

ORDINANCE NUMBER 2520 (CCS)

(City Council Series)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA MONICA MAKING MINOR CLERICAL CHANGES, CORRECTIONS, AND CLARIFICATIONS TO THE CITY'S ZONING ORDINANCE (DIVISIONS 1-5 OF ARTICLE 9 OF THE SANTA MONICA MUNICIPAL CODE) AND TO THE CITY'S LAND USE AND ZONING RELATED PROVISIONS (DIVISION 6 OF ARTICLE 9 OF THE SANTA MONICA MUNICIPAL CODE)

WHEREAS, the City's new Zoning Ordinance, Chapters 9.01 through 9.52 of Article 9 of the Santa Monica Municipal Code ("Zoning Ordinance"), became effective on July 24, 2015; and

WHEREAS, the City's new Land Use and Zoning Related Provisions, Chapters 9.53 through 9.68 of Article 9 of the Santa Monica Municipal Code ("Land Use and Zoning Related Provisions"), also became effective on that date; and

WHEREAS, since that date, staff has become aware of unintentional errors inconsistencies, or omissions that require minor clerical changes, corrections, or clarifications; and

WHEREAS, these proposed changes, corrections, or clarifications generally fall within the following categories: spelling, grammar, and punctuation; section references; formatting and organization; continuity from the prior Zoning Ordinance; and internal consistency within the existing Zoning Ordinance and the Land Use and Zoning Related Provisions; and

WHEREAS, the City Council also directed that staff initiate a text amendment addressing the required market rate bedroom mix for Tier 2 projects; and

WHEREAS, the proposed changes do not alter the policy determinations that the Council made when it adopted the Zoning Ordinance and the Land Use and Zoning Related Provisions and do not substantively alter the standards and regulations in the Zoning Ordinance and the Land Use and Zoning Related Provisions; and

WHEREAS, on February 17, 2016, the Planning Commission adopted Resolution Number 16-001 (PCS) announcing its intent to consider recommending to the City Council that the Council make minor clerical changes, corrections, and clarifications to the City's Zoning Ordinance; and

WHEREAS, on March 16, 2016, the Planning Commission adopted Resolution Number 16-002 (PCS) recommending that the Council make the minor clerical changes, corrections, and clarifications to the City's Zoning Ordinance set forth in Exhibit 1; and

WHEREAS, the Planning Commission did not make a formal recommendation on the changes to the Land Use and Zoning Related Provisions set forth in Exhibit 2 since those provisions are not part of the Zoning Ordinance; and

WHEREAS, for the reasons expressed above and in the May 24, 2016 City Council staff report, these proposed amendments are consistent in principle with the

General Plan and 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 general welfare; and

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

SECTION 1. Santa Monica Municipal Chapter 9.49 Table of Contents is hereby amended to read as follows:

<b>Chapter 9.49 Reasonable Accommodations .....</b>	<b>4.52</b>
9.49.010 Purpose .....	4.52
9.49.020 Applicability.....	4.52
9.49.030 Application Requirements.....	4.52
9.49.040 Review Authority.....	4.53
9.49.050 Review Procedures.....	4.53
9.49.060 Findings and Decision .....	4.53
9.49.070 Appeals.....	4.54
9.49.080 Duration of Reasonable Accommodation .....	4.54

SECTION 2. Santa Monica Municipal Code Table 9.11.020 is hereby amended to read as follows:

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

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

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<i>Use Classification</i>	<i>MUBL (19)</i>	<i>MUB (19)</i>	<i>GC (19)</i>	<i>NC (17)</i>	<i>Additional Regulations</i>
Community Gardens	P	P	P	P	
Cultural Facilities	P	P	P	L (2)/CUP	
Hospitals and Clinics	–	P	CUP	–	
Park and Recreation Facilities, Public	P	P	P	P	
Public Safety Facilities	P	P	P	CUP	
Schools, Public or Private	P	CUP	CUP	P	
Social Service Centers	P	P	P	P	Section 9.31.350, Social Service Centers
<b>Commercial Uses</b>					
Animal Care, Sales, and Services	<i>See sub-classifications below.</i>				
<i>Grooming and Pet Stores</i>	P	P	P	L (2)/CUP	No more than 10 dogs or cats may be kept overnight
<i>Pet Day Care Services</i>	MUP	MUP	MUP	MUP	
<i>Veterinary Services</i>	MUP	MUP	MUP	MUP	
Automobile/Vehicle Sales and Service	<i>See sub-classifications below.</i>				
<i>Alternative Fuels and Recharging Facilities</i>	CUP	CUP	CUP	CUP	
<i>Automobile Rental</i>	CUP	MUP	MUP	–	Section 9.31.050, Automobile Rental
<i>Automobile Storage Use</i>	L (4)/CUP	–	–	–	
<i>New Automobile/Vehicle Sales and Leasing</i>	–	–	CUP (6)	–	Section 9.31.070, Automobile/Vehicle Sales, Leasing, and Storage
<i>Additions 7,500 square feet or less to Automobile/Vehicle Sales and Leasing buildings existing as of 07/06/2010</i>	L (5)/MUP	L (5)/MUP	L (5)/MUP	–	Section 9.31.070, Automobile/Vehicle Sales, Leasing, and Storage
<i>Additions larger than 7,500 square feet to Automobile/Vehicle Sales and Leasing buildings existing as of 07/06/2010</i>	CUP (5)	CUP (5)	CUP (5)	–	Section 9.31.070, Automobile/Vehicle Sales, Leasing, and Storage
<i>Automobile/Vehicle Repair, Major</i>	–	–	CUP	–	Section 9.31.060, Automobile/Vehicle Repair, Major and Minor
<i>Automobile/Vehicle Service and Repair, Minor</i>	CUP	–	CUP	–	Section 9.31.060, Automobile/Vehicle Repair, Major and Minor
<i>Automobile/Vehicle Washing</i>	–	–	CUP	–	Section 9.31.080, Automobile/Vehicle Washing
<i>Service Station</i>	CUP	CUP	MUP	–	Section 9.31.320, Service Stations
<i>Towing and Impound</i>	–	–	CUP	–	

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

<i>Use Classification</i>	<i>MUBL (19)</i>	<i>MUB (19)</i>	<i>GC (19)</i>	<i>NC (17)</i>	<i>Additional Regulations</i>
Banks and Financial Institutions	<i>See sub-classifications below.</i>				
<i>Banks and Credit Unions</i>	L (2)/CUP	L (2)/CUP	L (2)/CUP	L (2)/CUP	
<i>Check Cashing Businesses</i>	-	-	-	-	
Business Services	P	P	P	L (2)/CUP	
Commercial Entertainment and Recreation	<i>See sub-classifications below.</i>				
<i>Cinemas</i>	L (7)	-	-	L (7)	
<i>Theaters</i>	L (8)/CUP	L (8)/CUP	L (8)/CUP	L (8)/CUP	
<i>Convention and Conference Centers</i>	-	CUP	CUP	-	
<i>Large-Scale Facility</i>	CUP	CUP	CUP	-	
<i>Small-Scale Facility</i>	L (9)/CUP	L (9)/CUP	L (9)/CUP	CUP (16)	Section 9.31.340, Small-Scale Facility, Game Arcades
Eating and Drinking Establishments	<i>See sub-classifications below.</i>				
<i>Bars/Nightclubs/Lounges</i>	CUP	CUP	CUP	-	Section 9.31.040, Alcoholic Beverage Sales
<i>Restaurants, Full-Service, Limited Service &amp; Take-out, (2,500 square feet and smaller, including Outdoor Dining and Seating)</i>	P	P	P	L (10)(11)	Section 9.31.040, Alcoholic Beverage Sales Section 9.31.280, Restaurants, Limited Service and Take-Out Only Section 9.31.290, Restaurants With Entertainment Section 9.31.200, Outdoor Dining and Seating
<i>Restaurants, Full-Service, Limited Service &amp; Take-out, (2,501 – 5,000 square feet, including Outdoor Dining and Seating)</i>	MUP	MUP	MUP	MUP (10)(11)	Section 9.31.040, Alcoholic Beverage Sales Section 9.31.280, Restaurants, Limited Service and Take-Out Only Section 9.31.290, Restaurants With Entertainment Section 9.31.200, Outdoor Dining and Seating
<i>Restaurants, Full-Service, Limited Service &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
Equipment Rental	-	P	P	-	
Food and Beverage Sales	<i>See sub-classifications below.</i>				

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<i>Use Classification</i>	<i>MUBL (19)</i>	<i>MUB (19)</i>	<i>GC (19)</i>	<i>NC (17)</i>	<i>Additional Regulations</i>
<i>Convenience Market</i>	CUP	CUP	CUP	CUP	Section 9.31.040, Alcoholic Beverage Sales
<i>Farmers Markets</i>	CUP	CUP	CUP	CUP	
<i>General Market</i>	L (12)/ CUP	L (12)/ CUP	L (12)/ CUP	L (12)/ CUP	Section 9.31.040, Alcoholic Beverage Sales
<i>Liquor Stores</i>	CUP	CUP	CUP	CUP	Section 9.31.040, Alcoholic Beverage Sales
Funeral Parlors and Mortuaries	–	CUP	CUP	–	
Instructional Services	P	P	P	P	
Live-Work	L (14)	L (14)	L (14)	L (14)	Section 9.31.170, Live-Work
Lodging	<i>See sub-classifications below.</i>				
<i>Bed and Breakfast</i>	MUP	MUP	MUP	MUP	Section 9.31.090, Bed and Breakfasts
<i>Hotels and Motels</i>	CUP	CUP	CUP	–	
Maintenance and Repair Services	P	P	P	L (2)/CUP	
Nurseries and Garden Centers	P	P	P	P	Section 9.31.220, Outdoor Retail Display and Sales
Offices	<i>See sub-classifications below.</i>				
<i>Business and Professional</i>	L (21)/ CUP	L (21)/ CUP	L (21)/ CUP	L (21)/ CUP	
<i>Creative</i>	L (21)/ CUP	L (21)/ CUP	L (21)/ CUP	L (21)/ CUP	
<i>Medical and Dental</i>	L (21)/ CUP	L (21)/ CUP	L (21)/ CUP	L (21)/ CUP	
<i>Walk-In Clientele</i>	L (21)/ CUP	L (21)/ CUP	L (21)/ CUP	L (21)/ CUP	
Outdoor Newsstands	MUP	MUP	MUP	MUP	Section 9.31.210, Outdoor Newsstands
Parking, Public or Private	CUP	CUP	CUP	CUP	
Personal Services	<i>See sub-classifications below.</i>				
<i>General Personal Services</i>	P	P	P	L (2)/CUP	Section 9.31.230, Personal Service
<i>Personal Services, Physical Training</i>	L (20)	L (20)	L (20)	L (2)(20)/ CUP	
<i>Tattoo or Body Modification Parlor</i>	MUP	MUP	MUP	MUP	Section 9.31.230, Personal Service
Retail Sales	<i>See sub-classifications below.</i>				
<i>Building Materials Sales and Services</i>	–	–	CUP	–	Section 9.31.220, Outdoor Retail Display and Sales

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<i>General Retail Sales, Small-scale</i>	P	P	P	L (2)/CUP	Section 9.31.220, Outdoor Retail Display and Sales
<i>General Retail Sales, Medium-scale</i>	CUP	CUP	P	–	Section 9.31.220, Outdoor Retail Display and Sales
<i>General Retail Sales, Large-scale</i>	–	–	CUP	–	Section 9.31.220, Outdoor Retail Display and Sales
<i>Medical Marijuana Dispensaries</i>	CUP (15)	CUP (15)	CUP (15)	–	Section 9.31.185, Medical Marijuana Dispensaries
<i>Pawn Shops</i>	–	–	–	–	
<i>Swap Meets</i>	–	–	CUP	–	Section 9.31.360, Swap Meets
<b>Industrial Uses</b>					
Artist's Studio	P	P	P	P	
Commercial Kitchens	–	–	CUP	–	
Media Production	<i>See sub-classifications below.</i>				
<i>Support Facilities</i>	L (21)/CUP	L (21)/CUP	L (21)/CUP	L (21)/CUP	
<b>Transportation, Communication, and Utilities Uses</b>					
Bus/Rail Passenger Stations	P	P	P	P	
City Bikeshare Facility	P	P	P	P	
Communication Facilities	<i>See sub-classifications below.</i>				
<i>Antennas and Transmission Towers</i>	–	–	CUP	–	
<i>Equipment within Buildings</i>	–	–	P	–	
Light Fleet-Based Services	–	–	CUP	–	
Utilities, Major	–	L (13)	L (13)	–	
Utilities, Minor	P	P	P	P	
<b>Specific Limitations:</b>					
(1)	Reserved				
(2)	Limited to facilities with no more than 7,500 square feet of floor area and/or 40 linear feet of ground floor street frontage; greater area and/or width requires approval of a Conditional Use Permit.				
(3)	Limited to shelters containing less than 55 beds; Conditional Use Permit required for emergency shelters with 55 or more beds.				
(4)	Limited to automobile storage use associated with existing automobile dealerships selling new vehicles; otherwise, requires Conditional Use Permit.				
(5)	Auto dealerships existing as of July 6, 2010 are considered permitted uses. Expansions to existing dealerships conforming to the Urban Auto Dealership Format standards in Section 9.31.070, Automobile/Vehicle Sales, Leasing, and Storage are permitted. Expansions to existing dealerships that do not conform to the Urban Auto Dealership Format standards shall require a MUP or CUP.				
(6)	New auto dealerships may be allowed, subject to approval of a Conditional Use Permit, only on sites with frontage on Santa Monica Boulevard between Lincoln Boulevard and 20 <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.				

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

<i>Use Classification</i>	<i>MUBL (19)</i>	<i>MUB (19)</i>	<i>GC (19)</i>	<i>NC (17)</i>	<i>Additional Regulations</i>
(10)	Limited to restaurants with 50 or fewer seats.				
(11)	<p>Limited to 2 restaurants greater than 2,500 square feet per block along Main Street. A block is defined as both sides of Main Street and the adjacent sides of adjoining side streets. Portions of Main Street to be designated a "block" for the purpose of this Section are as follows:</p> <p>Block 1: South City Limits to Marine Street.            Block 2: Marine Street to Pier Avenue.            Block 3: Pier Avenue to Ashland Avenue.            Block 4: Ashland Avenue to Hill.            Block 5: Hill to Ocean Park Boulevard.            Block 6: Ocean Park Boulevard to Hollister Avenue (total of four restaurants and bars permitted in this block).            Block 7: Hollister Avenue to Strand.            Block 8: Strand to Pacific.            Block 9: Pacific to Bicknell.            Block 10: Bicknell to Bay.            Block 11: Bay to Pico Boulevard</p> <p>North of Ocean Park Boulevard restaurants shall be subject to the following requirements:</p> <ul style="list-style-type: none"> <li>• Only one restaurant on the east side of each block shall be permitted</li> <li>• No more than two hundred seats per each block shall be permitted, except that no more than four hundred seats shall be permitted in Block 6</li> </ul> <p>On-sale alcohol outlets may not exceed twelve in number north of Ocean Park Boulevard. Of the twelve total on-sale outlets, no more than five shall have on-sale general licenses.</p> <p>Bars may not exceed four in number south of Ocean Park Boulevard, nor two in number north of Ocean Park Boulevard.</p> <p>Existing uses and existing number of seats shall count toward the total number of bars and restaurants and seating requirements permitted within the district.</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 ft. of floor area.				
(13)	Limited to electric distribution substations.				
(14)	If the commercial use requires a MUP or CUP, an application shall be required in accordance with Chapter 9.41. Even if the commercial use would otherwise be permitted, no such use shall be approved where, given the design or proposed design of the Live-Work unit, there would be the potential for adverse health impacts from the proposed use on the people residing in the unit. An example of a potential health impact is the potential for food contamination from uses that generate airborne particulates in a unit with an unenclosed kitchen.				
(15)	<p>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>				
(16)	Limited to facilities of no more than 3,000 square feet of floor area.				
(17)	No individual tenant space in the NC District shall occupy more than 7,500 square feet of floor area and/or exceed 50 linear feet of ground floor street frontage without the approval of a Conditional Use Permit.				
(18)	Any community assembly facility abutting a residential district shall require a Conditional Use Permit.				
(19)	No individual tenant space in the MUBL, MUB, and GC Districts shall occupy more than 12,500 square feet of floor area and/or exceed 75 linear feet of ground floor street frontage without the approval of a Conditional Use Permit.				
(20)	Youth-serving Personal Services, Physical Training requires review and approval of a passenger loading and drop-off plan by the Director.				
(21)	Permitted if within buildings existing as of the date this Ordinance is effective, subject to the Active Use Requirement. 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.				

SECTION 3. Santa Monica Municipal Code 9.21.140 is hereby amended to read as follows:

**9.21.140 Screening**

**A. Screening of Mechanical and Electrical Equipment.** All exterior mechanical and electrical equipment shall be screened on all vertical sides at least to the height of the equipment it is screening and incorporated into the design of buildings to the maximum extent feasible. Equipment to be screened includes, but is not limited to, all roof-mounted equipment, air conditioners, heaters, utility meters, cable equipment, telephone entry boxes, backflow preventions, irrigation control valves, electrical transformers, pull boxes, and all ducting for air conditioning, heating, and blower systems. Screening materials may include landscaping or other materials that shall be consistent with the exterior colors and materials of the building. Solar energy systems are exempt from this screening requirement. The Architectural Review Board or Landmarks Commission may reduce the height of the required screening based on the placement of the equipment on the roof, the existing height of the subject building and surrounding buildings, and the overall visibility of the equipment.

**B. Screening of Nonresidential Uses.** Wherever any building or structure is erected or enlarged on any parcel that contains any Commercial, Industrial, Public or Semi-Public use (except Cemetery, Community Garden, Day Care Center, or Public Park), or a

Transportation, Communication and Utilities use, and abuts a Residential District, a solid decorative wall shall be erected and maintained along the parcel line abutting the Residential District. Such screening wall shall be at least 6 feet in height. Such screening wall shall be provided at the time of new construction or expansion of buildings by more than 10 percent of floor area, or changes from one use classification to another non-residential use classification.

1. **Location.** Screening walls shall follow the parcel line of the parcel to be screened, or shall be so arranged within the boundaries of the parcel so as to substantially hide from adjoining properties the building, facility, or activity required to be screened.

2. **Materials.** Industrial uses must provide a solid screening wall of stucco, decorative block, or concrete panel. Screening walls for other uses may be constructed of stucco, decorative block, concrete panel, wood or other substantially equivalent material. Chain-link fencing does not fulfill the screening wall requirement.

3. **Maintenance.** Screening walls shall be maintained in good repair, including painting, if required, and shall be kept free of litter or advertising. Where hedges are used as screening, trimming or pruning shall be employed as necessary to maintain the maximum allowed height.

