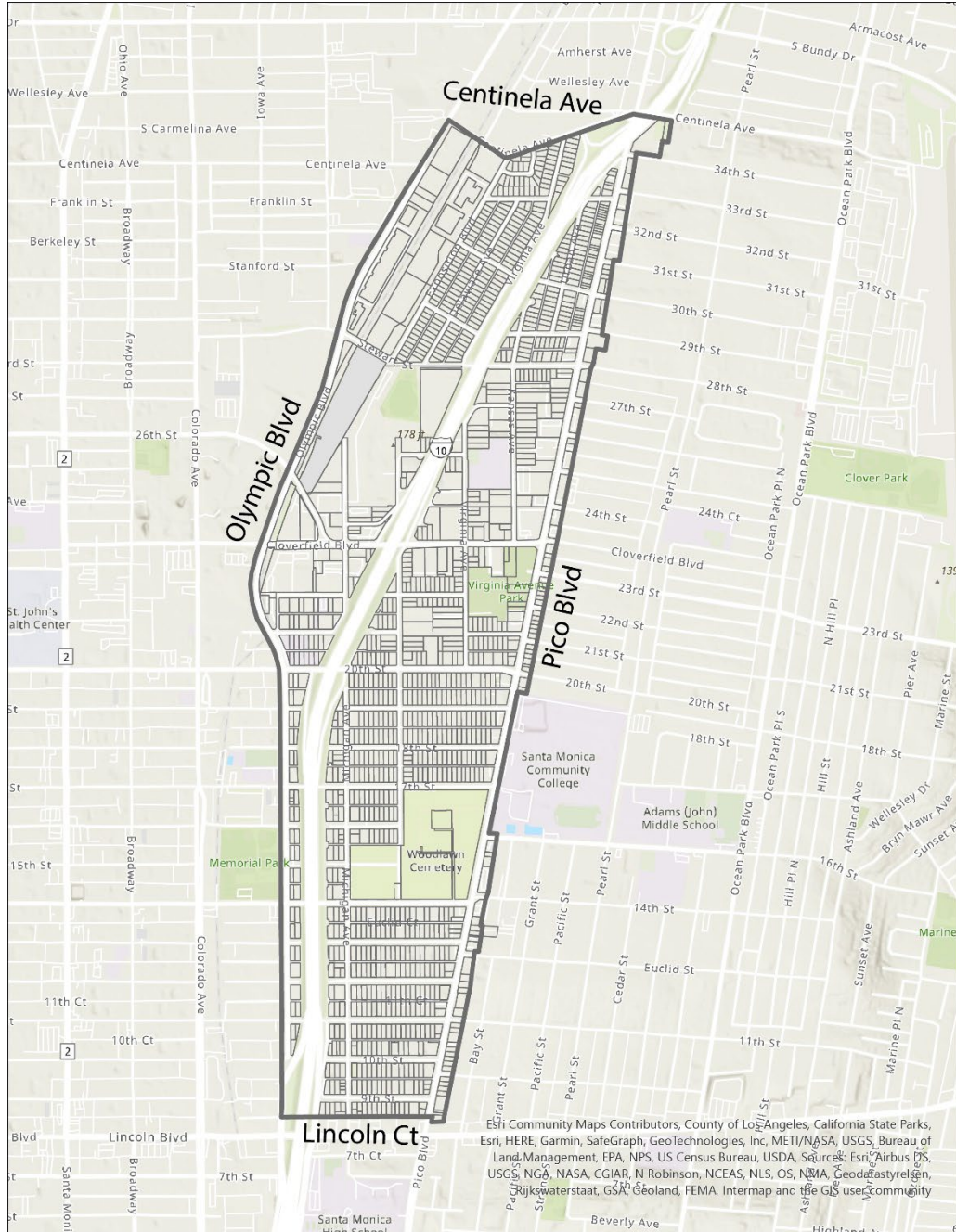
C. The off-site affordable housing units shall be affordable to 80% income households or lower.

D. The multiple-unit 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.

E. The off-site units may be located anywhere in the City except for within the area defined in Figure 9.64.060.A, Off-Site Affordable Housing Prohibition Area, below.

F

Figure 9.64.060.A – Off-Site Affordable Housing Prohibition Area



F. The off-site units shall satisfy the requirements of subsections (D) through (J) of Section 9.64.050.

G. **Pooling Units/No Double Counting.** If two or more market rate projects elect to use the off-site option in a single project, the off-site affordable housing units in the project

shall not be counted twice towards the satisfaction of any affordable housing obligation pursuant to this Chapter, but shall count towards eligibility for a density bonus in accordance with Chapter 9.22.

H. The off-site affordable units shall be owned in whole or part and operated by a nonprofit affordable housing provider for the life of the project, and the Final Construction Permit Sign Off or Certificate of Occupancy for the off-site affordable units shall be issued prior to or concurrently with the market-rate housing project.

I. The City Council may by resolution establish compliance monitoring fees which reflect the reasonable regulatory cost to the City of ensuring compliance with this Section when affordable housing units are initially being rented or sold, when the required annual reports are submitted to the City, and when the units are being re-sold or re-leased.

#### **9.64.070 Affordable Housing Fee**

A multiple-unit project may satisfy the affordable housing obligations established by this Chapter by paying an affordable housing fee in accordance with the following requirements:

A. Multiple-unit projects of five units or less based on the following formula:

**(Affordable housing unit base fee) x (floor area of multiple-unit project)**

B. Multiple-unit projects of six units or more with fractional affordable housing units of less than 0.5 based on the formula established in Section 9.64.050 and 9.64.060:

**(City's affordable housing unit development cost) x (fractional percentage)**

C. For purposes of this Section, the affordable housing unit base fee shall be established by resolution of the City Council. Commencing on July 1, 2006 and on July 1st of each fiscal year thereafter, the affordable housing unit base fee shall be adjusted

based on changes in construction costs and land costs. The amount of the affordable housing fee that the multiple-unit 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.