SECTION 4. Santa Monica Municipal Code Section 9.01.050 is hereby amended to read as follows:

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

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

- |     |                        |  |
|-----|------------------------|--|
| 1.  | Section 9.07.020       | Bed and Breakfast within Designated Landmarks in R1 Only             |
| 2.  | Section 9.08.020       | Bed and Breakfast within Designated Landmarks in R2, R3, and R4 Only |
| 3.  | Section 9.09.020       | Bed and Breakfast within Designated Landmarks in OP Only             |
| 4.  | Section 9.14.020       | Bed and Breakfast within Designated Landmarks in OF Only             |
| 5.  | Section 9.25.030       | Demolition Defined   |
| 6.  | Section 9.25.040       | Requirements for Approval of Demolition Permit                       |
| 7.  | Section 9.27.030(C)    | Replacing Nonconforming Features or Portions of Buildings            |
| 8.  | Section 9.27.030(F)(1) | Demolition and Rebuilding  |
| 9.  | Section 9.27.040(A)    | Damaged Structure Restoration Application                            |
| 10. | Section 9.27.050(B)(5) | Abandonment  |
| 11. | Section 9.28.180(B)    | Reduction of Required Parking  |
| 12. | Chapter 9.33           | Historic Resource Disclosure   |
| 13. | Section 9.42.040       | Required Findings for Variances                                      |
| 14. | Chapter 9.43           | Modification and Waivers   |
| 15. | Section 9.48.050       | Unauthorized Demolition of Historic Resources                        |
| 16. | Section 9.52.020       | Definition of Attic  |

- 17. Section 9.52.020 Definition of City-Designated Contributing Building or Structure
- 18. Section 9.52.020 Definition of City-Designated Historic Resource
- 19. Section 9.52.020 Definition of City-Designated Landmark
- 20. Section 9.52.020 Definition of City-Designated Structure of Merit
- 21. Section 9.52.020 Definition of Historic Resource
- 22. Section 9.52.020 Definition of Historic Resources Inventory
- 23. Section 9.52.020 Definition of State Historical Building Code

SECTION 5. Santa Monica Municipal Code Table 9.08.030 is hereby amended

to read as follows:

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

<b>TABLE 9.08.030: DEVELOPMENT STANDARDS—MULTI-UNIT RESIDENTIAL DISTRICTS</b>				
<i>Standard</i> <i>* for development standards within specified areas, see 9.08.030(A)</i>	<i>R2 *</i>	<i>R3 *</i>	<i>R4</i>	<i>Additional Regulations</i>
<i>Tier 2—With Provision of Community Benefits</i>	NA	40. See (B)	45. See (B)	Chapter 9.23, Community Benefits
<i>100% Affordable Housing Projects</i>	30. See (B)	40. See (B)	45. See (B)	
<b>Maximum Parcel Coverage</b>				
<i>Ground Floor</i>	45	50	50	
<i>Upper Stories (% of allowable ground floor coverage)</i>	90 - 2 <sup>nd</sup> flr.	90 - 2 <sup>nd</sup> /3 <sup>rd</sup> flr.	80 - 2 <sup>nd</sup> flr. 60 - 3 <sup>rd</sup> flr. 50 - 4 <sup>th</sup> flr.	
<i>Additional Stories Authorized for 100% Affordable Housing Projects (% of ground floor coverage)</i>	90	90	50	
<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	
<b>Parking</b>	See Sections 9.28.070, Location of Parking and 9.28.120, Parking Design and Development Standards			
<b>Transition Requirements Adjacent to R1 District</b>	See (D)	See (D)	See (D)	
<b>Open Space &amp; Landscaping</b>				
<b>Minimum Outdoor Living Area per Unit (sq. ft.)—Sites with Three or More Units</b>				Section 9.21.090, Outdoor Living Area
<i>Private</i>	60	60	60	
<i>Total</i>	150	150	100	
<b>Courtyards—Parcels over 99 feet in width</b>	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)	
<b>Minimum Planting Area (% of parcel area)</b>	30. See (G)	25. See (G)	20. See (G)	Chapter 9.26, Landscaping

<b>TABLE 9.08.030: DEVELOPMENT STANDARDS—MULTI-UNIT RESIDENTIAL DISTRICTS</b>				
<i>Standard</i>	<i>R2 *</i>	<i>R3 *</i>	<i>R4</i>	<i>Additional Regulations</i>
<i>* for development standards within specified areas, see 9.08.030(A)</i>				
<b>Additional Standards</b>				
Accessory Structures	Section 9.21.020, Accessory Buildings and Structures			
Exceptions to Height Limits	Section 9.21.060, Height Exceptions			
Fences and Walls	Section 9.21.050, Fences , Walls, and Hedges			
Home Occupation	Section 9.31.160, Home Occupation			
Landscaping	Chapter 9.26, Landscaping			
Lighting	Section 9.21.080, Lighting			
Off-Street Parking and Loading	Chapter 9.28, Parking , Loading, and Circulation			
Projections into Required Setbacks	Section 9.21.110, Projections into Required Setbacks			
Screening	Section 9.21.140, Screening			
Signs	Chapter 9.61, Signs			
Solar Energy Systems	Section 9.21.150, Solar Energy Systems			
Refuse and Recycling Screening and Enclosure	Section 9.21.130, Resource Recovery and Recycling Standards			

SECTION 6. Santa Monica Municipal Code Table 9.09.030 is hereby amended to read as follows:

<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	
Minimum Parcel Area (sq. ft.) per Unit						
<i>Tier 1—Base Standard</i>	N/A	2 units per parcel	2,000	1,500	1,250	See (A)

**TABLE 9.09.030: DEVELOPMENT STANDARDS—OCEAN PARK NEIGHBORHOOD DISTRICTS**

<i>Standard</i>	<i>OP1</i>	<i>OPD</i>	<i>OP2</i>	<i>OP3</i>	<i>OP4</i>	<i>Additional Regulations</i>
<b>Building Form and Location</b>						
Maximum Number of Stories						
<i>Tier 1—Base Standard</i>	2	2	2 See (B)	2	3	
<i>100% Affordable Housing Projects</i>	2	No limit to stories.	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>Tier 1—Base Standard</i>	50	50	50	50	50	55% for parcels less than 35 ft. in width in OP1
<i>100% Affordable Housing Projects</i>	60	60	60	60	60	
Minimum Setbacks (ft.)						
<i>Front</i>	15 [10, if average of adjacent dwelling(s) is 10 ft. or less]	30 measured from the centerline of the walkway	20 [15, if average of adjacent dwelling(s) is 10 ft. or less]	20 [10, if average of adjacent dwelling(s) is 10 ft. or less]	15 [10, if average of adjacent dwelling(s) is 10 ft. or less]	Except for OPD, a one-story covered or uncovered porch open on three sides may encroach six feet into the required front setback if the roof does not exceed a height of 14 feet and the porch width does not exceed 40% of the building width at the front of the building.
<i>Side—Blank walls and walls containing secondary windows on parcels less than 50 ft. in width</i>	Greater of 4 ft. or 10% of parcel width					3 feet for parcels less than 35 ft. in width in OP1
<i>Side—Blank walls and walls containing secondary windows on parcels 50 ft. or more in width</i>	See formula in. See (C)					
<i>Side—Walls containing primary windows on parcels less than 50 ft. in width</i>	8 ft. setback from property line. 12 ft. of separation must be maintained between primary window and any adjacent structures					3 feet for parcels less than 35 ft. in width in OP1

<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>
<i>Side—Walls containing primary windows on parcels 50 ft. or more in width</i>	12 ft. See (C)					
<i>Street side--Parcels less than 50 ft. in width</i>	Greater of 4 ft. or 10% of parcel width	See formula in (C)				3 feet for parcels less than 35 ft. in width in OP1
<i>Street Side –Parcels 50 ft. or more in width</i>	See (C)	10 ft. See (C)				
<i>Rear</i>	10	15	15	15	15	
Parking	See Sections 9.28.070, Location of Parking and 9.28.120, Parking Design and Development Standards					
Minimum Spacing between Buildings (ft.) – <i>Buildings facing each other on the same lot</i>	–	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.
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 Structures	Section 9.21.020, Accessory Buildings and Structures					
Exceptions to Height Limits	Section 9.21.060, Height Exceptions					
Fences and Walls	Section 9.21.050, Fences, Walls, and Hedges					
Home Occupation	Section 9.31.160, Home Occupation					
Landscaping	Section 9.09.030 (G), Chapter 9.26, Landscaping					
Lighting	Section 9.21.080, Lighting					
Off-Street Parking and Loading	Chapter 9.28, Parking , Loading, and Circulation					

<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>
Projections into Required Setbacks	Section 9.21.110, Projections into Required Setbacks					
Screening	Section 9.21.140, Screening					
Solar Energy Systems	Section 9.21.150, Solar Energy Systems					
Trash Screening and Enclosure	Section 9.21.130, Resource Recovery and Recycling Standards					

SECTION 7. Santa Monica Municipal Code Section 9.11.030 and Table 9.11.030 are hereby amended to read as follows:

### **9.11.030 Development Standards**

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

<b>TABLE 9.11.030: DEVELOPMENT STANDARDS—COMMERCIAL AND MIXED-USE CORRIDOR 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 Street)</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 See (E)	5,000	
Minimum Parcel Width (ft.)	50	50	50	50	50	50	50	

**TABLE 9.11.030: DEVELOPMENT STANDARDS—COMMERCIAL AND MIXED-USE CORRIDOR DISTRICTS**

<i>Standard</i>	<i>MUBL</i>	<i>MUB</i>	<i>GC (Santa Monica Blvd)</i>	<i>GC (Lincoln &amp; Pico Blvds)</i>	<i>NC</i>	<i>NC (Main Street)</i>	<i>NC (Ocean Park Blvd &amp; Montana Ave)</i>	<i>Additional Regulations</i>
Minimum Parcel Depth (ft.)	150	150	150	150	100	100	100	
Maximum FAR								Section 9.04.080, Determining FAR
<i>Tier 1—Base Standard</i>	1.25	1.25	1.0	1.25	1.25	0.75	0.75	
<i>Tier 1—Projects Including On-Site Affordable Housing In Compliance with AHPP</i>	1.5	1.5	1.25	1.5	1.5	1.0	1.0	Chapter 9.64, Affordable Housing Production Program
<i>Tier 2—With Provision of Community Benefits</i>	1.75	2.25	1.5	1.75 (2.0 if on-site affordable housing provided)	NA	NA	NA	Chapter 9.23, Community Benefits
<i>100% Affordable Housing Projects</i>	2.0	2.75	1.5	2.0	1.75; 2.0, on Pico Blvd only	1.25	1.25	Chapter 9.64, Affordable Housing Production Program
<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

**TABLE 9.11.030: DEVELOPMENT STANDARDS—COMMERCIAL AND MIXED-USE CORRIDOR DISTRICTS**

<i>Standard</i>	<i>MUBL</i>	<i>MUB</i>	<i>GC (Santa Monica Blvd)</i>	<i>GC (Lincoln &amp; Pico Blvds)</i>	<i>NC</i>	<i>NC (Main Street)</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/3 6'	No limit to stories/50'	No limit to stories/3 5'	No limit to stories/32' (36' if on- site affordable housing provided)	NA	NA	NA	Chapter 9.23, Community Benefits
<i>100% Affordable Housing Projects</i>	No limit to stories/4 7'	No limit to stories/ 55'	No limit to stories/3 5'	No limit to stories/ 40'	No limit to stories/ 32'; 40', on Pico Blvd only	No limit to stories/ 32'	No limit to stories /32'	Chapter 9.64, Affordable Housing Production Program
Minimum First Story Street Wall Height	15'	15'	15'	15'	15'	15'	15'	
Maximum First Story Street Wall Height	20'	20'	20'	20'	20'	20'	20'	
Maximum Building Footprint (sq. ft.)								
<i>Tier 1</i>	25,000	25,000	25,000	15,000	10,000	10,000	10,000	
<i>Tier 2—With Provision of Community Benefits</i>	35,000	35,000	35,000	20,000	15,000	15,000	15,000	
Setbacks								
<i>Minimum Interior Side and Rear— Adjacent to Residential District</i>	10	10	10	10	10	10 See (E)	10	
Parking	See Sections 9.28.070, Location of Parking and 9.28.120, Parking Design and Development Standards							

**TABLE 9.11.030: DEVELOPMENT STANDARDS—COMMERCIAL AND MIXED-USE CORRIDOR DISTRICTS**

<i>Standard</i>	<i>MUBL</i>	<i>MUB</i>	<i>GC (Santa Monica Blvd)</i>	<i>GC (Lincoln &amp; Pico Blvds)</i>	<i>NC</i>	<i>NC (Main Street)</i>	<i>NC (Ocean Park Blvd &amp; Montana Ave)</i>	<i>Additional Regulations</i>
Active Commercial Design	See (A)	See (A)	See (A)	See (A)	See (A)	See (A)	See (A)	
Pedestrian Oriented Design	See (B)	See (B)	See (B)	See (B)	See (B)	See (B)	See (B)	
Build-to-Line, Nonresidential Uses	See (C)	See (C)	See (C)	See (C)	See (C)	See (C)	See (C)	
Minimum Upper-Story Stepbacks (ft.)—Required Above Maximum First Story Street Wall Height								
<i>Street-Facing Façades</i>	5' average	5' average	5' average	5' average	5' average	5' average	5' average	
Daylight Plane Adjacent to Residential District—Interior Side and Rear Setbacks	See (D)	See (D)	See (D)	See (D)	See (D)	See (D)	See (D)	Section 9.21.060, Height Exceptions
<b>Standards for Residential Uses</b>								
Minimum Outdoor Living Area (sq. ft./unit)—Sites with Three or More Units	100	100	100	100	100	100	100	Section 9.21.090, Outdoor Living Area
<i>Minimum Amount Provided as Private Outdoor Living Area (sq. ft./unit)</i>	60	60	60	60	60	60	60	Section 9.21.090, Outdoor Living Area
<b>Additional Standards</b>								
Accessory Food Service	Section 9.31.030, Accessory Food Service							
Accessory Structures	Section 9.21.020, Accessory Buildings and Structures							
Automobile/Vehicle Sales, Leasing, and Storage	Section 9.31.070, Automobile/Vehicle Sales, Leasing, and Storage							
Exceptions to Height Limits	Section 9.21.060, Height Exceptions							

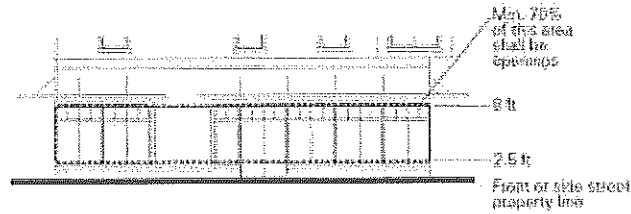
<b>TABLE 9.11.030: DEVELOPMENT STANDARDS—COMMERCIAL AND MIXED-USE CORRIDOR DISTRICTS</b>								
<i>Standard</i>	<i>MUBL</i>	<i>MUB</i>	<i>GC (Santa Monica Blvd)</i>	<i>GC (Lincoln &amp; Pico Blvds)</i>	<i>NC</i>	<i>NC (Main Street)</i>	<i>NC (Ocean Park Blvd &amp; Montana Ave)</i>	<i>Additional Regulations</i>
Fences and Walls	Section 9.21.050, Fences, Walls, and Hedges							
Home Occupation	Section 9.31.160, Home Occupation							
Landscaping and Street Trees	Subsection 9.11.030(F), Chapter 9.26, Landscaping							
Lighting	Section 9.21.080, Lighting							
Off-Street Parking and Loading	Chapter 9.28, Parking , Loading, and Circulation							
Projections into Required Setbacks	Section 9.21.110, Projections into Required Setbacks							
Signs	Chapter 9.61, Signs							
Screening	Section 9.21.140, Screening							
Solar Energy Systems	Section 9.21.150, Solar Energy Systems							
Refuse and Recycling Screening and Enclosure	Section 9.21.130, Resource Recovery and Recycling Standards							

A. **Active Commercial Design.** The ground-floor street frontage of buildings on commercial boulevards shall be designed to accommodate commercial uses and activities, subject to the following:

1. A minimum average depth of 40 feet, but in no case less than 25 feet, for a minimum of 60% of the ground-floor frontage.

2. **Minimum Floor-to-Floor Heights.**
  - a. 15 feet in all districts.
  - b. Loft spaces built within this area shall not exceed 30% of the total floor area of the space consistent with the definition of mezzanine.
  
3. A minimum of 70% of the façade facing a commercial street shall be transparent and include windows, doors, and other openings between 2.5 and 8 feet above finished grade. Openings fulfilling this requirement shall have transparent glazing or openings that provide views into work areas, display areas, sales areas, lobbies, or similar active spaces, or into window displaying merchandise or other items other than signs that are at least 3 feet deep. This requirement may be modified by the Architectural Review Board if it can be demonstrated that the fulfillment of this requirement materially interferes with the project's ability to meet the requirements of Municipal Code Chapter 8.36 – The Energy Code.

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



4. A minimum of one pedestrian entrance facing the commercial street.

5. **Active Use Requirement.**

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

- i. Cultural Facilities;
- ii. Food and Beverage Sales;
- iii. Eating and Drinking Establishments;
- iv. Grooming and Pet Stores;
- v. Banks and Credit Unions;
- vi. Business Services;

- vii. Commercial Entertainment, Recreation, and Instructional Services;
  - viii. General Personal Services and Personal Physical Training;
  - ix. General Retail Sales; and
  - x. Childcare Facilities
- b. In other commercial districts, the following uses and use categories are prohibited within these active commercial designed areas:
- i. Residential; and
  - ii. Offices, with the following exceptions:
    - (1) Creative Offices or Offices with Walk-In Clientele; and
    - (2) Offices within a structure that was designed, approved, and continuously used with office at the ground level, facing the street.
6. 100% Affordable Housing Projects are exempt from the provision of subsection (A) except that 100% Affordable

Housing Projects in the Neighborhood Commercial District shall be subject to subsection (A)(2).

**B. Pedestrian-Oriented Design.**

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

2. New development shall incorporate the following design elements into the street-facing façades at the ground floor level:

a. Articulated façades at the ground floor street frontage, which may include, but not necessarily require, such measures as indentation in plane, change of materials in a complimentary manner, sensitive composition and juxtaposition of openings and solid wall and/or building frame and projecting elements such as awnings and marquees to provide shade and shelter;

b. Exterior lighting which provides for a secure nighttime pedestrian environment by reinforcing entrances, public sidewalks and open areas with a safe level of illumination which avoids off-site glare;

3. Residential uses at the ground floor street frontage shall incorporate planted areas, porches, front stairs and/or other elements that contribute to a pedestrian environment. Pedestrian-oriented design

elements may also include street furniture or other seating surfaces on private property and design amenities scaled to the pedestrian such as awnings, drinking fountains, paseos, arcades, colonnades, plazas, noncommercial community bulletin boards, public or private art and alternative paving materials in areas of pedestrian access.

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

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

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

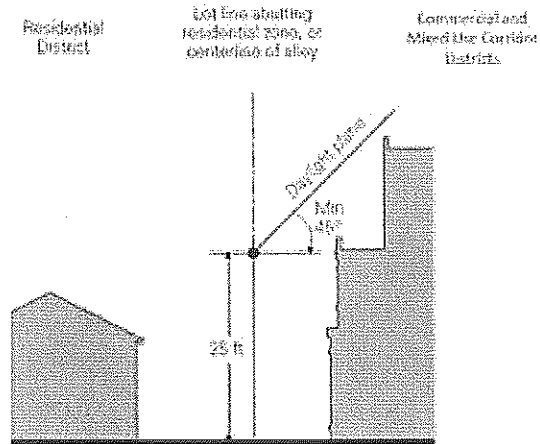
1. An alternative configuration can be approved based on the findings in 9.43, Modifications and Waivers, and the objectives of the Design Guidelines; and

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

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

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

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



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

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

2. **Use of Roof in Rear Yard.** No portion of the first-floor roof within fifteen feet of the rear property line may be used for any purpose other than access for building maintenance and repair. The remaining setback area may be privately used (not open to the public) if enclosed with a solid six-foot barrier.

3. **Consolidation of Parcels.** Parcels shall not be consolidated nor shall parcels be tied if such consolidation or parcel tie results in a parcel that exceeds 6,000 square feet in size.

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

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

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

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

SECTION 8. Santa Monica Municipal Code Table 9.13.030 is hereby amended to read as follows:

<b>TABLE 9.13.030: DEVELOPMENT STANDARDS—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
<i>100% Affordable Housing Projects</i>	2.25	NA	2.5	Limited to 50 or fewer units
<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	
<i>100% Affordable Housing Projects</i>	No limit to stories/45	NA	No limit to stories/70	Limited to 50 or fewer units
Minimum Setbacks (ft.)				
<i>Front and Corner Side</i>	None	None	None	
<i>Interior Side and Rear Adjacent to a Residential District</i>	15. See (B)	15. See (B)	15. See (B)	
Parking	See Sections 9.28.070, Location of Parking and 9.28.120, Parking Design and Development Standards			
Minimum Ground-Floor (floor-to-floor) Height (ft.)	12	12	NA	
Minimum First Story Street Wall Height for Frontages on a Boulevard (ft.)	12	12	NA	
Maximum First Story Street Wall Height for Frontages on a Boulevard (ft.)	20	20	NA	
Minimum Upper-Story Stepbacks (ft.)—Required Above Maximum First Story Street Wall Height				
<i>Street-Facing Façades</i>	5' average	5' average	5' average	
Daylight Plane Adjacent to Residential District—Interior Side and Rear Setbacks	See (C)	See (C)	See (C)	
<b>Additional Standards</b>				
Accessory Food Service	Section 9.31.030, Accessory Food Service			
Accessory Structures	Section 9.21.020, Accessory Buildings and Structures			

<b>TABLE 9.13.030: DEVELOPMENT STANDARDS—EMPLOYMENT DISTRICTS</b>				
<i>Standard</i>	<i>IC</i>	<i>OC*</i>	<i>HMU</i>	<i>Additional Regulations</i>
Exceptions to Height Limits	Section 9.21.060, Height Exceptions			
Fences and Walls	Section 9.21.050, Fences , Walls, and Hedges			
Home Occupation	Section 9.31.160, Home Occupation			
Landscaping	Subsection 9.13.030 (D), Chapter 9.26, Landscaping			
Lighting	Section 9.21.080, Lighting			
Off-Street Parking and Loading	Chapter 9.28, Parking , Loading, and Circulation			
Parking Structures and Areas	Chapter 9.28, Parking, Loading, and Circulation			
Projections into Required Setbacks	Section 9.21.110, Projections into Required Setbacks			
Signs	Chapter 9.61, Signs			
Screening	Section 9.21.140, Screening			
Solar Energy Systems	Section 9.21.150, Solar Energy Systems			
Refuse and Recycling Screening and Enclosure	Section 9.21.130, Resource Recovery and Recycling Standards			
* In those portions of the OC Districts adjacent to Ocean Park Boulevard, development of additional floor area that requires discretionary approval shall only be permitted after completion of a specific plan.				

SECTION 9. Santa Monica Municipal Code Section 9.07.030 and Table 9.07.030 are hereby amended as follows:

### **9.07.030 Development Standards**

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

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

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

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

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

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

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

<b>TABLE 9.07.030: DEVELOPMENT STANDARDS—RI SINGLE-UNIT RESIDENTIAL DISTRICTS</b>					
<i>Standard</i>	<i>General Standard</i>	<i>North of Montana</i>	<i>Sunset Park/North of Wilshire</i>	<i>Expo/Pico</i>	<i>Additional Standards</i>

<b>TABLE 9.07.030: DEVELOPMENT STANDARDS – R1 SINGLE-UNIT RESIDENTIAL DISTRICTS</b>					
<i>Standard</i>	<i>General Standard</i>	<i>North of Montana</i>	<i>Sunset Park/North of Wilshire</i>	<i>Expo/Pico</i>	<i>Additional Standards</i>
<b>Parcel and Density Standards</b>					
Minimum Parcel Area (sq. ft.)	5,000	GS	GS	GS	
Maximum Parcel Area (sq. ft.)	See 9.21.030(B)	GS	GS	GS	
Minimum Parcel Width (ft.)	50	50 ft.; 100 ft. in specific subarea. See (A)	GS	GS	
Minimum Parcel Depth (ft.)	100	100 ft.; 175 ft. in specific subarea. See (A)	GS	GS	
Maximum Residential Density	1 unit per parcel plus 1 second dwelling unit subject to Section 9.31.300. A duplex may be permitted with MUP as provided in Table 9.07.020.	GS	GS	GS	
Maximum Parcel Coverage (% of Parcel Area)	35%; 50% for one-story structure not exceeding 18 ft. in height	See (B)	See (B)	See (B)	
<b>Building Form and Location</b>					
Maximum Number of Stories	2	GS	GS	GS	
Maximum Building Height (ft.)					
<i>Parcels up to 20,000 sq. ft. in area</i>	28	32. See (C)	GS	GS	
<i>Parcel greater than 20,000 sq. ft. in area and with a front parcel line at least 200 ft. in length</i>	28 ft. for flat roof; 35 ft. for pitched roof	GS	GS	GS	
Minimum Setbacks (ft.)					Section 9.21.110, Projections into Required Setbacks
<i>Front</i>	Per Official Districting Map or 20 ft. if not specified				

**TABLE 9.07.030: DEVELOPMENT STANDARDS—RI SINGLE-UNIT RESIDENTIAL DISTRICTS**

<i>Standard</i>	<i>General Standard</i>	<i>North of Montana</i>	<i>Sunset Park/North of Wilshire</i>	<i>Expo/Pico</i>	<i>Additional Standards</i>
<i>Each Interior Side-Basic Requirement – Structures 18 ft. in height or less</i>	Greater of 10% of parcel width or 3.5 ft. but no more than 15 ft. required.	GS	GS	GS (for all structures up to the maximum height limitation in Expo/Pico)	
<i>Aggregate of Both Interior Sides – Structures over 18 ft. in height</i>	30% of parcel width, but no more than 45 ft. required and at least 10 percent of the parcel width, or a minimum of 3.5 ft., whichever is greater. See (D)	GS	GS	NA	
<i>Rear</i>	25	GS	GS	GS	
Parking	See Sections 9.28.070, Location of Parking and Section 9.28.120, Parking Design and Development Standards				Section 9.28.070(A)(1), Above Ground Parking – Residential Districts
<b>Additional Minimum Stepbacks for Upper Stories</b>					
<i>Front—Any portion of front elevation above 14 ft. in height and exceeding 75% of maximum buildable front elevation*</i>	Average amount equal to 4% of parcel depth but no more than 10 ft. required	Average amount equal to 8% of parcel depth but no more than 12 ft. required	GS	GS	
<i>Rear—Any portion of rear elevation above 14 ft. in height and exceeding 75% of maximum buildable rear elevation*</i>	Average amount equal to 4% of parcel depth but no more than 10 ft. required	30% of parcel depth but no more than 40 ft. required	GS	GS	
<i>Sides—Portions of building above 14 ft. in height and exceeding 50% of maximum buildable side elevation*</i>	1 ft. for every 2 ft. 4 in. of height above 14 ft. and up to 21 ft. (measured from minimum required side setback line)	GS	GS	GS	

<b>TABLE 9.07.030: DEVELOPMENT STANDARDS—R1 SINGLE-UNIT RESIDENTIAL DISTRICTS</b>					
<i>Standard</i>	<i>General Standard</i>	<i>North of Montana</i>	<i>Sunset Park/North of Wilshire</i>	<i>Expo/Pico</i>	<i>Additional Standards</i>
<i>Sides—All portions of buildings exceeding 21 ft. in height</i>	See (E) (measured from minimum required side setback line)	See (E) (measured from minimum required side setback line)	GS	GS	
<i>Roof Decks</i>	Additional 3 ft. from normally required setback	12 ft. from any interior property line. See (F).	GS	GS	
Limitations on Upper-Story Balconies and Roof Decks	NA	Aggregate area may not exceed 400 sq. ft. Must be set back 12 ft. from interior property lines. See (F).	NA	NA	
<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%	40%	GS	GS	
<i>Parcels less than 25 ft. in width</i>	60%	GS	GS	GS	
Special Standards - Building Projections into Required Setbacks	See (G)	See (G)	See (G)	See (G)	Section 9.21.110, Projections into Required Setbacks
Excavation for Lightwells, Stairwells, and Access to Subterranean Garages and Basements	See (H)	See (H)	See (H)	See (H)	
<b>Vehicle Accommodation</b>					
Driveways	On parcels less than 100 ft. in width, no more than one driveway permitted				Section 9.28.120, Parking Design and Development Standards
<b>Architectural Review</b>					
Architectural Review	See Section 9.07.030(I)				
<b>Additional Standards</b>					
Accessory Structures	Section 9.21.020, Accessory Buildings and Structures				
Exceptions to Height Limits	Section 9.21.060, Height Exceptions				

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

A. **Parcel Width and Depth—Sub-area of North of Montana.** For parcel bounded by the centerlines of First Court Alley, Seventh Street, Montana Place North Alley, and Adelaide Drive, the minimum parcel width is 100 feet and the minimum parcel depth is 175 feet.

B. **Maximum Parcel Coverage—Specific Areas.**

1. ***North of Montana.***

a. For parcels with a ground floor parcel coverage of no more than 35 percent, the maximum second floor parcel coverage, including the second floor of all accessory structures, shall not exceed 26 percent of

the parcel area. Second floor parcel coverage may be increased up to a maximum of 30 percent of the parcel area if the ground floor square footage is reduced by an equivalent amount. Conversely, the ground floor parcel coverage may be increased to a maximum of 40 percent if an equivalent amount is reduced on the second floor. Parcels with only one-story structures not exceeding eighteen feet in height may have a maximum parcel coverage of 50 percent. For purposes of this subsection, the area in any single story portion of the structure that exceeds the height of the second floor elevation shall count towards second floor parcel coverage, except where the roofline of the single story portion does not exceed eighteen feet in height.

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

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

- a. For parcels with a ground floor parcel coverage of no more than 35 percent, the maximum second floor

parcel coverage, including the second floor of all accessory structures, shall not exceed 26 percent of the parcel area. Second floor parcel coverage may be increased up to a maximum of 30 percent of the parcel area if the ground floor square footage is reduced by an equivalent amount. Conversely, the ground floor parcel coverage may be increased to a maximum of 40 percent if an equivalent amount is reduced on the second floor. Parcels with only one-story structures not exceeding eighteen feet in height may have a maximum parcel coverage of 50 percent. For purposes of this subsection, the area in any single story portion of the structure that exceeds the height of the second floor elevation shall count towards second floor parcel coverage, except where the roofline of the single story portion does not exceed eighteen feet in height.

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

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

have a parcel coverage of no more than 60 percent.

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

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

**D. Side Setbacks—Structures over 18 feet in Specific Areas.**

In the Sunset Park and North of Wilshire areas, the aggregate side setback requirement for structures over 18 feet do not apply to the following:

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

**E. Required Stepbacks above Minimum Height**

1. ***Additional Side Stepback above 21 Feet in Height.***

Buildings above 21 feet in height shall not project above a plane as defined below:

a. *General Standard.* No portion of a building, except permitted projections, shall intersect a plane commencing 21 feet in height at the minimum side setback and extending at an angle of 45 degrees from the vertical toward the interior of the site. The 21 foot height measurement shall be taken from the same reference grade as determined for the subject site pursuant to Section 9.04.050.

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

2. ***Roof Decks.*** Roof decks shall be set back at least 3 feet from the minimum side setback line. The height of any railings or parapets associated with such roof decks shall not exceed the maximum allowable building height for the structure.

3. ***Modifications to Required Setbacks.*** Required setbacks may be modified pursuant to the Chapter 9.43, Modifications and Waivers and, if deemed necessary by the Director, review and approval by the Architectural Review Board.

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

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

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

1. Exterior stairs and required fire escapes shall not project into the required front or side setback areas in the North of Montana area.
2. Porte cocheres not more than 20 feet long, not more than 14 feet in height including railings or parapets, and open on

three sides may project into a required side yard but may not be closer than 3 feet to the parcel line or as required by Building Code.

3. Balconies and porches open on at least two sides with a height of no more than 14 feet, including parapets and railings, that do not exceed 50 percent of the front building width measured at the front façade may project up to 6 feet into the required front setback. Stairs less than 3 feet above finished grade may project an additional 4 feet into the required front setback.

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

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

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

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

- a. *General Standard.* Excavation in the front setback area for a driveway, stairway, doorway, lightwell, window, or other such element to a subterranean or semi-subterranean garage or basement shall be no deeper than 3 feet below existing grade. The Architectural Review Board may approve a modification to allow excavations to extend into the front setback for parcels with an elevation rise of 5 feet from the front property line to a point 50 feet towards the interior of the site if it finds that topographic conditions necessitate that such excavation be permitted.

b. *North of Montana.* In the North of Montana Area, no excavation for a driveway, stairway, doorway, lightwell, window, or other such element to a subterranean or semi-subterranean garage or basement shall be permitted in the front setback area. This prohibition shall not be modified by the Architectural Review Board or by the procedures of Chapter 9.43, Modifications and Waivers.

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

1. Properties installing roof or building-mounted parabolic antennae (only with respect to the antennae and screening);
2. Duplexes;
3. Any structure above fourteen feet in height that does not conform to the required yard setbacks for structures above fourteen feet in height;
4. Any structure that does not conform to the limitations on access to subterranean garages and basements;
5. Any development in the North of Montana area with regard to the following conditions only:

- a. Any development with an aggregate square footage of second floor balconies, terraces or roof decks which exceeds four hundred square feet.
  - b. Any structure with garage doors facing the public street within the front one-half of the parcel which are not setback from the building façade a minimum of five feet and/or are not sixteen feet in width.
  - c. Any structure with balconies or porches open on at least two sides with a maximum height of fourteen feet including parapets and railings, which project into the required front yard and which exceed fifty percent of the front building width measured at the front façade.
  - d. Any structure with side yard setbacks that do not conform with Section 9.07.030 but which has minimum setbacks for each side yard equal to ten percent of the parcel width.
6. Any development in the North of Wilshire and Sunset Park areas with regard to the following conditions only:
- a. Any structure associated with a new residential building, substantial remodel, or a fifty percent or greater square foot addition to an existing home

located on a parcel with a grade differential of 12.5 feet or more between the front and rear parcel lines. The Architectural Review Board may approve projects pursuant to this subdivision (a) of subsection (6) if the following finding of fact is made: the size, mass, and placement of the proposed structure is compatible with improvements in the surrounding neighborhood. No other findings of fact are required.

- b. Any addition of 500 square feet or less, which is regarded as a 3<sup>rd</sup> story and therefore not otherwise permitted for an existing residential structure, located on a parcel with a grade differential of 12.5 feet or more between the front and rear parcel lines, may be approved if the following findings of fact are made:
  - i. The street frontage and overall massing are compatible with the existing scale and neighborhood context;
  - ii. The addition does not enlarge the first floor of the existing residence such that a nonconforming condition is expanded; and
  - iii. The properties in the immediate neighborhood will not be substantially impacted.

- c. Any structure with garage doors facing the public street which are not set back a minimum of five feet from the front setback line and/or are not sixteen feet in width.
  - d. Any structure on a parcel that is fifty feet or more in width that does not comply with Section 9.07.030(D).
  - e. Any structure with balconies or porches open on at least two sides with a maximum height of fourteen feet including parapets and railings, which project into the required front yard and which exceed fifty percent of the front building width measured at the front façade.
7. The Architectural Review Board may approve the design modifications set forth in Section 9.07.030(I)(5) provided all the following findings of fact are made and may approve the design modifications set forth in Section 9.07.030(I)(6)(c)-(6)(e) provided that all of the following findings of fact, except subdivision (e) of this subsection (7), are made:
- a. There are special circumstances or exceptional characteristics applicable to the property involved, including size, shape topography, surroundings, or location of the existing improvements or mature landscaping on the site.

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

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

Board consideration of the matter, which notice and certification thereof shall be in a form satisfactory to the Director.

8. Any existing structure that would not comply with the minimum side yard setback of ten percent of the parcel width required by Section 9.07.030 due to the combination of two contiguous parcels into a single building site. The Architectural Review Board may approve a modification to the minimum side yard setback provided the following findings of fact are made:

- a. Only one of the side yard setbacks for the existing structure would become non-conforming due to the combination of contiguous parcels.
- b. This non-conforming side yard setback would not physically change.
- c. The aggregate setback on the combined lots shall be a minimum of thirty percent of the total combined lot width.
- d. The combined lot width shall not exceed one hundred twenty feet.
- e. The granting of the design modification will not be detrimental nor injurious to the property or

improvements in the general vicinity and district in which the property is located.

9. In the event the property owner seeks to re-divide a parcel created through the combination of contiguous lots after the Architectural Review Board has acted pursuant to subsection (8) of this Section, the Architectural Review Board may approve such a re-division provided the following finding of fact is made:
  - a. No construction has taken place since the original combination of parcels.

SECTION 10. Santa Monica Municipal Code Section 9.28.180 is hereby amended to read as follows:

**9.28.180 Reduction of Required Parking**

The following exemptions shall apply to the requirements of Off-Street Parking and Loading requirements.

**A. Parking Overlay Area 2.** Non-residential properties located within Parking Overlay Area 2 identified in Figure 9.28.050 may be eligible to provide parking at the Parking Overlay Area 1 rates specified in Table 9.28.060, Parking Regulations by Use and Location. The applicant shall have the burden of proof for a reduction in the total number of required parking spaces, and documentation shall be submitted substantiating the reasons for

this requested parking reduction. Reduced parking shall be approved only if:

1. Compliance with Transportation Demand Management requirements is demonstrated, or sufficient evidence is provided that the project will comply;
2. Documentation is provided to the satisfaction of the Director that the parking to be supplied will meet the needs of the on-site uses; and
3. Additional requirements, restrictions, or agreements as deemed necessary by the Director are included as a requirement(s) to ensure that the parking will satisfy the needs of the on-site uses.

**B. City-Designated Historic Resources.** For any principal or conditional use located in a City-Designated Historic Resource, the required number of parking and loading spaces to be provided and maintained shall be the same as the number of spaces that existed on the site on July 6, 2010. Existing parking facilities associated with designated Landmarks shall be maintained.

**C. Car Share Spaces.** Substitution of car-sharing spaces for required parking is allowed if all of the following are met:

1. For every car-sharing parking space that is provided, the parking requirement is reduced by 2 spaces, up to a maximum of 25% of the required parking spaces, not to exceed 10 spaces; and

2. A copy of the car-sharing agreement between the property owner and the car-sharing company must be submitted with the building permit.

D. **Off-Site Shared Parking.** Shared parking is intended to provide an opportunity for multiple uses to use parking facilities on separate properties more efficiently. Shared parking shall be permitted in all non-residential districts identified in Table 9.02.010-A, subject to the following:

1. The maximum allowable reduction in the number of spaces to be provided shall not exceed 25% of the sum of the number required for each use served and not reduce the total number of spaces to less than 1 space for every 500 square feet of floor area in a commercial mixed-use development.

2. An applicant for a permit for shared parking shall be required to submit data substantiating a request for reduced parking requirements. The data shall include substantial evidence of the demand and usage of the parking facility. A permit for shared parking shall describe the limits of any area subject to reduced parking requirements and the reduction applicable to each use.

3. **Permit Required – Shared Parking of Fewer Than 10 Spaces.**

a. Shared parking of fewer than 10 parking spaces may be approved through an administrative shared parking permit.

b. The applicant shall provide evidence to the satisfaction of the Director of availability of off-site parking, and that no on-site parking is available during the times when additional off-site parking is requested.

**4. Permit Required – Shared Parking of 10 or More Spaces.**

a. Shared parking of 10 or more parking spaces in a private parking facility that is otherwise limited to on-site parking may be approved through a Minor Use Permit. The Director may establish additional conditions to further the intent of this Subsection and ensure that parking spaces needed for the primary on-site uses will be available during the hours needed for their use.

b. *Findings.* The Director, or Planning Commission on appeal, may approve an application for shared parking, in whole or in part, with or without conditions, only when all of the following findings are made in an affirmative manner:

i. The operation of the requested shared parking permit at the location proposed and within the time period specified will not adversely impact the primary use of the

parking facility for its intended on-site users, or otherwise endanger the public health, safety, or general welfare.

ii. The shared parking permit sets forth the maximum number of shared parking spaces that are being approved for use by off-site users that will be available during peak and off-peak parking demand periods so as to ensure that a sufficient number of spaces will be provided to meet the greater parking demand of the anticipated users.

iii. Additional requirements, restrictions or agreements, as deemed necessary by the Director are included as a requirement(s) of the shared parking permit to ensure that parking spaces needed for the primary on-site uses will be available during the hours needed for their use.

iv. The off-site shared parking will not reduce parking for new development.

c. The Director shall prepare a written decision which shall contain the findings of fact upon which such decision is based and all required conditions, if approved. Within two 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 one-year periods unless the permit is modified or revoked in accordance with Subsection (f) of this Section.

e. *Monitoring.* The permit holder shall grant City staff access to the parking facility for the purpose of verifying parking availability prior to issuing the permit as well as to allow random monitoring after the permit is issued. The applicant shall submit an annual report to the Director that includes a copy of current lease agreements for the parking facility that is shared and shall submit data substantiating an ongoing request for reduced parking requirements.

f. *Modification or Revocation.* The City may modify or revoke an approved Shared Parking Permit in accordance with the following procedures:

i. If the Director receives evidence that the conditions of the permit have not been met, or the permit granted is

being or has recently been exercised contrary to the terms of the approval or in violation of a specific statute, ordinance, law, or regulation, the Director shall serve notice of these violations, either in person or by registered mail, on the owner of the property and on the permit holder and shall provide the permit holder with a reasonable opportunity to cure the violation(s).

ii. If the permit holder or property owner has not responded to the notice within 10 days or the Director determines that the permit holder has failed to cure the violation, the Director may refer the matter to a revocation hearing. Notice of hearing shall be published once in a newspaper of general circulation within the City and shall be served either in person or by registered mail on the owner of the property and on the permit holder at least ten days prior to such hearing. The notice of hearing shall contain a statement of the specific reasons for revocation.

iii. After the hearing, a shared parking permit may be revoked by the Director or by the Planning Commission on appeal or review if any one of the following findings is made:

(1) That the Shared Parking Permit was obtained by misrepresentation or fraud; or

(2) That the conditions of the permit have not been met, or the permit granted is being or has recently been exercised contrary to the terms of the approval or in violation of a specific statute, ordinance, law, or regulation.

iv. A written determination of modification or revocation of the Shared Parking Permit shall be mailed to the property owner and the permit holder within 10 days of such determination.

g. *Appeals.* Any person may appeal the approval, conditions of approval, denial, modification or revocation of a shared parking permit to the Planning Commission if filed within 14 consecutive calendar days of the date the decision is made in the manner provided Chapter 9.37, Common Procedures.

E. **On-Site Shared Parking.** Facilities may be shared if multiple uses cooperatively establish and operate parking facilities and if these uses generate parking demands primarily during hours when the remaining uses are not in operation. (For example, if one use operates during evenings or weekdays only.) The applicant shall have the burden of proof for a reduction in the total number of required parking spaces, and documentation shall be submitted substantiating

the reasons for this requested parking reduction. Shared parking shall be approved only if:

1. A sufficient number of spaces are provided to meet the greater parking demand of the participating uses.
2. Satisfactory evidence has been submitted by the parties operating the shared parking facility, describing the nature of the uses and times when the uses operate so as to demonstrate the lack of conflict between them.
3. Additional documents, covenants, deed restrictions or other agreements as may be deemed necessary by the Director are executed to assure that the required parking spaces provided are maintained and uses with similar hours and parking requirements as those uses sharing the parking remain for the life of the building.

F. **Bicycle Parking.** Substitution of non-required bicycle spaces for required parking is allowed according to the following provisions:

1. Parking spaces may be replaced with bicycle parking. Layout and design must meet Bicycle Parking Section 9.28.140(D) General Requirements with final layout and number to be approved by the Director.
2. For buildings with fewer than 10 automobile parking spaces, 1 required automobile parking space may be replaced in this manner if no

other suitable location for bicycle parking exists on the property as determined by the Director.

3. For every 5 bicycle spaces that are provided in the footprint of a required parking space, the parking requirement is reduced by 1 space, up to a maximum of 15% of the required parking spaces.

4. This provision does not apply to single or 2-unit residential dwellings.

G. **Motorcycle Parking.** There shall be a credit of 1 automobile parking space for every 4 motorcycle parking spaces provided, not to exceed 5% of the total number of automobile parking spaces required.