D. For purposes of this Section, the City's affordable housing unit development cost shall be established by resolution of the City Council. Commencing on July 1, 2007 and on July 1st of each fiscal year thereafter, the City's affordable housing unit development cost shall be adjusted based on changes in construction costs and land costs. The affordable housing fee that the multiple-unit 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.

E. 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 multiple-unit development and the need for affordable housing.

F. 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.

G. 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 multiple-unit 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 multiple-unit 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.

H. An affordable housing fee payment pursuant to this Section shall not be considered provision of affordable housing units for purposes of determining whether the multiple-unit project qualifies for a density bonus pursuant to Government Code Section 65915.

#### **9.64.080 Land Acquisition**

A. A multiple-unit project applicant may meet the affordable housing obligations established by this Chapter by making an irrevocable offer:

1. Dedicating land to the City or a non-profit housing provider;
2. Selling of land to the City or a non-profit housing provider at below market value; or
3. Optioning of land on behalf of the City or a non-profit housing provider.

Each of these options must be for a value at least equivalent to the affordable housing obligation otherwise required pursuant to this Section.

B. The multiple-unit 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 multiple-unit 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 multiple-unit project applicant shall be required to meet the affordable housing obligation by other means set forth in this Chapter.

#### **9.64.090 Fee Waivers**

The Condominium and Cooperative Tax described in Section 6.76.010 of the Santa Monica Municipal Code or any successor thereto and the Park and Recreation Facilities Tax established in Chapter 6.80 of Article 6 of the Santa Monica Municipal Code or any successor thereto, the Transportation Impact Fee required by Chapter 9.66, or any successor thereto, the Open Space Fee required by Chapter 9.67, or any successor thereto, and the Childcare Linkage Fee required by Chapter 9.65, or any successor thereto, shall be waived for required affordable housing units and for 30%, 50%, 80% and moderate-income dwelling units developed by the City or its designee using affordable housing fee. However, any multiple-unit project applicant who elects to pay an affordable housing fee shall not be eligible for any fee waiver under this Section.

#### **9.64.100 Pricing Requirements for Affordable Housing Units**

The City shall publish, on an annual basis, the 30%, 50%, 80%, and moderate-income household levels, and affordable rents for affordable housing units, adjusted for household size appropriate for the unit.

#### **9.64.110 Income Eligibility Requirements**

A. Only 30%, 50%, 80% and moderate-income households shall be eligible to occupy affordable housing units. The City shall develop a list of income-qualified households. Multiple-unit project applicants shall select households from the City-developed list of income-qualified households.

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.

C. For purposes of this Chapter, income eligibility is based upon the gross income of the household, including the income of all adult wage earners including elderly or disabled family members, and all other sources of household income from adults.

#### **9.64.130 Deed Restrictions**

Prior to issuance of a building permit for a project meeting the requirements of this Chapter by providing affordable units on-site or off-site, the multiple-unit project applicant shall record 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 55 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 multiple-unit project applicants.

**9.64.140 Enforcement**

No building permit or occupancy permit shall be issued, nor any development approval granted, for a project which is not exempt and does not meet the requirements of this Chapter. All affordable housing units shall be rented or owned in accordance with this Chapter.

**9.64.150 Annual Report**

The City Manager or designee, shall submit a report to the City Council on an annual basis which shall contain information concerning the implementation of this Chapter. This report shall also detail the projects that have received Planning approval during the previous year and the manner in which the provisions of this Chapter were satisfied. This report shall further assess whether the provisions of Proposition R have been met and whether changes to this Chapter or its implementation procedures are warranted. In the event the provisions of Proposition R have not been met, the City Council shall take such action as is necessary to ensure that the provisions will be met in the future. This action may include, but not be limited to, amending the provisions of this Chapter or its implementation.

**9.64.160 Principles and Guidelines**

The City Manager, or designee, shall develop guidelines to implement this Chapter, subject to approval of the City Council. The guidelines shall include, but not be limited to, the methodology for the establishment and periodic adjustment of the base fee and the affordable housing unit development cost; for-sale affordable unit requirements, tenant and purchaser eligibility procedures; and additional requirements for exercise of the off-site option and land acquisition option.



#### **9.64.170 Adjustments or Waivers**

A. A multiple-unit 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 multiple-unit 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 obligation 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 Santa Monica Municipal Code Chapter 9.37, Common Procedures, 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.

Approved and adopted this 11<sup>th</sup> day of April, 2023.

DocuSigned by:

*Gleam Davis*

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Gleam Davis, Mayor

State of California           )  
County of Los Angeles       ) ss.  
City of Santa Monica        )

I, Maria Dacanay, Acting City Clerk of the City of Santa Monica, do hereby certify that the foregoing Ordinance No. 2742 (CCS) had its introduction on March 21, 2023 and was adopted at the Santa Monica City Council meeting held on April 11, 2023, by the following vote:

AYES:       Councilmembers Brock, de la Torre, Torosis, Zwick  
              Mayor Davis, Mayor Pro Tem Negrete

NOES:       None

ABSENT:    Councilmember Parra

ATTEST:

DocuSigned by:

*Maria Dacanay*

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Maria Dacanay, Acting City Clerk

4/24/2023

Date

A summary of Ordinance No. 2742 (CCS) was duly published pursuant to California Government Code Section 40806.