SECTION 11. Santa Monica Municipal Code Section 9.31.220 is hereby amended to read as follows:

**9.31.220 Outdoor Retail Display and Sales**

Outdoor retail sales shall be located, developed, and operated in compliance with the standards of this Section.

A. **Temporary Outdoor Display and Sales.** The temporary outdoor display and sale of merchandise shall comply with Section 9.31.370, Temporary Uses and Seasonal Sales, and Chapter 9.44, Temporary Use Permits. An encroachment permit is required for any temporary outdoor display and sales within the public right of way; reasonable conditions of approval of such permits may be imposed to

ensure unobstructed pedestrian movement in a minimum clear zone and to maintain clean sidewalks.

**B. Ongoing Outdoor Display and Sales.** The ongoing outdoor display of merchandise shall comply with the following standards.

1. ***Permitted Locations and Uses.***

a. Outdoor display of merchandise is permitted on private property in association with the following uses on the same site, in any district where the use is permitted.

Screening and landscaping may be required according to the standards of the District in which the use is located or other Sections of this Ordinance.

i. Display of vehicles associated with Automobile/Vehicle Sales and Leasing, subject to the standards of Section 9.31.070, Automobile/Vehicle Sales and Leasing and Storage.

ii. Display of plant stock and nursery products associated with Plant Nurseries and Garden Centers.

iii. Display of building materials associated with Building Materials Sales and Services.

iv. Display of bicycles associated with establishments devoted solely to Bicycle Sales and Service.

b. Outdoor display and sale of merchandise is permitted on private property in the NC, MUBL, MUB, and GC Districts associated with a permitted Retail Sales use. Such display must be located entirely within the covered or uncovered vestibule, arcade or colonnade area of a retail establishment.

c. In the Oceanfront District, outdoor display of merchandise is permitted on private property adjacent to either Oceanfront Walk or the streets between The Promenade and Appian Way. Outdoor display shall be accessory and incidental to permitted retail sales establishments. Displayed merchandise may consist of any goods that are sold or rented in the associated retail establishments.

2. **Standards.** The following standards apply to Subsections (B)(1)(b-c) of this Section:

a. *Design and Location.*

i. Outdoor display areas shall be located entirely on private property outside any required setback, fire lane, or fire access way. Displayed merchandise shall occupy a fixed, specifically approved and defined location that does not disrupt the normal function of the site or its circulation and does not encroach upon parking spaces, driveways, pedestrian walkways, or required landscaped areas. These displays shall not obstruct sight distances or otherwise create hazards for vehicle or pedestrian traffic.

ii. In the Oceanfront District, the merchandise in the outdoor display and sales area including but not limited to the display racks, tables, and stands, shall not exceed a height of six feet.

iii. In the NC, MUB, MUBL, and GC Districts, three outdoor displays of merchandise, only one of which can be a garment rack, entirely within the covered or uncovered vestibule, arcade, or colonnade area of a retail establishment is allowed. Such display may not exceed 60 inches in height, 60 inches in width, and 36 inches in depth.

iv. The design of all improvements, sales racks, and furniture shall be of a quality to sustain weather and wear, and shall be of commercial-grade materials.

b. *Operation.*

i. Hours of outdoor display and sales shall be limited to the hours of operation of the associated commercial establishment.

ii. All merchandise or services displayed outdoors shall be of the same types ordinarily sold indoors at the associated business. All sale transactions shall be conducted indoors.

iii. Outdoor display and sales areas are exempt from the parking requirements of Chapter 9.28, Parking, Loading, and Circulation but are prohibited in parking lots/areas.

iv. All display and sale merchandise, furniture and fixtures and other portable appurtenances shall be removed from outdoors at the end of each business day. No outside storage shall be permitted.

c. *Maintenance.*

i. The business or property owner shall maintain the outdoor display and sales area and the adjoining street, curb, gutter and sidewalk in a neat, clean and orderly condition at all times, regardless of the source of the refuse and litter.

ii. Activities involving the outdoor display and sales area shall be conducted in a manner that does not interfere with pedestrians, parking, or traffic. Displays must not block California Building Code required areas for tenant space/building ingress/egress.

iii. If necessary, the business or property owner shall clean the surface of the sidewalk by washing or buffing to remove any stains, marks, or discoloration and in accordance with prevailing storm water and water quality regulations.

iv. Furniture, fixtures, and appurtenances shall be kept clean and in good condition.

SECTION 12. Santa Monica Municipal Code Chapter 9.40 Table of Contents is hereby amended to read as follows:

**Chapter 9.40 Development Review Permit.....4.19**

9.40.010 Purpose.....4.19

9.40.020 Applicability.....4.19

9.40.030 Application.....4.19

9.40.040 Procedures.....4.20

9.40.050 Required Findings.....4.21

9.40.060 Conditions.....4.21

9.40.070 Term, Extension, Revocation, and Appeal..4.21

SECTION 13. Santa Monica Municipal Code Table 9.15.020 is hereby amended to read as follows:

<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>Multiple-Unit Dwelling</i>	L (1)	-	-	
<i>Senior Citizen Multiple-Unit Residential</i>	L (1)	-	-	
<i>Single Room Occupancy Housing</i>	L (1)	-	-	
<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	<i>Section 9.31.140, Family Day Care, Large</i>
<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

<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>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)	-	-	
<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>			
<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
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	

<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>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. Residential uses not permitted on ground floor.			
(2)	Permitted only as an accessory to a primary use. Must be located within the same building as a primary use.			
(3)	Limited to public, quasi-public, or nonprofit establishments.			
(4)	Public, quasi-public, and nonprofit offices are permitted. Conditional Use Permit required for private offices.			
(5)	Limited to public parking for beach or park users.			

SECTION 14. Santa Monica Municipal Code Table 9.21.060 is hereby amended to read as follows:

<b>TABLE 9.21.060: ALLOWED PROJECTIONS ABOVE HEIGHT LIMITS</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.
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	
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 15. Santa Monica Municipal Code Section 9.28.070 is hereby amended to read as follows:

**9.28.070 Location of Parking**

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

**A. Above Ground Parking.**

**1. Residential Districts.**

Parking shall be located in the rear half of the parcel and at least 40 feet from a street-facing property line, except as provided below:

**a. Single-Unit Residential District.** Garages may be located in the front half of the parcel subject to the setback requirements of the Base District and the following:

**i. Setback from Building Facade.** Garage doors facing a public street shall be located at least 5 feet behind the primary wall facing the street, and never less than the required Base District setback.

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

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

c. ***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 for each 75 feet or fraction thereof of parcel width. A door to a single space shall not be more than 9 feet wide. Not more than one double garage may be entered from the side street side of a corner or a reversed corner parcel.

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 one story;
- ii. No portion of the garage may be closer than 5 feet from the front property line; and
- iii. The garage may not occupy more than 50 percent of the width of the front setback.
- iv. In all Ocean Park Districts, a garage that complies with Subsections (i) through (iii) may be set back a distance equal to the average setback of garages on adjacent parcel if the garage width does not exceed 20 feet.

- 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 setback a minimum of 5 feet from an interior parcel line adjacent to a Residential District.

b. ***Rooftop Parking.***

i. Rooftop parking is prohibited in the following areas:

(1) Neighborhood Commercial Districts; and

(2) Except as authorized in Section 9.31.070(D)(6),

within 50 feet of Residential Districts.

ii. Where permitted, rooftop parking areas shall be screened at their perimeters to prevent light spill onto adjacent properties. Non-skid or other similar surface treatment on both floors and ramps of the rooftop shall be required to prevent tire squeals. In order to minimize noise and air impacts, exhaust vents and other mechanical equipment shall be located as far from residential uses as feasible consistent with the Chapter 8 of the Municipal Code.

**B. Subterranean Parking Structures.**

1. **Required Setbacks.** A subterranean parking structure may be constructed and maintained in any required setback area except in any required unexcavated areas.

2. **Openings.** All openings for ingress and egress facing the front parcel line shall be situated at or behind the front building line of the main building. There shall be no more than one vehicular opening facing the front parcel line for each main building. Pedestrian access openings are permitted.

3. **Crossing Property Lines.** Development located on 2 or more separate parcels may share common subterranean parking garages or link circulation between subterranean parking facilities only if the parcels are combined pursuant to Section 9.21.030, Development on Multiple Parcels.

### C. Semi-Subterranean Parking Structures.

1. **Front Setback.** Semi-subterranean parking structures shall not be located within a required front setback.

2. **Side and Rear Setback.**

a. On parcels less than 50 feet in width, a semi-subterranean parking structure may extend to both property lines and to the rear property line.

b. On parcels having a width of 50 feet or greater, a semi-subterranean parking structure may be constructed and maintained in any required side or rear setback area except in a required unexcavated area.

3. **Openings.** All openings for ingress and egress facing the front parcel line shall be situated at or behind the front building line of the main building. There shall be no more than 1 vehicular opening facing the front parcel line for each main building. Pedestrian access openings are permitted.

4. **Parking Podium Height.** The finished floor of the first level of the building or structure above the parking structure shall not exceed 3 feet above the average natural, sloped average natural, or theoretical grade of the parcel, except for openings for ingress and egress.

SECTION 16. Santa Monica Municipal Code Chapter 9.12 is hereby amended to read as follows:

- A. ***Bergamot Districts:*** *Development standards and land use designations, including permissible and prohibited uses, for the Bergamot Area Plan Districts are as prescribed in the Bergamot Area Plan, which is hereby incorporated by reference. Where Zoning Ordinance provisions are not specifically addressed by the Bergamot Area Plan, the Zoning Ordinance shall apply. Where there is a conflict between compliance with the Bergamot Area Plan and the Zoning Ordinance, the Bergamot Area Plan shall control except where the conflicting Zoning Ordinance provision was adopted through voter initiative in which case the initiative shall control.*
  
- B. ***Memorial Park Neighborhood Area Plan District:*** *To be determined as part of an Area Plan process. The underlying Zoning Districts shall govern this area until such time as the Area Plan is adopted.*

SECTION 17. Santa Monica Municipal Code Section 9.15.030, preceding Table 9.15.030, is hereby amended to read as follows:

**9.15.030 Development Standards**

Table 9.15.030 prescribes the development standards for the Public and Semi Public Districts. Additional regulations are denoted with Section numbers in the right hand column or with individual letters in parentheses. Section numbers refer to other Sections of this Ordinance, while individual letters in parentheses refer to Subsections that directly follow the table. Development standards for the Civic Center (CC) district are as prescribed in the Civic Center Specific Plan, which is hereby incorporated by reference. Where Zoning Ordinance provisions are not specifically addressed by the Civic Center Specific Plan, the Zoning Ordinance shall apply. Where there is a conflict between compliance with the Civic Center Specific Plan and the Zoning Ordinance, the Civic Center Specific Plan shall control except where the conflicting Zoning Ordinance provision was adopted through voter initiative in which case the initiative shall control.

SECTION 18. Santa Monica Municipal Code Section 9.20.060 is hereby amended to read as follows:

**9.20.060 Prohibited Uses**

- A. Hotels, motels.
- B. Restaurants and/or food service facilities of more than two thousand square feet and/or exceeding one story in height.

C. Any use not specifically listed in Section 9.20.030,  
9.20.040, and 9.20.050.

SECTION 19. Santa Monica Municipal Code Table 9.21.110 is hereby amended  
to read as follows:

<b>TABLE 9.21.110: ALLOWED PROJECTIONS INTO SETBACKS</b>				
<i>Projections</i>	<i>Front Setback</i>	<i>Street Side Setback</i>	<i>Interior Side Setback</i>	<i>Rear Setback</i>
Eaves, awnings, canopies, sun shades, sills, cornices, belt courses, trellises, arbors, and other similar architectural features (projections shall not be closer than 1.5 feet to any property line)	30 in.	30 in.	18 in.	4 ft.
Flues, chimneys, water heater enclosures, and similar vertical architectural projections not more than 5 ft. wide parallel to the side setback and that do not exceed 20% of the façade width	All setbacks: 18 in. for structures with conforming setbacks; 12 in. for structures with nonconforming setbacks			
Patios, porches, platforms, decks, and other unenclosed areas not covered by a roof or canopy and that may be raised above the level of the adjacent setback but do not extend more than 3 ft. above the average natural grade except for guard rails to the extent legally required	6 ft.	6 ft.	No limit (can extend to parcel line)	No limit (can extend to parcel line)
Balconies, decks, porches, and similar structures that are open, unenclosed on at least 2 sides	30 in.	30 in.	Not permitted	4 ft.
Second-floor decks, patios, or balconies, covered or uncovered, adjacent to primary living spaces in any OP Districts	30 in.	30 in.	30 in.	4 ft.
Unroofed access facilities, including stairs and wheelchair ramps, with a height, including railings, of no more than 6 ft. above average natural grade	8 ft., but may extend any distance to accommodate wheelchair ramps or similar ADA access facilities			
Exterior access facilities leading to the second or higher story of a building, including open or enclosed fire escapes and open, unroofed fireproof outside stairways, landings, exterior corridors, and wheelchair ramps	Not permitted	Not permitted	12 in. or 2 in. per foot of required side setback, whichever is greater	4 ft.
Greenhouse windows and bay windows that are not greater than 6 ft. wide parallel to the setback if all such windows are cantilevered only and do not extend to the ground level, provided the structure has a conforming setback	18 in.	18 in.	18 in.	18 in.
Porte cocheres not more than 20 ft. long, not more than 14 ft. in height, and open on 3 sides except for necessary structural supports	Not permitted in front setback Permitted in side and rear setback but may not be closer than 3 feet to the parcel line or as required by Building Code			
Mailbox canopies not more than 10 ft. long	30 in.	30 in.	30 in.	4 ft.

<b>TABLE 9.21.110: ALLOWED PROJECTIONS INTO SETBACKS</b>				
<i>Projections</i>	<i>Front Setback</i>	<i>Street Side Setback</i>	<i>Interior Side Setback</i>	<i>Rear Setback</i>
Air conditioners, compressors, hot tub motors, pool filters, and other mechanical equipment	Not permitted	Not permitted	Not permitted	No limit (can extend to rear parcel line)
Solar energy system equipment	See Chapter 9.21.150, Solar Energy Systems			

SECTION 20. Santa Monica Municipal Code Section 9.21.150 is hereby amended to read as follows:

**9.21.150 Solar Energy Systems**

A. This Section establishes ministerial development standards for solar energy systems applicable to all solar energy system installations. Solar energy systems proposed on existing buildings shall be exempt from review and approval by the Architectural Review Board, provided that the installations meet the standards in this Section. Solar energy systems proposed as part of a larger construction project that requires Architectural Review Board approval shall be reviewed by the Architectural Review Board in accordance with the standards in this Section.

**B. Standards.**

1. **Visibility.** Excluding solar collector panels, their necessary support structure, and conduit, solar energy systems shall not be visible from the public right-of-way adjacent to the front property line.

a. Except on single-unit properties, solar collector panels, their necessary support structure(s), and conduit(s), shall be installed in the location that is the least visible from abutting streets directly facing the subject property so long as installation in that location does not significantly decrease the energy performance or significantly increase the costs of the solar energy system as compared to a more visible location.

i. For energy performance, “significantly decrease” shall be defined as decreasing the expected annual energy production by more than 10 percent.

ii. For the cost of solar energy systems, “significantly increase” shall be defined as increasing the cost of a photovoltaic solar energy system by more than \$1,000.00 or the cost of a solar water or swimming pool heating system by more than 10 percent.

b. The review and determination of the cost or energy efficiency of installation alternatives shall be made by the City’s Energy and Green Building

Programs staff. The review and determination of the least visible alternative shall be made by the Director.

2. **Height.** The height of solar energy systems is subject to the following standards:

a. *On Single-Unit Properties:* Photovoltaic solar energy systems may extend up to 5 feet above the height limit in the District in which it is located. Solar water or swimming pool heating systems may extend up to 7 feet above the height limit in the District in which it is located; and

b. *On all other Properties:* Photovoltaic solar energy systems may extend up to 5 feet above the roof surface on which they are installed, even if this exceeds the maximum height limit in the District in which it is located. Solar water or swimming pool heating systems may extend up to 7 feet above the roof surface on which they are installed even if this exceeds the maximum height limit in the District in which it is located.

3. **Required Setback.** Excluding solar collector panels, solar energy system equipment may be installed within the required side and rear setback but shall not be closer than 2 feet to any property line.

4. ***Historic Properties.*** On a property containing a designated Landmark or contributing structure to a designated Historic District as defined in Chapter 9.56, solar energy systems that meet the criteria established in this Section shall be permitted provided that a Certificate of Appropriateness is approved by the Director.

5. ***Alternative Review.*** Proposed solar energy installations on all property types that do not meet the standards set forth in this Section shall not be authorized unless approved by the Architectural Review Board in accordance with Chapter 9.55, Architectural Review, prior to issuance of a building permit, except that such installations shall require a Certificate of Appropriateness by the Landmarks Commission in accordance with Chapter 9.56 when located on a property containing a designated Landmark or contributing structure to a designated Historic District. These reviewing bodies may authorize installations that exceed the height limit in the applicable District by a maximum of 14 feet.

SECTION 21. Santa Monica Municipal Code Section 9.22.040 is hereby amended to read as follows:

**9.22.040 State Incentives for Affordable Housing in Residential Districts**

This Section includes provisions for providing incentives pursuant to Chapter 4.3 (commencing with Section 65915) of Division 1 of Title 7 of the Government Code. An applicant may request incentives pursuant to this Section only when the residential project is eligible for, and the applicant requests, a density bonus pursuant to Section 9.64.050(l) or pursuant to Section 9.22.020.

**A. By Right Parking Incentives.**

1. As an alternative to Section 9.28.060, density bonus housing developments shall be granted the following maximum parking standards, inclusive of handicapped and guest parking, which shall apply to the entire development, not just the restricted affordable units, when requested by a developer, except as provided by paragraphs (2) and (3) of Government Code Section 65915(p), or any successor thereto:

a. Zero to one bedroom dwelling unit: one on-site parking space.

b. Two to 3 bedrooms dwelling unit: 2 on-site parking spaces.

c. Four or more bedrooms: 2 and one-half parking spaces.

2. If the total number of spaces required results in a fractional number, it shall be rounded up to the next whole number. For purposes of this Subsection, this parking may be provided through tandem parking or uncovered parking, but not through on-street parking.

**B. Additional Incentives or Concessions.** As set forth in the Incentives/Concessions Summary Table at the end of this Subsection, in addition to by right parking incentives identified in Subsection (A), density bonus housing developments shall be granted 1, 2, or 3 incentives or concessions as follows:

1. For housing developments with Very Low Income Restricted Units:

a. One incentive or concession if 5 percent of the units (not including the bonus units) are set aside for Very Low Income households;

b. Two incentives or concessions if 10 percent of the units (not including the bonus units) are set aside for Very Low Income households; or

c. Three incentives or concessions if 15 percent of the units (not including the bonus units) are set aside for Very Low Income households.

2. For housing developments with Lower Income or Moderate Income Restricted Units:

a. One incentive or concession if 10 percent of the units are set aside for Lower Income households or if 10 percent of the units are set aside for Moderate Income households in a common interest development;

b. Two incentives or concessions if 20 percent of the units are set aside for Lower Income households or if 20 percent of the units are set aside for Moderate Income households in a common interest development; or

c. Three incentives or concessions if 30 percent of the units are set aside for Lower Income households or if 30 percent of the units are set aside for Moderate Income households in a common interest development.

**TABLE 9.22.040: INCENTIVES/CONCESSIONS**

**SUMMARY**

<b>TABLE 9.22.040: INCENTIVES/CONCESSIONS SUMMARY</b>	
<i>Target Group</i>	<i>Restricted Affordable Units</i>

Very Low Income	5%	10%	15%
Lower Income	10%	20%	30%
Moderate Income (Common Interest Dev.)	10%	20%	30%
Maximum Incentive(s)/Concession(s)	1	2	3

3. For purposes of Subsection (B) of this Section, an incentive means the following:

a. A reduction of development standards or architectural design requirements which exceed the minimum applicable building standards approved by the State Building Standards Commission pursuant to Part 2.5 (commencing with Section 18901) of Division 13 of the Health and Safety Code, including, but not limited to, setback, coverage, and/or parking requirements which result in identifiable, financially sufficient and actual costs reductions, based upon appropriate financial analysis and documentation to the extent required by the City pursuant to Section 9.22.060;

b. Allowing mixed use development in conjunction with the proposed residential development, if nonresidential land uses will reduce the cost of the residential project and the nonresidential land uses are compatible with the

residential project and existing or planned surrounding development consistent with this Ordinance;

c. Other regulatory incentives proposed by the applicant or the City which result in identifiable financially sufficient, and actual cost reductions, based upon appropriate financial analysis and documentation to the extent required by the City pursuant to Section 9.22.060.

4. Housing developments that meet the requirements of Government Code Section 65915(b) and include a child care facility that will be located on the premises of, as part of, or adjacent to, the development, shall be granted an additional concession or incentive that contributes significantly to the economic feasibility of the construction of the child care facility.

5. In submitting a proposal for the number of incentives or concessions authorized by this Section, a housing developer may request the specific incentives set forth in Subsection (B)(6) or (B)(7), as applicable, or may submit a proposal for other incentives or concessions. The process for reviewing this request is set forth in 9.22.060.

6. Tier 1 housing developments in residentially-zoned districts that meet the requirements of Subsection (B) may request one or more of the following incentives, as applicable:

a. Up to a 15 percent deviation from one side setback requirement;

b. Up to a 10 percent increase in first floor parcel coverage;

c. Up to 15 percent deviation from rear setback requirements.

7. Tier 2 housing developments in residentially zoned districts that meet the requirements of 9.23.030(A). may request one or more of the Tier 2 incentives set forth in Table 9.08.030.

8. 100% Affordable Housing Projects in residentially zoned districts may request one or more of the affordable housing project incentives set forth in Table 9.08.030. 100% Affordable Housing Projects shall also be entitled to a 15% City density bonus in addition to the State Density Bonus authorized by this Chapter.

SECTION 22. Santa Monica Municipal Code Section 9.27.050 is hereby amended to read as follows:

**9.27.050 Legal Nonconforming Uses**

A legal, nonconforming use may be maintained subject to the following provisions:

A. **Change of Ownership.** A change of ownership, tenancy, or management of a nonconforming use shall not affect its status as a legal, nonconforming use.

B. **Abandonment.** If a nonconforming use of a building, structure, or parcel ceases for a continuous period of one year or more, the use shall be considered abandoned, and the building, structure, or parcel shall thereafter be used only in accordance with the regulations for the District in which it is located except as provided below. It is the responsibility of the applicant to provide evidence demonstrating to the satisfaction of the Director that the use was legally established and has not been abandoned.

Notwithstanding the above, no nonconforming residential use shall be considered abandoned regardless of the length of time of non-use unless the Director determines the building is dangerous, unsafe, a health and safety hazard, and/or uninhabitable, and these conditions cannot be remedied.

1. The one-year period to determine that a nonconforming use has been abandoned shall commence when the use ceases and any one of the following occurs:

- a. The business license lapses;
- b. The site is vacated;

c. The lease is terminated;

d. Utilities are terminated; or

e. A conforming use that meets the applicable requirements of this Ordinance is lawfully established in the space previously occupied by the nonconforming use.

2. Once the one-year period has commenced under subsection (B)(1) that period shall only be terminated if the nonconforming use is fully licensed, permitted, and operational for 60 continuous days. Operational shall mean that the nonconforming use is open for business to the public and provides services typically associated with the nonconforming use during the hours and days that are customary for that nonconforming use.

3. Cessation of use due to remodeling shall not be considered abandonment so long as building permits are active in accordance with Chapter 8.08 of the Municipal Code. However, if the building permit expires before the use resumes, the one-year period under Subsection (B)(1) shall relate back and commence with the cessation of use.

4. Except as provided in Subsection (B)(5), no nonconforming use may be resumed, reestablished, or reopened once it has been determined to have been abandoned for one year.

5. If the nonconforming use of a building, structure, or parcel occurred in a City-Designated Historic Resource, the nonconforming use may be resumed, reestablished, or reopened even if that nonconforming use has been abandoned for more than one year and other uses have occurred since that abandonment if a Conditional Use Permit is obtained based on the following findings:

a. The City-Designated Historic Resource was not in residential use as of December 16, 2014;

b. The proposed use is compatible with existing and permissible land uses within the District and the general area in which the proposed use is to be located;

c. The proposed use is compatible with any of the land uses presently on the subject parcel if the land uses are to remain;

d. The physical location or placement of the use on the site is compatible with and relates harmoniously to the surrounding neighborhood;

e. The subject parcel is physically suitable for the type of land use being proposed; and

f. The proposed use would not be detrimental to the public interest, health, safety, convenience, or general welfare.

**C. Conversion to Conforming Use.** If a nonconforming use is converted to a conforming use, the nonconforming use may not be resumed except as authorized by Subsection (B)(5).

**D. Expansion of Nonconforming Use.** A nonconforming use of a building or portion of a building that conforms to the development standards of this Chapter shall neither be expanded into any other portion of the building nor changed except to a conforming use. The nonconforming use of land shall not be expanded or extended in area.

**E. Intensification of Uses.** A nonconforming use shall not be permitted to substantially change in mode or character of operation. A substantial change in mode or character of operation shall include, but is not limited to, addition of uses, a change in

operational hours that extends past 11:00 PM any night Sunday through Thursday and/or midnight on Friday and/or Saturday or begins before 7:00 AM, a 5 percent increase in the floor area of the premises, or a 5 percent increase in the number of seats in any restaurant, but in no case shall the increase exceed any established seating limitation in the underlying zoning district.

**F. Continuation/Reinstatement.** The uses existing in a structure that have been restored pursuant to 9.27.040 may be continued/reinstated in the reconstructed/replacement structure so long as no continued/reinstated nonconforming uses are expanded, changed or substituted.

**G. Legal, Nonconforming Rent-Controlled Multiple-Unit Properties.** Notwithstanding subsection (D), existing multi-unit residential units in the R1 Single Family Residential District that are presently controlled by Article XVIII of the City Charter may be expanded in area provided such expansion complies with all other applicable Code provisions, including those governing height, number of stories, setbacks, stepbacks, parcel coverage and off-street parking (unless the City's Parking and Traffic Engineer determines that the provision of parking is not feasible), and the number of housing units on the multi-unit residential property does not increase.

SECTION 23. Santa Monica Municipal Code Section 9.28.020 is hereby amended to read as follows:

**9.28.020 Applicability**

The requirements of this Chapter apply to the following.

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

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

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

2. Changes in use that create an increase of 3 or fewer required parking spaces, calculated in accordance with subsection B(1), shall not be required to provide additional on-site automobile parking according to the provisions of this Chapter. Bicycle parking shall be provided in accordance with Section 9.28.140.

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

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

**C. Addition, Enlargement of Use, and Change of Use of Existing Residential Buildings.**

1. For any new commercial, cultural, health, industrial, or commercial entertainment and recreation use of an existing residential building, structure including any addition and enlargement of use, parking spaces in the number specified in Section 9.28.060, Required Off-Street Parking, shall be provided for the entire parcel.

2. For any new residential or educational use of an existing residential building or structure such that the new residential or educational use will require a greater number

of parking spaces as compared to the previous use, parking spaces in the number specified in Section 9.28.060, Required Off-Street Parking, shall be provided for the new use.

**D. Additions and Alterations to Residential Buildings.**

When an addition or alteration is proposed to a residential building that does not currently provide parking in compliance with this Chapter, the following regulations apply:

1. **Single Unit Dwellings.** Parking shall be provided in accordance with the provisions of Chapter 9.28.060, Required Off-Street Parking, if 50 percent or more additional square footage is added to the principal building at any one time, or incrementally, after September 8, 1988, provided the aggregate addition is 500 square feet or more.

2. **Multi-Unit Dwellings.** Additional parking shall be required for the proposed addition or alteration if it increases the number of bedrooms of existing units.

3. **Increased Number of Dwelling Units.** The creation of additional dwelling units through the alteration of an existing building or construction of an additional structure or structures requires the provision of on-site parking to serve the new dwelling units in compliance with the

provisions of this Chapter. This requirement does not apply when sufficient on-site parking exists to provide the number of spaces required for the existing and new dwelling units in compliance with all applicable requirements.

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

SECTION 24. Santa Monica Municipal Code Section 9.28.030 is hereby amended to read as follows:

**9.28.030 General Provisions**

**A. Existing Parking and Loading to be Maintained.** No existing parking and/or loading serving any use may be reduced in amount or changed in design, location, or maintenance below the requirements for such use at the time it was entitled unless equivalent substitute facilities are provided.

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

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

parking, car or vanpool users, 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.

SECTION 25. Santa Monica Municipal Code Section 9.28.070 is hereby amended to read as follows:

**9.28.070 Location of Parking**

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

**A. Above Ground Parking.**

**1. Residential Districts.**

Parking shall be located in the rear half of the parcel and at least 40 feet from a street-facing property line, except as provided below:

a. ***Single-Unit Residential District.*** Garages may be located in the front half of the parcel subject to the setback requirements of the Base District and the following:

i. *Setback from Building Facade.*

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

ii. *Projection into Front Yard Setback.*

In the R1 Single-Unit Residential District, a one-story garage attached to the primary structure with a maximum height of 14 feet, including parapets and railings, a maximum length of 25 feet, and with garage doors perpendicular to the public street, shall be allowed to project up to 6 feet into the required front yard if no alley access exists, but may

not extend closer than 20 feet to the front property line.

b. *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.* Except as provided in (1) and (2) below, if a garage faces the front or street side parcel line, the garage doors shall not be more than 18 feet wide for each 75 feet or fraction thereof of parcel width. A door to a single space shall not be more than 9 feet wide. Not more than one double garage may be entered from the side street side of a corner or a reversed corner parcel.

(1) *North of Montana.* Garage doors facing the public street may not exceed sixteen feet in width unless located in the rear thirty-five feet of the parcel except as provided in Section 9.07.030(l)(5).

(2) *North of Wilshire/Sunset Park.* Garage doors facing the public street may not exceed sixteen feet in width unless located in the rear thirty-five feet of the parcel except as provided in Section 9.07.030(l)(6).

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

c. ***Sloped Parcels.*** Garages may be located in the required front setback when the elevation of the ground at a point 50 feet from the front parcel line and midway between the side parcel lines differs 12 feet or more from the level of the curb or in all Ocean Park Districts where there is a change in existing grade of 10 feet or more 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 one story;

ii. No portion of the garage may be closer than 5 feet from the front property line;  
and

iii. The garage may not occupy more than 50 percent of the width of the front setback.

iv. In all Ocean Park Districts, a garage that complies with Subsections (i) through (iii) may be set back a distance equal to the average setback of garages on adjacent parcel if the interior garage width does not exceed 20 feet.

**d. *Along the Pacific Coast Highway.***

Uncovered parking may be located in the front half of the parcel and within the required front setback on parcel located along the Pacific Coast Highway between the Santa Monica Pier and the north City limits.

e. ***Rooftop Parking.*** Rooftop parking is prohibited in all Residential Districts.

2. ***Mixed-Use and Non-Residential Districts.***

a. ***Interior Side and Rear Setbacks.*** Above ground parking that does not extend above the first floor level may be located within required interior side and rear setback provided above ground parking is setback a minimum of 5 feet from an interior parcel line adjacent to a Residential District.

b. ***Rooftop Parking.***

i. Rooftop parking is prohibited in the following areas:

(1) Neighborhood Commercial Districts; and

(2) Except as authorized in Section 9.31.070(D)(6), within 50 feet of Residential Districts.

ii. Where permitted, rooftop parking areas shall be screened at their perimeters to prevent light spill onto adjacent properties.

Non-skid or other similar surface treatment on both floors and ramps of the rooftop shall be required to prevent tire squeals. In order to minimize noise and air impacts, exhaust vents and other mechanical equipment shall be located as far from residential uses as feasible consistent with the Chapter 8 of the Municipal Code.

**B. Subterranean Parking Structures.**

1. ***Required Setbacks.*** A subterranean parking structure may be constructed and maintained in any required setback area except in any required unexcavated areas.

2. ***Openings.*** All openings for ingress and egress facing the front parcel line shall be situated at or behind the front building line of the main building. There shall be no more than one vehicular opening facing the front parcel line for each main building. Pedestrian access openings are permitted.

3. ***Crossing Property Lines.*** Development located on 2 or more separate parcels may share common subterranean parking garages or link circulation between subterranean parking facilities

only if the parcels are combined pursuant to Section 9.21.030, Development on Multiple Parcels.

**C. Semi-Subterranean Parking Structures.**

1. **Front Setback.** Semi-subterranean parking structures shall not be located within a required front setback.

2. **Side and Rear Setback.**

a. On parcels less than 50 feet in width, a semi-subterranean parking structure may extend to both property lines and to the rear property line.

b. On parcels having a width of 50 feet or greater, a semi-subterranean parking structure may be constructed and maintained in any required side or rear setback area except in a required unexcavated area.

3. **Openings.** All openings for ingress and egress facing the front parcel line shall be situated at or behind the front building line of the main building. There shall be no more than 1 vehicular opening facing the front parcel line for each main building. Pedestrian access openings are permitted.

4. **Parking Podium Height.** The finished floor of the first level of the building or structure above the parking structure shall not exceed 3 feet above the average natural, sloped average natural, or theoretical grade of the parcel, except for openings for ingress and egress.

SECTION 26. Santa Monica Municipal Code Section 9.28.080 is hereby amended to read as follows:

**9.28.080 Loading Spaces**

A. **Purpose.** Loading spaces are required to ensure adequate areas for loading purposes for all on-site uses so that commercial and passenger loading activities will be conducted without negatively affecting traffic safety or the quality of abutting public streets for people walking, bicycling, or driving. Loading spaces also facilitate low-car-use lifestyles by supporting shared delivery and passenger transportation services.

B. **Applicability.** The regulations in this Section shall apply to existing and proposed projects with new buildings, additions, or changes of use, and shall govern design of both required and non-required loading areas.

C. **Submittal of Loading Plan.** As part of the application for all applicable projects, a loading plan shall be submitted. The plan shall include a site plan dimensioning all required and non-required

loading spaces and indicating the path of travel to the space and the path of travel for the goods or passengers from the loading space. The approved loading plan shall be retained on-site at all times and shall be made available to all site users.

**D. Loading Space Dimensions.** Loading spaces shall comply with the following standards, as required in this Section. Loading spaces shall not count as parking spaces.

1. A *Standard Loading* space shall be at least 30 feet long, 12 feet wide, and have a clearance of 14 feet.

2. A *Semi-Tractor Trailer Loading* space shall be at least 65 feet long, 15 feet wide, and have a clearance of 14 feet.

3. A *Passenger Loading* space shall be at least 18 feet long and 10 feet wide. Design should not reduce pedestrian orientation of the site or increase the number of curb-cuts and shall not require pedestrians to cross a driveway, parking aisle, alley, or street in order to reach the building entrance. The spaces must be accessible without a key or access card and located as close as practicable to the building entrance or passenger elevator.

**E. Number of Loading Spaces Required.** Projects shall provide loading spaces as follows:

1. *Residential Only:*

a. Projects with more than 50 units shall be required to provide one Standard Loading space.

2. *Commercial Only:*

a. Projects with 2,500 or less square feet of floor area shall not be required to provide loading.

b. Projects with 2,501 to 7,500 square feet of floor area shall provide 1 Passenger Loading space at grade.

c. Projects with 7,501 to 50,000 square feet of floor area shall provide one Standard Loading space; however, if the use includes a market, restaurant, or other food sales and service of more than 5,000 square feet of floor area, the required loading space shall be a Semi-Tractor Trailer Loading space.

d. Projects with 50,000 or more square feet of floor area shall provide 1 Passenger Loading space and 1 Standard Loading space; however, if the use

includes a market, restaurant, or other food sales and service of more than 5,000 square feet of floor area, the required loading space shall be a Semi-Tractor Trailer Loading space.

3. *Mixed-Use Projects*: Mixed-Use Projects shall provide the required loading spaces for the use that requires the greater number of loading spaces. If the number of required loading spaces for the residential and commercial uses is equal, the loading space with the greater dimensional requirements shall be required.

4. *Schools and Day Care Centers*: Schools and Day Care Centers shall provide loading spaces based on enrollment as follows:

<b>TABLE 9.28.080.E.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.

**F. Location of Loading Spaces.** All loading facilities shall be provided off-street and within the subject property. Loading areas shall be located as follows:

1. Loading spaces shall be located adjacent to building door openings.
2. Loading spaces shall be situated to minimize interference with automobile, pedestrian, and bicycle paths of travel.
3. Loading spaces shall be situated to avoid adverse impacts upon neighboring properties, including noise pollution.
4. Loading spaces shall be accessible from an alley, or if no alley is adjacent to the site, a minor roadway.

5. Loading spaces shall be located in the required rear setback provided that it is not located in any required landscaped area and provided that no portion of a street or alley is counted as part of the required loading area.

**G. Design of Loading Spaces.**

1. *Screening.* Loading areas adjacent to residential uses or public streets or alleys shall be screened 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.

**H. Loading Space(s) Driveways and Maneuvering Areas.**

Each on-site loading space required by this Chapter shall be provided with driveways for ingress and egress and maneuvering space of the same type and meeting the same criteria required for

space of the same type and meeting the same criteria required for on-site parking spaces. Truck-maneuvering areas shall not encroach into required parking areas, travelways, or street rights-of-way. This requirement may be modified upon a finding by the Director that sufficient space is provided so that truck-maneuvering areas will not interfere with vehicle and pedestrian circulation.

**I. Exceptions for Buildings under 10,000 Square Feet.**

Notwithstanding the requirements of this Chapter, a waiver or reduction in the number and/or dimensions of loading areas and spaces may be permitted by the Director for projects that will result in a total of less than 10,000 square feet on the property if it is determined that the only feasible location for a loading zone within the project boundaries will detract from the project's pedestrian orientation and thereby not meet the City's intent to create active, lively streetscapes.

**J. Exceptions to providing Semi-Tractor Trailer Loading.**

Notwithstanding the requirements of this Chapter, if a project is adjacent to an alley and the Director determines that the provision of parking for a semi-tractor trailer is not feasible, a 10 feet by 50 feet area parallel and adjacent to the alley may be dedicated for loading and unloading. No projections may be permitted if they would otherwise render the area inadequate for loading.

SECTION 27. Santa Monica Municipal Code Section 9.28.120 is hereby amended to read as follows:

**9.28.120 Parking Design and Development**

**Standards**

All off-street parking and loading areas except those used exclusively for stacked or valet parking, shall be designed and developed consistent with the following standards.

A. The design, location or position of any parking layout, entry, driveway, approach or accessway from any street or alley shall be approved by the Director.

**B. Parking Access.**

1. **Driveways.** The number of driveways shall not be more than necessary to allow access in and out of a parcel and/or building. Driveways shall not be wider than needed for safe entry and exit. Driveways must lead to parking spaces that comply with the design standards in this Section.

2. **Combined Entrances.** Combining entrances for off-street parking with those for off-street loading is permitted.

3. **Alley Access.** Access to parking areas shall be from alleys. 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 Chapter 9.21.180, Hazardous Visual Obstructions.

5. **Gates.** Gates across driveways shall be a minimum of 18 feet from the parcel line in all Residential Multi Unit and Commercial Districts, 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 shared access between the properties approved by the Director shall be recorded in the County's Recorders 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 an alley may enter an adjacent alley by backing out.

b. New parking spaces will only be allowed if designed to allow the vehicles to enter the adjacent street in a forward direction on streets determined to

be of specific characteristics where driving forward as determined by the Director.

8. ***Turning Maneuvers.*** Use of a required parking space shall not require more than 3 vehicle maneuvers except as provided below.

a. *Large Parking Areas.* Parking areas with 20 or more parking spaces, up to 5 percent of the total number of parking spaces, with a maximum of 10 spaces, may require 4 turning maneuvers. Such spaces shall be distributed around the parking area(s) on the parcel.

b. *Pacific Coast Highway.* Parcels with frontage less than 100 feet on Pacific Coast Highway may be able to access parking utilizing up to 4 maneuvers.

9. ***Driveway Width.*** Driveway width shall be maintained free and clear of all obstructions.

a. The minimum width of a driveway serving 1 to 2 residences is 10 feet. Maximum width is 14 feet.

b. The minimum width of a driveway serving a commercial property or a residential property with more than 2 residences is as follows:

i. *Parking Areas with 1 to 20 Spaces:*

Single driveway at least 10 feet wide with a minimum 12-foot wide apron.

ii. *Parking Areas with 21 to 40*

*Spaces:* Double driveway at least 20 feet wide with a minimum 12-foot wide apron.

iii. *Parking Areas with 41 or More*

*Spaces:* Number and type of driveway to be approved by the Director based on considerations of safety, efficiency, and effectiveness.

c. Ramps for commercial properties must be 20 feet wide minimum to accommodate two-way traffic.

d. The Director may reduce the driveway width as necessary and appropriate such that circulation,

traffic, and safety concerns are adequately addressed.

C. **Dimensional Requirements.** Minimum parking dimensions shall comply with the standards approved by the Director.

1. ***Minimum Dimensions for Residential Garages and Carports.*** The width of any garage door shall be at least 8 feet for a single space and at least 16 feet for 2 spaces. Garages and carports serving residential uses shall be constructed to meet the following minimum inside dimensions and related requirements.

a. A single car garage or carport: 11.5 feet in width by 18 feet in length.

b. A two-car garage or carport: 20 feet in width by 18 feet in length, except a private two-car garage lawfully in existence on May 5, 1999 may be maintained if the garage serves a single unit residence and has an unobstructed inside dimension of at least 18 feet in width by 18 feet in length.

2. ***Parking Spaces.*** Minimum parking dimensions shall comply with the standards approved by the Director.

The area of any such space shall be exclusive of driveways, aisles, and maneuvering areas.

3. **Motorcycle Spaces.** Motorcycle parking spaces shall be no less than 4 feet wide by 8 feet long with an aisle width of no less than 10 feet.

4. **Space Efficient Spaces.** These requirements do not apply to parking spaces that qualify as space efficient under Section 9.28.090.

5. **Storage Areas.** Storage areas may be located above the parking space provided that they do not encroach into the length of a parking space by more than 3.5 feet and provided that the storage area is at least 4.5 feet above the floor.

D. **Parking Lot Striping.** Except in a garage or carport containing 2 or fewer parking spaces, all parking stalls shall be clearly outlined with striping, and all aisles, approach lanes, and turning areas shall be clearly marked with directional arrows and lines as necessary to provide for safe traffic movement. All parking spaces shall be clearly marked as compact, guest, carpool, or vanpool parking, if applicable.

E. **Circulation and Safety.**

1. Visibility shall be assured for pedestrians, bicyclists, and motorists entering individual parking spaces, circulating within a parking facility, and entering or leaving a parking facility. Exits from any subterranean or semi-subterranean parking structure shall provide sight distance which comply with standards established by the Director.

2. Parking lots shall be designed so that sanitation, emergency, and other public service vehicles can provide service without backing out unreasonable distances or making other dangerous or hazardous turning movements.

3. Separate vehicular and pedestrian circulation systems shall be provided where possible. Residential Multi-Unit developments of 5 or more units must provide pedestrian access that is separate and distinct from driveways. Parking areas for Commercial and Mixed-Use developments that are 80 feet or more in depth and/or include 25 or more parking spaces must have distinct and dedicated pedestrian access from the commercial use to parking areas and public sidewalks, according to the following standards:

a. *Connection to Public Sidewalk.* An on-site walkway shall connect the main building entry to a public sidewalk on each street frontage. Such

walkway shall be the shortest practical distance between the main building entry and sidewalk, generally no more than 125 percent of the straight-line distance.

b. *Materials and Width.* Walkways shall provide at least 5 feet of unobstructed width and be hard-surfaced.

c. *Identification.* Pedestrian walkways shall be clearly differentiated from driveways, parking aisles, and parking and loading spaces through the use of elevation changes, a different paving material, or similar method.

d. *Separation.* Where a pedestrian walkway is parallel and adjacent to an auto travel lane, it must be raised and separated from the auto travel lane by a raised curb at least 4 inches high, bollards, or other physical barrier.

4. Parking areas provided shall be arranged so as to be safe and convenient.

F. **Wheel Stops.** Concrete bumper guards or wheel stops shall be provided for all unenclosed parking spaces abutting

landscaped areas, walls, or walkways. A 6 inch high concrete curb surrounding a landscape area at least 6 feet wide may be used as a wheel stop, provided that the overhang will not damage or interfere with plant growth or its irrigation. A concrete sidewalk may be used as a wheel stop if the overhang will not reduce the minimum required walkway width.

**G. Slope.**

1. Areas used exclusively for parking, excluding ramps, shall be designed and improved with grades not to exceed a 6.67% slope.

2. Slopes of all driveways and ramps used for ingress or egress of parking facilities shall be designed in accordance with the standards established by the Director but shall not exceed a 20 percent slope. Profiles of driveway, ramp, and grade details must be submitted to the City Parking and Traffic Engineer for approval whenever any slope exceeds 6 percent.

**H. Landscaping.** Up to 2 feet of the front of a parking space as measured from a line parallel to the direction of the bumper of a vehicle using the space may be landscaped with ground cover plants instead of paving. Landscaping of parking areas shall be

provided and maintained according to the standards of Chapter 9.26, Landscaping.

I. **Surfacing.** All driveways and parking areas shall be surfaced with a minimum thickness of 2 inches of asphaltic concrete over a minimum thickness of 4 inches of a base material or alternative equivalent material approved by the Director. No unpaved area shall be used for parking.

J. **Drainage.** All parking areas shall be designed to meet the requirements of Chapter 7.10 Urban Runoff Pollution.

K. **Screening.** In addition to the requirements of Section 9.21.140, Screening, parking areas shall be screened from view from public streets and adjacent parcels in a more restrictive district, according to the following standards. Screening shall add to the visual diversity of the use and need not be an opaque barrier.

1. **Height.** Screening of surface parking lots from adjacent public streets shall be a minimum of 3 feet and a maximum of 3.5 feet in height. Screening of parking lots along interior parcel lines that abut Residential Districts shall be a minimum of 5 feet and a maximum of 6 feet in height, except within the required front setback of the applicable Zoning District, where screening shall be 3 feet in height.

2. **Materials.** Screening may consist of one or any combination of the methods listed below.

a. *Walls.* Low-profile walls consisting of brick, stone, stucco, or other quality durable material approved by the Director, and including a decorative cap or top finish as well as edge detail at wall ends. Plain concrete blocks are not allowed as a screening wall material unless capped and finished with stucco or other material approved by the Director.

b. *Fences.* An open fence of wrought iron or similar material combined with plant materials to form an opaque screen. Use of chain-link or vinyl fencing for screening purposes is prohibited.

c. *Planting.* Plant materials consisting of compact evergreen plants that form an opaque screen. Such plant materials must achieve a minimum height of 2 feet within 18 months after initial installation.

d. *Berms.* Berms planted with grass, ground cover, or other low-growing plant materials.

L. **Lighting.** Public parking areas designed to accommodate 10 or more vehicles shall be provided with a minimum of .5 foot-candle and a maximum of 3.0 foot-candles of light over the parking surface during the hours of use from one-half hour before dusk until one-half hour after dawn.

1. Lighting design shall be coordinated with the landscape plan to ensure that vegetation growth will not substantially impair the intended illumination.

2. All artificial lighting used to illuminate a parking lot for any number of automobiles in any District shall be arranged so that all direct rays from such lighting fall entirely within such parking lot and be consistent with Section 9.21.080, Lighting.

M. **Alternative Compliance.** The Director may approve other screening plans, designs, and materials of equal area and screening which satisfy the intent of the screening standards.

N. **Alternative Parking Area Designs.** Where an applicant can demonstrate to the satisfaction of the Director that variations in the dimensions otherwise required by this Section are warranted in order to achieve to environmental design and green building objectives, including but not limited to achieving certification under

the LEED™ Green Building Rating System or equivalent, an alternative parking area design may be approved.

O. **Maintenance.** Parking lots, including landscaped areas, driveways, and loading areas, shall be maintained free of refuse, debris, or other accumulated matter and shall be kept in good repair at all times.

P. **Compact Parking.** Compact parking must be evenly distributed in parking areas or levels; it may not be located within 25 feet of a ramp, driveway or ground floor pedestrian entrance. A maximum of 40% of parking spaces may be compact.

SECTION 28. Santa Monica Municipal Code Section 9.28.140 is hereby amended to read as follows:

**9.28.140 Bicycle Parking**

A. **Applicability.** Every new building, change of use, and every building enlarged by 10% or more shall provide short and long-term bicycle parking in the amount specified in Table 9.28.140, except as otherwise provided in this Chapter.

B. **Number of Spaces.** The required minimum number of bicycle parking spaces for each use category is shown on Table 9.28.140. The required minimum number of bicycle parking spaces is based on the primary uses on a site. There are no bicycle

parking requirements for accessory uses. When there are 2 or more separate primary uses on a site, the required bicycle parking for the site is the sum of the required parking for the individual primary uses.

**C. Exemptions.** No long-term bicycle parking is required on a site where there is less than 2,500 square feet of gross building area.

**D. General Requirements.**

1. Bicycle parking shall be provided in a convenient, highly visible, and well-lit area.

2. Bicycle parking shall be at least as conveniently located as the most convenient automobile spaces, other than those spaces for persons with disabilities. Safe and convenient means of ingress and egress shall be provided that does not interfere with accessible paths of travel or accessible parking as required by this Code.

3. Bicycle parking facilities within auto parking areas shall provide a minimum of 24" of separation between the parking space and a parked bicycle to prevent damage by automobiles or other moving vehicles with the exception of bicycle racks provided above ground at the head of the

parking space. If provided at the head of the parking space, the space must be assigned to the same user of the bicycle rack. Barriers may be in the form of curbs, wheel stops, poles, or other similar features if they do not interfere with the adjacent parking stall or pathway.

4. Bicycle parking facilities shall be located on or within a concrete or similar surface and designed to support bicycles in a stable position without damage to wheels, frames, or other components.

5. Facilities shall be securely anchored to the surface to prevent easy removal and shall be of sufficient strength to resist vandalism and theft.

6. Bicycle parking areas shall contain signage that clearly shows how the bicycle should be locked for optimum security and a number where to contact the owner with questions or report theft.

7. Bicycle parking wayfinding signage is required for every site.

8. Vertical bicycle parking racks must allow a user to securely lock a bike tire and frame to the rack.

9. Bicycle parking facilities and bicycle parking racks, shall be designed and located to meet the following criteria:

a. Each bicycle parking space shall be designed with at least 2 feet in width by 6 feet in length to allow sufficient space between parked bicycles.

b. 24 inches of minimum clearance shall be provided between bicycle parking spaces, poles, landscaping, street furniture, drive aisles, and pedestrian ways.

c. Bike racks must be located a minimum of 30 inches from a perpendicular wall, as measured from the edge of the facility closest to the wall and in the direction bicycles are to be parked.

d. Provide a minimum 5-foot wide aisle or space behind all required bicycle parking to allow room for bicycle maneuvering

e. No more than 50% of the total bike parking required may be provided in a vertical or hanging rack.

f. At least 10% of the total bike parking must be provided to accommodate 10-foot long bicycles such as bicycles with trailers, recumbent, and cargo style bicycles.

g. If Senior Housing is provided, bicycle parking areas must accommodate tricycle style bicycles.

10. *Alternative Bicycle Parking Area Designs.*

Alternative bicycle parking configurations and designs such as double decker lift assisted racks may be approved by the Director if it is determined that they provide adequate access, are easy to use, and allow a bike to be locked securely to the rack.

**E. Short-Term Bicycle Parking.** Short-term bicycle parking shall be provided, according to the provisions of this Section, in order to serve shoppers, customers, messengers, guests, and other visitors to a site who generally stay for a short time, typically less than 4 hours.

1. *Standards for Short-Term Bicycle Parking.*

a. *Location.* Short-term bicycle parking shall be located in well-lit and convenient areas outside of

the public right-of-way and pedestrian walkways and within 50 feet of a main entrance to the building it serves.

i. Multi-tenant Commercial Buildings.

Bicycle parking shall be located within 50 feet of an entrance to each store. Bicycle parking shall be visible from the street or from the main building entrance, or a sign must be posted at the main building entrance indicating the location of the parking.

ii. Downtown. Bicycle parking in the

Downtown Districts may be located within the public right-of-way subject to selection of rack design, review of location, and approval from the Director and the Director of Public Works, pursuant to a license or other agreement, provided an unobstructed sidewalk clearance of four-feet is maintained for pedestrians at all times.

b. *Quantity.* Not less than 25% of the required short-term bicycle parking or 4 spaces, whichever is more, shall be provided on site. In lieu of providing

the remainder of the short-term parking on site, the applicant may either:

i. Install the remaining required bike racks in the public right-of-way with a location and design subject to review and approval by the City. A deed restriction shall be recorded requiring the property owner to maintain the off-site bicycle racks for the life of the project.

ii. Pay a fee per space to be established by City Council resolution including the cost of rack and installation.

c. *Anchoring and Security.* For each bicycle parking space required, a stationary, securely anchored object shall be provided to which a bicycle frame and one wheel can be secured with a high-security U-shaped shackle lock if both wheels are left on the bicycle. One such object may serve multiple bicycle parking spaces.

d. Short-term secure bicycle parking must be provided for any special event at a rate of 35% of the expected attendees.

**F. Long-Term Bicycle Parking.** Long-term bicycle parking shall be provided, according to the provisions of this Section, in order to serve employees, students, residents, commuters, and others who generally stay at a site for 4 hours or longer.

**1. Standards for Long-Term Bicycle Parking.**

Long-term bicycle parking shall meet the following standards:

a. *Location.* Long-term bicycle parking shall be located on the same parcel as the use it serves.

Long-term bicycle parking for commercial tenants shall be located on the ground floor within 75 feet of a building entrance if ground floor automobile parking is provided. If no ground floor automobile parking is provided, the bicycle parking may be located on the level immediately below or above the ground floor level within 75 feet of a public elevator or stairway.

b. *Covered Spaces.* All required long-term bicycle parking shall be covered. Covered parking can be provided inside buildings, under roof overhangs or awnings, in bicycle lockers, or within or under other structures.

c. *Security*. Long-term bicycle parking shall be in at least one of the following facilities:

i. An enclosed bicycle locker;

ii. A fenced, covered, locked or guarded bicycle storage area with bike racks within;

iii. A rack or stand inside a building that is within view of an attendant or security guard or visible from employee work areas; or

iv. A secure, non-public parking garage.

d. *Electric Bicycles*. At least one electrical outlet shall be available in each long-term bicycle parking areas for the use of electrical assisted bicycle charging.

2. Except for new buildings, in lieu of providing the long-term parking on site, the Director may determine that placement of the long-term spaces on-site is infeasible due to existing site conditions and allow the long-term bicycle parking requirement to be fulfilled by payment of a fee per space to be established by City Council resolution including the cost of locker and installation.

SECTION 29. Santa Monica Municipal Code Section 9.28.160 is hereby amended to read as follows:

**9.28.160 Electric Vehicle Charging Stations**

A. **Applicability.** Electric recharge stations shall be provided:

1. In new development projects required to provide at least 25 parking spaces; and

2. For remodeling and expansion of existing development projects that:

a. Have 50 or more existing parking spaces prior to the remodel or expansion; and

b. The scope of work adds at least five more parking spaces.

B. **Requirements.** All electric vehicle charging stations shall be shown on the building plans and provide the following amounts:

1. 25-49 parking spaces: 1 charging station.

2. 50-99 parking spaces: 2 charging stations, plus one for each additional 50 parking spaces.

C. **Location, Design, Signage**

1. Signage shall be installed designating spaces with charging stations for electric vehicles only.

2. If the parking spaces are not being used, a written request may be made to the Director for parking spaces for general usage for a specific time period.

3. Charging stations and associated equipment or materials may not encroach on the minimum required clear areas from driveways, parking spaces, garages or maneuvering areas.

4. Charging stations shall be installed adjacent to standard size parking spaces.

5. Charging stations shall be adjacent to a designated parking space. In a Single-Unit dwelling project, the station may be in the rear half of the parcel if evidence is presented to the Director that the usage of the charging station will not block access to any additional parking spaces.

SECTION 30. Santa Monica Municipal Code Section 9.37.110 is hereby amended to read as follows:

**9.37.110 Construction Rate Program**

A. For projects involving the new construction or alteration of 2 or more dwelling units in the R2, R3, R4, OF, RMH, OPD, OP2, OP3, and OP4 Districts in the City for which a development application was deemed complete, only one such construction project shall be allowed, within a 500 foot radius. Except as provided in Subsection (C), this restriction shall apply for 15 months after issuance of a building permit, after which time another project may begin construction in the defined area.

B. Building permits shall be provided on a first-come first-served basis in accordance with the terms of this Section. No building permit shall be issued by the Building and Safety Division unless the requirements of Subsections (C) and (D) have been satisfied.

C. During the plan-check process, the Building and Safety Division shall determine the status of other building permits for projects in the area. A building permit shall not be issued when the Building Officer determines that a building permit has been issued in the previous 15 months for any other project within a 500 foot radius of the subject property unless the owner of the previously permitted project has formally relinquished the building permit for that project or obtained a Certificate of Occupancy for the project.

D. If the Building Officer determines that another building permit has been issued less than 15 months prior to the date on which the building permit has received all plan-check approvals and the exceptions specified in Subsections (C) and (E) do not apply, the Building Officer shall place the project on a waiting list in order of the date and time of day that the permit application received all plan-check approvals. The life of other City approvals or permits necessary to commence the project shall be automatically extended by the amount of time that a project remains on the waiting list. The Building Officer shall approve the project in accordance with the Uniform Technical Code in effect at the time of the plan-check.

E. **Exemptions.** The projects listed below shall be exempt from the Program. The City shall prepare an exemption application form which delineates all submission requirements. An owner shall not be required to file a project application with the exemption application. City staff shall make a final determination whether a project meets the requirements of this Subsection within 90 days after the owner's exemption application for the project is deemed complete. The following projects are exempted from the requirements of this Program:

1. Affordable housing projects in which 100 percent of the units will be deed-restricted for Extremely Low, Very Low, Low, Middle, and/or Moderate Income housing.

2. Structures identified by the Building and Safety Division as unreinforced masonry construction and subject to City-mandated seismic upgrading.

3. Projects to be developed on a site that is vacant.

4. Projects to be developed on a site in which:

a. The structures on the site are uninhabitable, not as a result of the owner's failure to maintain the structure, or the property of which the structure is a part, in good repair, and the structures cannot be rendered habitable in an economically feasible manner; or

b. The current use of the property is not otherwise economically viable.

5. Projects that include the retention and preservation of a designated landmark building or contributing structure to an adopted Historic District.

F. The Planning and Community Development Department may develop administrative guidelines implementing this Chapter.

SECTION 31. Santa Monica Municipal Code Section 9.40.050 is hereby amended to read as follows:

**9.40.050 Required Findings**

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

A. The physical location, size, massing, setbacks, pedestrian orientation, and placement of proposed structures on the site and the location of proposed uses within the project are consistent with applicable standards and are both compatible and relate harmoniously to surrounding sites and neighborhoods;

B. The rights-of-way can accommodate autos, bicycles, pedestrians, and multi-modal transportation methods, including adequate parking and access;

C. The health and safety services (police, fire etc.) and public infrastructure (e.g., utilities) are sufficient to accommodate the new development;

D. The project is generally consistent with the Municipal Code, General Plan, and any applicable Specific Plan;

E. Based on environmental review, the proposed project has no potentially significant environmental impacts or any potentially significant environmental impacts have been reduced to less than significant levels because of mitigation measures incorporated in the project or a Statement of Overriding Considerations has been adopted;

F. The project promotes the general welfare of the community;

G. The project has no unacceptable adverse effects on public health or safety; and

H. The project provides Community Benefits consistent with Chapter 9.23.

SECTION 32. Santa Monica Municipal Code Section 9.42.040 is hereby amended to read as follows:

**9.42.040 Required Findings**

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

A. There are special circumstances or exceptional characteristics applicable to the property involved, including size, shape, topography, mature trees, location, surroundings, identification as a Historic Resource, or to the intended use or development of the property that do not apply to other properties in the vicinity under an identical zoning classification.

B. The granting of such variance will not be detrimental nor injurious to the property or improvements in the general vicinity and District in which the property is located.

C. The strict application of the provisions of this Ordinance would result in practical difficulties or unnecessary hardships, not including economic difficulties or economic hardships.

D. The granting of a variance will not be contrary to or in conflict with the general purposes and intent of this Ordinance, nor to the goals, objectives, and policies of the General Plan and any applicable Specific Plan.

E. The variance would not impair the integrity and character of the District in which it is to be located.

F. The subject site is physically suitable for the proposed variance.

G. There are adequate provisions for water, sanitation, and public utilities and services to ensure that the proposed variance would not be detrimental to public health and safety.

H. There will be adequate provisions for public access to serve the subject variance proposal.

I. For the reduction of the automobile parking space requirements, the reduction is based and conditioned upon an approved parking reduction plan that incorporates transportation control measures that have been demonstrated to be effective in reducing parking needs and that are monitored, periodically reviewed for continued effectiveness, and enforced by the City as contained in Chapter 9.28, Parking, Loading, and Circulation.

J. The strict application of the provisions of this Ordinance would result in unreasonable deprivation of the use or enjoyment of the property:

- 1.

SECTION 33. Santa Monica Municipal Code Section 9.45.130 is hereby amended to read as follows:

**9.45.130 Specific Plan Adoption and Amendment**

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

SECTION 34. Santa Monica Municipal Code Section 9.46.080 is hereby amended to read as follows:

**9.46.080 Criteria for Zoning Amendments**

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

**A. Zoning Ordinance Text Amendment Findings.**

1. The Ordinance amendment is consistent in principle with the General Plan and any applicable Specific Plan; and

2. The Ordinance amendment is consistent with the purpose of this Ordinance to promote the growth of the City

in an orderly manner and to promote and protect the public health, safety, and general welfare.

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

1. The change in district boundaries is consistent in principle with the General Plan;

2. The change in district boundaries is consistent with the purpose of this Ordinance to promote the growth of the City in an orderly manner and to promote and protect the public health, safety, and general welfare; and

3. The change in district boundaries is necessary to achieve the balance of land uses desired by the City, consistent with the General Plan, and to increase the inventory of land within a given Zoning District

SECTION 35. Santa Monica Municipal Code Section 9.48.010 is hereby amended to read as follows:

**9.48.010 Compliance with Article IX**

A. No person shall establish, operate, erect, move, alter, enlarge or maintain any use, activity, or improvement in contravention of any provision of Article 9 of the Municipal Code,

including any General, Area, or Specific Plans incorporated by this Article 9.

B. No person shall fail to comply with the terms and conditions of any permit or approval issued pursuant to this Ordinance or with any other law or regulation relating to land use or development. This shall apply to any person, whether or not the person was the original applicant for the permit or approval, and whether or not the person is the owner, lessee, licensee, agent, or employee.

C. No person shall take any action to aid or facilitate the violation of any provision of this Ordinance or the terms and conditions of any permit or approval issued pursuant to this Ordinance by another.

D. Any property being maintained or operated in violation of this Ordinance or any permit or approval issued pursuant to this Ordinance shall be a public nuisance, and may be abated by the City or by any interested person, as authorized by law.

SECTION 36. Santa Monica Municipal Code Table 9.13.020 is hereby amended to read as follows:

<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>			

<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>
<i>Single Unit Dwelling</i>	–	–	P	
<i>Multiple-Unit Structure</i>	–	–	P	
<i>Senior Citizen Multiple-Unit Residential</i>	–	–	P	
<i>Single-Room Occupancy Housing</i>	–	–	P	
<i>Congregate Housing</i>	L (1)	L (1)	P	
<i>Senior Group Residential</i>	CUP	CUP	P	Section 9.31.310, Senior Group Residential
Elderly and Long-Term Care	–	P	P	
Emergency Shelters	L (2)/CUP	L (2)/CUP	L (2)/CUP	Section 9.31.130, Emergency Shelters
Family Day Care	<i>See sub-classifications below.</i>			
<i>Small</i>	P	P	P	
<i>Large</i>	P	P	P	Section 9.31.140, Family Day Care, Large
Residential Facilities	<i>See sub-classifications below.</i>			
<i>Residential Care, Limited</i>	P	P	P	Section 9.31.270, Residential Care Facilities
<i>Residential Care, Senior</i>	P	P	P	
<i>Hospice, Limited</i>	P	P	P	
Supportive Housing	P	P	P	
Transitional Housing	P	P	P	
<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	–	
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	–	–	

<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>
<i>Pet Day Care Services</i>	MUP	—	—	
<i>Veterinary Services</i>	P	—	—	
<b>Automobile / Vehicle Sales and Service</b>	<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	—	—	
<b>Banks and Financial Institutions</b>	<i>See sub-classifications below.</i>			
<i>Banks and Credit Unions</i>	—	L (6)	CUP	
<b>Business Services</b>	P	L (6)	P	
<b>Commercial Entertainment and Recreation</b>	<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
<b>Eating and Drinking Establishments</b>	<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	L (6)	P	Section 9.31.040, Alcoholic Beverage Sales Section 9.31.280, Restaurants, Limited-Service and Take Out Section 9.31.290, Restaurants with Entertainment Section 9.31.200, Outdoor Dining and Seating

<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>
<i>Restaurants, Full-Service, Limited Service &amp; Take-Out, With Entertainment, With Outdoor Eating Areas (2,501 – 5,000 SF)</i>	–	MUP (6)	P	Section 9.31.040, Alcoholic Beverage Sales Section 9.31.280, Restaurants, Limited-Service and Take Out Section 9.31.290, Restaurants with Entertainment Section 9.31.200, Outdoor Dining and Seating
<i>Restaurants, Full-Service, Limited Service &amp; Take-Out, With Entertainment, With Outdoor Eating Areas (Greater than 5,000 SF)</i>	–	CUP (6)	P	Section 9.31.040, Alcoholic Beverage Sales Section 9.31.280, Restaurants, Limited-Service and Take Out Section 9.31.290, Restaurants with Entertainment Section 9.31.200, Outdoor Dining and Seating
Equipment Rental	P	–	P	
Food and Beverage Sales	<i>See sub-classifications below.</i>			
<i>Convenience Markets</i>	L (6)	L (6)	P	
<i>Farmers Markets</i>	CUP	–	–	
Funeral Parlor and Mortuary	–	–	CUP	
Live-Work	L (14)	CUP	L (14)	Section 9.31.170, Live-Work
Offices	<i>See sub-classifications below.</i>			
<i>Business and Professional</i>	L (9)	P	P	
<i>Creative</i>	P	P	–	
<i>Medical and Dental</i>	–	P	P	
<i>Walk-In Clientele</i>	L (10)	L (6)	L (10)	
Parking, Public or Private	CUP	CUP	CUP	
Personal Services	<i>See sub-classifications below.</i>			
<i>General Personal Services</i>	–	L (6)	P	
<i>Personal Services, Physical Training</i>	–	L (6)	CUP	
Retail Sales	<i>See sub-classifications below.</i>			
<i>Building Materials Sales and Services</i>	P	–	–	Section 9.31.220, Outdoor Retail Display and Sales
<i>Firearms and Ammunition Sales</i>	–	–	–	
<i>General Retail Sales, Small-scale</i>	CUP (11)	MUP (6)	P	Section 9.31.220, Outdoor Retail Display and Sales
<i>Medical Marijuana Dispensaries</i>	–	–	CUP	Section 9.31.185, Medical Marijuana Dispensaries
<b>Industrial Uses</b>				
Artist's Studio	P	P	P	

<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>
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	

<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>Specific Limitations:</b>				
(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 percent 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)	Limited to retail sales of goods manufactured on the premises provided that the floor space devoted to such use does not exceed 20 percent of the gross floor area of the primary permitted use or 2,000 sq. ft., whichever is less.			
(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.			

SECTION 37. Santa Monica Municipal Code Chapter 9.20 Table of Contents is hereby amended to read as follows:

<b>Chapter 9.20 Beach Overlay District.....</b>	<b>2.92</b>
9.20.010 Purpose.....	2.92
9.20.020 Exclusions.....	2.92
9.20.030 Permitted Uses.....	2.92

9.20.040 Uses Subject to Minor Use Permit.....2.93

9.20.050 Conditionally Permitted Uses.....2.93

9.20.060 Prohibited Uses.....2.93

9.20.070 Recreational Use.....2.93

SECTION 38. Santa Monica Municipal Code Section 9.20.040 is hereby amended to read as follows:

**9.20.040 Uses Subject to Minor Use Permit**

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

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

SECTION 39. Santa Monica Municipal Code Section 9.23.030 is hereby amended to read as follows:

**9.23.030 Qualifying Benefits**

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

A. **Housing.** All Tier 2 projects must meet the following requirements:

1. ***Affordable Housing.*** Applicants proposing residential and mixed-use projects shall incorporate the following:

a. At least 50 percent more affordable housing units than would be required pursuant to Section 9.64.050. Any fractional affordable housing unit that results from this formula shall be provided as a whole affordable housing unit (i.e., any resulting fraction shall be rounded up to the next larger integer).

b. On-site affordable housing units shall be affordable to 30%, 50%, or 80% income households depending on the percentage of affordable units being provided and shall not include any Moderate Income units, as defined by Section 9.64.020. Subject to the modifications contained in this Subsection (A), all of the affordable units shall comply with the provisions of Chapter 9.64.

c. Affordable housing units required by this Subsection (A) may be provided offsite, pursuant to Section 9.64.060, if the affordable housing units are

owned in whole or part and operated by a non-profit housing provider for the life of the project, and the Final Construction Permit Sign Off or Certificate of Occupancy for the affordable units is issued prior to or concurrently with the Tier 2 project.

2. **Unit Mix.** Applicants proposing residential and mixed-use projects shall incorporate the following:

a. For market rate units:

i. At least 15% of the units shall be three-bedroom units;

ii. At least 20% of the units shall be two-bedroom units;

iii. No more than 15% of the units shall be studio units;

iv. The average number of bedrooms for all of the market rate units combined shall be 1.2 or greater; and

v. Notwithstanding Subsections (A)(2)(a)(i-ii) above, any fractional housing unit less than .5 that results from this unit mix shall

be rounded down to the next lower integer. Any fractional housing unit of .5 or more that results from this unit mix shall be rounded up to the next larger integer.

b. For affordable housing units:

i. The average number of bedrooms for all of the affordable housing units combined shall be equal to or greater than the average number of bedrooms provided for all of the market rate units pursuant to Subsection (A)(2)(a) of this Section.

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

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

3. **Mitigation Fee.** Applicants proposing non-residential and mixed-use projects shall pay a housing mitigation fee 14 percent above the base fee as required by Chapter 9.68, Affordable Housing Commercial Linkage Fee

Program for that portion of the floor area above the maximum Tier 1 floor area allowed by this Ordinance.

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

**C. Open Space.** All Tier 2 Projects shall either pay an additional Open Space Fee (OSF) 14 percent above the base fee required by Chapter 9.67, 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 a planted flush with the surrounding grade. The Urban Forester shall be consulted as to the selection of these trees, their size, and the appropriate planter size to facilitate the trees' viability in the given urban conditions and microclimate.

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

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

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

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

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

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

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

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

SECTION 40. Santa Monica Municipal Code Section 9.26.020 is hereby amended to read as follows:

**9.26.020 Applicability**

The standards of this Chapter apply to the entire parcel for all new developments. Existing parking lots with more than 10 parking spaces shall comply when the parking lot is reconstructed, except for repaving and restriping. All applications must also comply with the provisions of Santa Monica Municipal Code Section 8.108.010, Landscape and Water Conservation Standards.

SECTION 41. Santa Monica Municipal Code Section 9.26.030 is hereby amended to read as follows:

**9.26.030 Landscape and Irrigation Plans**

A landscape and irrigation plan shall be submitted with the permit application for all projects for which landscaping is required.

SECTION 42. Santa Monica Municipal Code Section 9.26.070 is hereby amended to read as follows:

**9.26.070 Water Efficient Landscaping and Irrigation**

All landscaping shall comply with the requirements of Chapter 8.108 of the Municipal Code.

SECTION 43. Santa Monica Municipal Code Table 9.28.060 is hereby amended to read as follows:

<b>TABLE 9.28.060: PARKING REGULATIONS BY USE AND LOCATION</b>		
<i>Land Use Classification</i>	<i>Citywide (Excluding Parking Overlay Area 1, Downtown Specific Plan Area, and Bergamot Area Plan Area)</i>	<i>Parking Overlay Area 1</i>
<b>Residential Uses</b>		
<i>Single Unit Dwelling</i>	2 spaces per dwelling unit	2 spaces per unit, which may be tandem
<i>Second Dwelling Unit</i>	1 space per dwelling unit	1 space per dwelling unit
<i>Duplex, Multiple-Unit Dwelling</i>	Market Rate Units: Guest = 1 space per 5 units Studio, no bedrooms = 1 space per unit 1 bedroom = 1.5 space per unit 2 or more bedrooms = 2 spaces per unit  Deed Restricted Affordable Units: Studio, no bedrooms = 0.5 space per unit 1 bedroom = 0.75 space per unit 2 or more bedrooms = 1 space per unit	Market Rate Units: Guest = 1 space per 10 units Studio, no bedrooms = 1 space per unit 1 bedroom = 1 space per unit 2 or more bedrooms = 1.5 spaces per unit  Deed Restricted Affordable Units: Studio, no bedrooms = 0.5 space per unit 1 bedroom = 0.5 space per dwelling unit 2 or more bedrooms = 1 space per dwelling unit

<b>TABLE 9.28.060: PARKING REGULATIONS BY USE AND LOCATION</b>		
<i>Land Use Classification</i>	<i>Citywide (Excluding Parking Overlay Area 1, Downtown Specific Plan Area, and Bergamot Area Plan Area)</i>	<i>Parking Overlay Area 1</i>
<i>Senior Citizen Multiple-Unit Residential</i>	0.5 spaces per unit Guest = 1 space per 5 units Low and moderate income units = 0.25 spaces per unit	0.5 spaces per unit Guest = 1 space per 6 units Low and moderate income units = 0.25 spaces per unit
<i>Single-Room Occupancy Housing</i>	See Multiple-Unit Dwelling	See Multiple-Unit Dwelling
<i>Group Residential</i>	.5 space per bed	.5 space per bed
<i>Congregate Housing</i>	1 space per 5 beds	1 space per 5 beds
<i>Senior Group Residential</i>	0.5 spaces per unit Guest = 1 space per 5 units Deed restricted affordable = 0.25 spaces per unit	0.5 spaces per unit Guest = none required Deed restricted affordable = 0.25 spaces per unit
Elderly and Long-Term Care	.5 space per bed plus one visitor space per 5 beds	.2 space per bed
Family Day Care		
<i>Large</i>	None required other than what is required for the existing residence	None required other than what is required for the existing residence
<i>Small</i>	None required other than what is required for the existing residence	None required other than what is required for the existing residence
Residential Facilities		
<i>Residential Care, General</i>	If more than 6 residents = .5 space per bed plus 1 visitor space per 5 beds	If more than 6 residents = .5 space per bed plus 1 visitor space per 5 beds
<i>Residential Care, Limited</i>	None required other than what is required for existing residence	None required other than what is required for existing residence
<i>Residential Care, Senior</i>	If more than 6 residents = 0.25 space per bed plus 1 visitor space per 5 beds If less than 6 residents = none other than what is required for the existing residence	If more than 6 residents = 0.25 space per bed plus 1 visitor space per 5 beds If less than 6 residents = none other than what is required for the existing residence
<i>Hospice, General</i>	If more than 6 residents = 0.25 space per bed plus 1 visitor space per 5 beds If less than 6 residents = none other than what is required for the existing residence	If more than 6 residents = 1 space per 5 beds If less than 6 residents = none other than what is required for the existing residence
<i>Hospice, Limited</i>	None required other than what is required for the existing residence	None required other than what is required for the existing residence
Supportive Housing	If more than 6 residents = 0.5 space per bed plus 1 visitor space per 5 beds If less than 6 residents = none other than what is required for the existing residence	If more than 6 residents = 1 space per 5 beds If less than 6 residents = none other than what is required for the existing residence
Transitional Housing	None other than what is required for residential type	None other than what is required for residential type
<b>Public and Semi-Public Uses</b>		
Adult Day Care	1 space per 500 sq. ft.	1 space per 500 sq. ft.

<b>TABLE 9.28.060: PARKING REGULATIONS BY USE AND LOCATION</b>		
<i>Land Use Classification</i>	<i>Citywide (Excluding Parking Overlay Area 1, Downtown Specific Plan Area, and Bergamot Area Plan Area)</i>	<i>Parking Overlay Area 1</i>
Child Care and Early Education Facilities	1 space per 500 sq. ft.	1 space per 500 sq. ft.
Colleges and Trade Schools, Public or Private	1 space per 80 sq. ft. of assembly or classroom area or 1 space per every 4 fixed seats, whichever is greater	1 space per 100 sq. ft. of assembly or classroom area or 1 space per every 5 fixed seats, whichever is greater
Community Assembly	1 space for each 4 seats	1 space for each 6 seats
Cultural Facilities	1 space per 300 sq. ft.	1 space per 500 sq. ft.
Emergency Shelters	1 space per 10 beds	1 space per 10 beds
Hospitals and Clinics	1 space per 250 sq. ft.	1 space per 250 sq. ft.
Schools, Public or Private	<u>Elementary and Middle Schools:</u> 2 spaces per classroom <u>High Schools:</u> 5 spaces per classroom	<u>Elementary and Middle Schools:</u> 1.75 spaces per classroom <u>High Schools:</u> 4 spaces per classroom
Social Service Centers	1 space per 300 sq. ft.	1 space per 300 sq. ft.
<b>Commercial Uses</b>		
Animal Care, Sales, and Services		
<i>Grooming and Pet Stores</i>	See Retail Sales	See Retail Sales
<i>Kennel</i>	1 space per 1,000 sq. ft.	1 space per 1,000 sq. ft.
<i>Pet Day Care Services</i>	1 space per 500 sq. ft.	1 space per 1,000 sq. ft.
<i>Veterinary Services</i>	See Medical Office	See Medical Office
Automobile/Vehicle Sales and Service		
<i>Alternative Fuels and Recharging Facilities</i>	2 spaces for self-service station 1 space per 100 sq. ft. of retail	2 spaces for self-service station 1 space per 100 sq. ft. of retail
<i>Automobile Rental</i>	1 space per 500 sq. ft. 1 space per 1,000 sq. ft. of outdoor rental storage area	1 space per 500 sq. ft. 1 space per 1,000 sq. ft. of outdoor rental storage area
<i>Automobile Storage Uses</i>	1 space	1 space
<i>Automobile/Vehicle Sales and Leasing</i>	1 space per 300 sq. ft. for offices plus 1 space per 1,000 sq. ft. of net new display area and requirements for automobile repair where applicable	1 space per 300 sq. ft. for offices plus 1 space per 1,000 sq. ft. of net new display area and requirements for automobile repair where applicable
<i>Automobile/Vehicle Repair, Major and Minor</i>	1 space per 500 sq. ft. of non-service bay floor area 2 spaces per service bay	1 space per 500 sq. ft. of non-service bay floor area 2 spaces per service bay
<i>Automobile/Vehicle Washing</i>	2 spaces for each washing stall, not including the stall	2 spaces for each washing stall, not including the stall
<i>Service Station</i>	2 spaces if self-service station 1 space per 100 sq. ft. of retail Must follow requirements for repair where applicable	2 spaces if self-service station 1 space per 100 sq. ft. of retail Must follow requirements for repair where applicable

<b>TABLE 9.28.060: PARKING REGULATIONS BY USE AND LOCATION</b>		
<i>Land Use Classification</i>	<i>Citywide (Excluding Parking Overlay Area 1, Downtown Specific Plan Area, and Bergamot Area Plan Area)</i>	<i>Parking Overlay Area 1</i>
<b>Banks and Financial Institutions</b>		
<i>Banks and Credit Unions</i>	See Business, Professional, and Creative Office	See Business, Professional, and Creative Office
<i>Check Cashing Businesses</i>	See Business, Professional, and Creative Office	See Business, Professional, and Creative Office
<b>Business Services</b>	See Business, Professional, and Creative Office	See Business, Professional, and Creative Office
<b>Commercial Entertainment and Recreation</b>		
<i>Cinemas</i>	1 space per 4 seats	1 space per 4 seats
<i>Theaters</i>	1 space per 4 seats	1 space per 4 seats
<i>Convention and Conference Centers</i>	1 space per 80 sq. ft.	1 space per 100 sq. ft.
<i>Large-Scale Facilities</i>	1 space per 80 sq. ft.	1 space per 100 sq. ft.
<i>Small-Scale Facilities, less than 1,500 sq. ft.</i>	1 space per 300 sq. ft.	1 space per 300 sq. ft.
<i>Small-Scale Facilities, 1,500 sq. ft. and more</i>	1 space per 80 sq. ft.	1 space per 100 sq. ft.
<b>Instructional Services</b>	See Retail Sales	See Retail Sales
<b>Eating and Drinking Establishments</b>		
<i>Bars/Nightclubs/Lounges</i>	1 space per 50 sq. ft.	1 space per 50 sq. ft.
<i>Restaurants, less than 2,500 sq. ft.</i>	1 space per 300 sq. ft.	1 space per 500 sq. ft.
<i>Restaurants, 2,500 – 5,000 sq. ft.</i>	1 space per 200 sq. ft.	1 space per 200 sq. ft.
<i>Restaurants, 5,000+ sq. ft.</i>	1 space per 125 sq. ft.	1 space per 125 sq. ft.
<i>Restaurant Outdoor Eating Areas, less than 200 sq. ft.</i>	None	None
<i>Restaurant Outdoor Eating Areas, 200 sq. ft. and more</i>	Same as required for restaurant type	Same as required for restaurant type
<b>Equipment Rental</b>	See Retail Sales	See Retail Sales
<b>Food and Beverage Sales</b>		
<i>Convenience Market</i>	See Retail Sales	See Retail Sales
<i>General Market, less than 2,500 sq. ft.</i>	1 space per 300 sq. ft.	1 space per 500 sq. ft.
<i>General Market, 2,500-5,000 sq. ft.</i>	1 space per 250 sq. ft.	1 space per 300 sq. ft.
<i>General Market, 5,000+ sq. ft.</i>	1 space per 250 sq. ft.	1 space per 300 sq. ft.

<b>TABLE 9.28.060: PARKING REGULATIONS BY USE AND LOCATION</b>		
<i>Land Use Classification</i>	<i>Citywide (Excluding Parking Overlay Area 1, Downtown Specific Plan Area, and Bergamot Area Plan Area)</i>	<i>Parking Overlay Area 1</i>
<i>Liquor Stores</i>	See Retail Sales	See Retail Sales
Funeral Parlors and Mortuaries	1 space per 80 sq. ft. or 1 space per 4 seats, whichever is higher	1 space per 100 sq. ft. or 1 space per 6 seats, whichever is higher
Live-Work	1 space per unit plus 1 guest space per unit	1 space per unit plus 1 guest space per unit
<b>Lodging</b>		
<i>Bed and Breakfast</i>	1 space per room plus parking required for dwelling unit	1 space per room
<i>Hotels and Motels</i>	1 space per room plus 1 space per 200 sq. ft. of meeting and banquet space	.75 spaces per room plus 1 space per 250 sq. ft. of meeting and banquet space
Maintenance and Repair Services	See Retail Sales	See Retail Sales
Nurseries and Garden Centers	Interior spaces see Retail Sales, plus 1 space per 1,000 sq. ft. of outdoor display and storage area	Interior space see Retail Sales, plus 1 space per 1,000 sq. ft. of outdoor display and storage area
<b>Offices</b>		
<i>Business, Professional, Creative, less than 2,500 sq. ft.</i>	1 space per 300 sq. ft.	1 space per 500 sq. ft.
<i>Business, Professional, Creative, 2,500+ sq. ft.</i>	1 space per 300 sq. ft.	1 space per 450 sq. ft.
<i>Medical and Dental, less than 1,000 sq. ft.</i>	1 space per 300 sq. ft.	1 space per 300 sq. ft.
<i>Medical and Dental, 1,000+ sq. ft.</i>	1 space per 250 sq. ft.	1 space per 250 sq. ft.
<i>Walk-In Clientele</i>	See Business, Professional, and Creative Office	See Business, Professional, and Creative office
<b>Personal Services</b>		
<i>General Personal Services</i>	See Retail Sales	See Retail Sales
<i>Tattoo or Body Modification Parlor</i>	See Retail Sales	See Retail Sales
<i>Physical Training</i>	See Retail Sales	See Retail Sales
<b>Retail Sales</b>		
<i>Retail, less than 2,500 sq. ft.</i>	1 space per 300 sq. ft.	1 space per 500 sq. ft.
<i>Retail, 2,500 – 5,000 sq. ft.</i>	1 space per 300 sq. ft.	1 space per 300 sq. ft.
<i>Retail, 5,000 sq. ft. or more</i>	1 space per 300 sq. ft.	1 space per 300 sq. ft.
<b>Industrial Uses</b>		
Artist's Studio	1 space per 400 sq. ft.	1 space per 400 sq. ft.
Commercial Kitchens	1 space per 300 sq. ft.	1 space per 300 sq. ft.
Industry, General	1 space per 400 sq. ft.	1 space per 400 sq. ft.
Industry, Limited	1 space per 400 sq. ft.	1 space per 1,000 sq. ft.

<b>TABLE 9.28.060: PARKING REGULATIONS BY USE AND LOCATION</b>		
<i>Land Use Classification</i>	<i>Citywide (Excluding Parking Overlay Area 1, Downtown Specific Plan Area, and Bergamot Area Plan Area)</i>	<i>Parking Overlay Area 1</i>
Media Production	1 space per 400 sq. ft. of studio space 1 space per 300 sq. ft. of editing space 1 space per 300 sq. ft. of administrative space	1 space per 400 sq. ft.
Research and Development	1 space per 300 sq. ft.	1 space per 1,000 sq. ft.
Warehousing, Storage, and Distribution		
<i>Indoor Warehousing and Storage</i>	1 space per 1,000 sq. ft.	1 space per 1,000 sq. ft.
<i>Personal Storage</i>	1 space per 4,000 sq. ft.	1 space per 4,000 sq. ft.
<i>Wholesaling and Distribution</i>	1 space per 1,000 sq. ft.	1 space per 1,000 sq. ft.

SECTION 44. Santa Monica Municipal Code Section 9.32.040 is hereby amended to read as follows:

**9.32.040 Nonparabolic Noncommercial Antennas—**

**Regulations and Design Standards**

A. A noncommercial nonparabolic antenna shall be installed, modified, and maintained in accordance with the following standards:

1. One roof mounted TVRO nonparabolic antenna per residential unit and up to 4 roof mounted nonparabolic antennas related to a FCC licensed amateur radio station shall be permitted for each parcel. One of the roof mounted TVRO nonparabolic antennas per parcel may extend up to

25 feet above the roofline, but all other additional TVRO nonparabolic antennas shall extend no more than 15 feet above the roofline. One roof mounted vertical whip antenna related to a FCC licensed amateur radio station may extend up to 25 feet above the roofline; however, all other roof mounted antennas related to a FCC licensed amateur radio station shall extend no more than 15 feet above the roofline.

2. One freestanding antenna structure related to a FCC licensed amateur radio station measuring up to 66 feet in height or 15 feet above the height limit of the District in which it is located, whichever height is greater, shall be permitted per parcel. For purposes of this Section, antenna structures shall be measured to the highest horizontal antenna element. A freestanding antenna structure exceeding 50 feet in height shall be retractable to 35 feet. A single vertical element may extend 15 feet beyond these height limits.

3. No portion of an antenna, including the array in any position, or of an antenna structure shall be located between the face of the main building and any public street or in any required front or side setback.

4. The support structure shall be located a minimum of 10 feet from the rear property line. Neither an antenna nor an antenna structure shall extend beyond the property line of the parcel on which it is located.

5. Roof mounted antennas or antenna structures shall be located at or to the rear of the centerline of a building.

6. An antenna structure shall be finished in a color to blend in with its immediate surroundings, to reduce glare, and to minimize its visual intrusiveness and negative aesthetic impact.

7. The display of any sign or any other graphics on an antenna or antenna structure is prohibited, except for public safety warnings, which warnings must be placed no higher than 8 feet above the base of the antenna structure.

8. A building permit shall be obtained prior to the installation of an antenna structure, pursuant to the requirements of the Building Code.

B. Unless a finding is made that a proposed antenna poses an actual threat to the public health or safety, the Director, or the Planning Commission on appeal, shall have the authority to grant a Minor Use Permit to modify the regulations and design standards of

Subsection (A) paragraphs (1), (2), (3), (4), or (5) of this Section, if topographical conditions, nearby tall structures or other factors unreasonably obstruct or otherwise unreasonably interfere with effective transmission or reception of the type desired and the cause of such obstruction or interference was not created by the applicant. An application for a Minor Use Permit may be reviewed upon payment of a nominal fee, the amount of which may be established from time to time by the City Council by ordinance or resolution. As a condition of approval of a Minor Use Permit to modify the design standard of Subsection (A) paragraph (2) of this Section, an antenna structure shall be required to be retractable to 35 feet. In cases where topographical conditions surrounding the antenna structure or the presence of nearby tall structures physically impede retracting an antenna to 35 feet, the Director, or the Planning Commission on appeal, may allow an antenna structure to be retracted to a height greater than 35 feet.

SECTION 45. Santa Monica Municipal Code Section is 9.46.060 is hereby amended to read as follows:

**9.46.060 Planning Commission Hearing and  
Recommendation**

**A. Planning Commission Hearing.** The Planning Commission shall conduct a public hearing in conformance with Chapter 9.37, Common Procedures.

**B. Recommendation to Council.** Following the public hearing, the Planning Commission shall make a recommendation on the proposed zoning amendment to the City Council. Such recommendation shall include the reasons for the recommendation, and the findings related to the criteria for zoning amendments in Section 9.46.080, and shall be transmitted to the City Council. If the matter under consideration is a proposal to reclassify a property from one zone to another and the Planning Commission has recommended against the adoption of such amendment, the City Council is not required to take any further action unless an interested party files a written request for a hearing with the City Clerk within 14 days after the Planning Commission action.

SECTION 46. Santa Monica Municipal Code Section 9.46.070 is hereby amended to read as follows:

**9.46.070 City Council Hearing and Action**

A. After receiving the report from the Planning Commission or a written request from an interested party pursuant to Section 9.46.060(B), the City Council shall hold a duly-noticed public hearing. At least 10 days before the date of the public hearing, the Planning Division shall provide notice consistent with Chapter 9.37, Common Procedures. The notice shall include a summary of the Planning Commission recommendation.

B. After the conclusion of the hearing, the City Council may approve, modify, or deny the proposed amendment.

SECTION 47. Santa Monica Municipal Code Section 9.53.020 is hereby amended to read as follows:

**9.53.020 Definitions**

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

A. **Audit.** A selective inspection by the City of an employer's activities related to the fulfillment of ongoing implementation and monitoring of an approved emission reduction plan.

B. **Average Vehicle Ridership (AVR).** The total number of employees who report to or leave the worksite or another job-related activity during the peak periods divided by the number of vehicles driven by these employees over that five-day survey period. The AVR calculation requires that the five-day period must represent the five days during which the majority of employees are scheduled to arrive at the worksite. The hours and days chosen must be consecutive. The five-day survey period cannot contain a holiday and shall represent typical operations so that a

projection of the average vehicle ridership during the year is obtained.

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

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

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

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

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

C. **AVR Target.** The AVR established by this Chapter that an Employer Emission Reduction Plan (ERP) or Developer Transportation Demand Management (TDM) plan is expected to achieve for a particular worksite or project.

D. **AVR Verification Method.** A method approved by the City for determining an employer's current AVR, or approved by the City or SCAQMD for employers of two hundred fifty employees or more.

E. **AVR Window.** The period of time comprised of both hours and days used to calculate AVR (i.e., six a.m. to ten a.m. and three p.m. to seven p.m.).

F. **Carpool.** A motor vehicle occupied by two to six persons traveling together to and from the worksite for the majority (at least fifty-one percent) of the total commute.

G. **Commute Trip.** A home-to-work or work-to-home trip.

H. **Compressed Work Week.** This applies to employee(s) who, as an alternative to completing the basic work requirements in five eight-hour workdays in one week are scheduled in a manner which reduces vehicle trips to the worksite. The recognized compressed work week schedules

for purposes of Chapter 9.53 of the Municipal Code are thirty-six hours in three days (3/36), forty hours in four days (4/40), or eighty hours in nine days (9/80).

**I. Consultant Employee Transportation**

**Coordinator (ETC).** A person that meets the requirements of and that serves as an ETC at a single worksite for an employer other than the consultant ETC's employer.

**J. Developer.** Any person or entity that is responsible for development of a project that will result in the construction of 7,500 square feet of nonresidential floor area or more, 16 residential units or more, or mixed-use projects of 16 residential units or more with any associated non-residential components. The person or entity responsible for development of a project shall be the developer and property owner. Upon transfer of title from a Property Owner to a Developer, the term "developer" shall mean the Property Owner.

**K. Developer TDM Plan.** A trip reduction plan intended to result in a developer achieving the applicable AVR Targets specified in this Chapter.

**L. Disabled Employee.** An individual with a physical or mental impairment which prevents the individual from

traveling to and from the worksite by means other than a single-occupant vehicle.

**M. Emission Reduction Plan (ERP).** A plan intended to reduce emissions related to employee commutes and to meet a worksite specific emission reduction target for the subsequent year.

N. [Reserved]

**O. Emission Reduction Target (ERT).** The annual VOC, NO<sub>x</sub> and CO emissions required to be reduced based on the number of employees per worksite and the employee emission reduction factors (pounds per year per employee) specified in SCAQMD Rule 2202-On-Road Motor Vehicle Mitigation Options Implementation Guidelines.

**P. Employee.** Any person employed full or part-time by a person(s), firm, business, educational institution, nonprofit agency or corporation, government agency or other entity. This term excludes the following: temporary employees, field construction workers, independent contractors, volunteers, seasonal employees and field personnel.

**Q. Employee Transportation Coordinator (ETC).**

The designated person, with appropriate training as required by the City, who is responsible for the development, administration, implementation and monitoring of the Emission Reduction Plan. The ETC must be at the worksite during normal business hours when the majority of employees are at the worksite. Employers of two hundred fifty employees or more must attend an SCAQMD ETC certification course. Employee Transportation Coordinators shall participate in City-sponsored workshops and roundtables.

**R. Employee Trip Reduction Plan (ETRP).** A plan for implementation of strategies that are designed to reduce employee vehicle commute trips during the AVR Window.

**S. Employer.** Any public or private employer, including the City of Santa Monica, having a permanent place of business in the City and employing ten or more employees.

**T. Field Construction Worker.** An employee who reports directly to work at a construction site outside the City of Santa Monica for the entire day, an average of at least six months out of the year.

**U. Field Personnel.** An employee who spends twenty percent or less of their work time, per week, at the worksite and who does not report to the worksite during peak periods for pick up and dispatch of an employer provided vehicle.

**V. Fleet Vehicles.** Any vehicles, including passenger cars, light-duty trucks and medium duty on-road vehicles, owned or leased by an employer that totals four (4) or more vehicles.

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

New Year's Day	January 1
Martin Luther King Jr. Birthday	January (Third Monday)
Presidents' Day	February (Third Monday)
Memorial Day	May (Last Monday)
Independence Day	July 4
Labor Day	September (First Monday)
Columbus Day	October (Second Monday)
California Rideshare Week	October (First Week)
Veteran's Day	November 11

Thanksgiving Day	November (Fourth Thursday plus the Friday after)
Christmas Eve	December 24
Christmas Day	December 25

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

**X. Independent Contractor.** A person who enters into a direct written contract or agreement with an employer to perform certain services and is not on the employer's payroll. An Independent Contractor providing services to an employer for a consecutive period of more than six months shall count as an employee of the employer and shall be counted in the AVR. The Independent Contractor shall also be considered an employee when figuring the employer annual transportation fee.

**Y. Low-Income Employee.** An individual whose salary is equal to or less than the current individual income level set in California Code of Regulations, Title 25, Section 6932, as lower income for Los Angeles County. Higher income employees may be considered to be “low-income” if the employee demonstrates that the plan disincentive would create a substantial economic burden.

**Z. Monitoring.** The techniques used to assess progress towards complying with the transportation management plan.

**AA. Multi-Site Employer.** Any employer which has more than one worksite within the City of Santa Monica, or more than one worksite in the South Coast Air Basin with one or more of those sites located in the City of Santa Monica.

**BB. Multi-Tenant Worksite.** A structure, or group of structures, on one worksite where more than one employer conducts a business.

**CC. Non-Commuting AVR Credit.** This credit applies to employees who arrive at the worksite during the window for calculating AVR and remain at the worksite or out

of the SCAQMD jurisdiction for a full 24 hour period or more to complete work assignments.

**DD. On-Site Coordinator.** An employee who serves as on-site coordinator at a worksite served by a consultant ETC or for an employer with more than one worksite located in the City of Santa Monica and has knowledge of the employer's ERP and marketing. On-Site Coordinators for employers with more than two hundred fifty employees must attend a one-time SCAQMD certified training course. The On-Site Coordinator is limited to program implementation rather than program development.

**EE. Parking Cash Out.** Health and Safety Section 43845 that requires employers with fifty or more employees who lease their parking and subsidize all or part of that parking to implement a parking cash-out program. Employers who fall under the purview of parking cash out must offer their employees the option to give up their parking spaces and receive a cash subsidy in an amount equal to the cost of the parking space. Employers who are subject to parking cash out requirements must implement a parking cash out plan. Employers who do not implement a parking cash out plan will have their emission reduction plans disapproved.

**FF. Part-Time Employee.** Any employee who reports to a worksite on a part-time basis fewer than thirty-two hours per week but more than four hours per week. These employees shall be included in the AVR calculations of the employer provided the employees report to or leave the worksite during the AVR window.

**GG. Peak Period.** In the morning, the peak period includes the hours from six a.m. to ten a.m. In the evening, the peak period includes the hours from three p.m. to seven p.m.

**HH. Peak Period Trip.** An employee's commute trip that begins or ends at the worksite or a work related trip within the peak period.

**II. Performance Target Zone.** A geographic area that determines the minimum employee emission reduction factor for a particular worksite determined by the SCAQMD. Santa Monica is located in SCAQMD Zone 2.

**JJ. Planning Director.** The Director of Planning and Community Development of the City of Santa Monica or his/her designee.

**KK. Project Commute Survey.** A survey of all tenant employees of a project site to determine property-wide AVR as part of the annual monitoring report on a Developer TDM Plan.

**LL. Project Transportation Coordinator (PTC).** The designated person, with appropriate training as required by the City, who is responsible for the development, administration, implementation, and monitoring of the Developer TDM Plan. The PTC must be at the project site during normal business hours when the majority of employees are at the project unless alternative arrangements have been made pursuant to Section 9.53.150. PTCs shall participate in City-sponsored workshops and roundtables.

**MM. Property Owner.** Any person, co-partnership, association, corporation or fiduciary having legal or equitable title or any interest in any real property.

**NN. Ridesharing.** Any mode of transportation other than a single occupancy vehicle that transports one or more persons to a worksite.

**OO. Seasonal Employee.** Any person who is employed for less than a continuous 90-day period.

**PP. Single Occupancy Vehicle.** A privately operated motor vehicle whose only occupant is the driver, including for hire vehicles with one passenger.

**QQ. South Coast Air Quality Management District (SCAQMD).** The air quality control agency that monitors and enforces air quality regulations in Orange County and non-desert portions of Los Angeles, Riverside and San Bernardino Counties.

**RR. Student Worker.** A student who is enrolled and gainfully employed (on the payroll) by an educational institution. Student workers who work more than four hours per week are counted for ordinance applicability and if they report to or leave work during the AVR Window(s) are counted for AVR calculation. Student workers are Employees within the meaning of this Chapter.

**SS. Telecommuting.** Any employee(s) working at home, off-site, or at a telecommuting center for a full work day, eliminating the trip to work or reducing travel distance by more than fifty percent.

**TT. Temporary Employee.** Any person employed by an employment service or a "leased" employee that reports to a worksite other than the employment service's worksite,

under a contractual arrangement with a temporary employer. Temporary employees are counted as employees of the employment service for purposes of calculating AVR. Temporary employees reporting to the worksite of a temporary employer for a consecutive period of more than six months shall count as an employee of the temporary employer and shall be counted in the AVR. The temporary employee shall also be considered an employee when figuring the employer annual transportation fee.

**UU. Training Provider.** A person, firm, business, educational institution, nonprofit agency or corporation or other entity which meets the requirements of and is certified by the South Coast Air Quality Management District and the City of Santa Monica to provide training, as required by this Chapter, to Employee Transportation Coordinators (ETC)s.

**VV. Transit.** A shared passenger transportation service which is available for use by the general public, as distinct from modes such as taxicabs, carpools, or vanpools which are not shared by strangers without a private arrangement. Transit includes buses, ferries, trams, trains, rail, or other conveyance which provides to the general public a service on a regular and continuing basis. Also known as public transportation, public transit or mass transit.

**WW. Transportation Allowance.** A financial incentive offered to employees instead of a parking subsidy to provide employees flexibility in mode choice. Employees are typically required to execute an agreement that they do not commute in a single-occupant vehicle in order to be eligible to receive the benefit.

**XX. Transportation Demand Management (TDM).**

The implementation of strategies that will encourage individuals to either change their mode of travel to other than a single occupancy vehicle, reduce trip length, eliminate the trip altogether, or commute at other than peak periods.

**YY. Transportation Facility Development (TFD).**

Construction of capital improvements to a transportation or transit system and/or installation of related operating equipment.

**ZZ. Transportation Management Organization**

**(TMO).** Transportation Management Organizations (TMOs) are City-certified organizations that provide transportation services in a particular area or citywide. They are generally public-private partnerships, consisting primarily of area businesses with local government support. TMOs provide an institutional framework for TDM programs and services.

**AAA. Transportation System Management (TSM).**

Strategies designed to improve traffic flow through modifications in, or coordination of, the operation of existing facilities.

**BBB. Trip Reduction.** The reduction in single occupant vehicle trips by private or public sector programs used during peak periods of commuting.

**CCC. Vanpool.** A van or similar motor vehicle in which seven to fifteen persons commute to and from the worksite for the majority (at least fifty-one percent) of the commute trip.

**DDD. Vehicle.** Any passenger car or truck, including Zero Emission Vehicles (ZEVs), used for commute purposes including any motorized two-wheeled vehicle. Vehicles shall not include bicycles, transit services, buses serving multiple worksites, or vehicles that stop only to load or unload passengers or materials at a worksite while on route to other worksites.

**EEE. Vehicle Trip.** The means of transportation used for the greatest distance of an employee's commute to or from work during the peak period. Each vehicle trip to the worksite shall be calculated as follows:

Single-occupant vehicle = 1

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

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

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

Zero Emission Vehicle= 0\*

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

Public transit = 0

Bicycle = 0

Walking and other non-motorized transportation modes = 0

Non-commuting = 0

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

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

**FFF. Volunteer.** Any person at a worksite who, of their own free will, provides goods or services, without any financial gain.

**GGG. Workplace or Worksite.** A building, part of a building, or grouping of buildings located within the City which are in actual physical contact or separated solely by a private or public roadway, and are owned or operated by the same employer. Structures that are located more than one-half mile away from each other must have a certified ETC or on-site coordinator at each site.

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

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

SECTION 48. Santa Monica Municipal Code Section 9.53.100 is hereby amended to read as follows:

**9.53.100 Administrative Appeals**

A. Disapproval of an ERP or WTP by the Director's designee, including a revision of such a plan, may be appealed to the City.

B. An appeal of an action by the Director's designee shall be filed with the Department of Planning and Community Development within ten calendar days following

the date of the action from which an appeal is taken. If no appeal is timely filed, the action taken by the Director's designee shall be final.

C. A hearing on an appeal shall be scheduled within sixty calendar days of the date of filing an appeal. Notice of an appeal hearing shall be mailed to the appellant not less than ten calendar days prior to the hearing scheduled before the Director or Hearing Officer.

D. A written decision on an appeal shall be issued thirty calendar days form the date of the hearing.

E. An action by the Director's designee that is appealed to the Director or Hearing Officer shall not become effective unless and until approved by the Director or Hearing Officer.

F. A decision of the Director or Hearing Officer shall be final except for judicial review and there shall be no appeal to the Commission or City Council.

SECTION 49. Santa Monica Municipal Code Section 9.54.010 is hereby amended to read as follows:

**9.54.010 General Provisions and Responsibilities**

**A. Citation and authority.**

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

**B. Purpose.**

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

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

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

**D. Application.**

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

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

1. **Advisory Agency.** A designated official or an official body charged with the duty of making investigations and reports on the design and improvements of proposed divisions of real property.

2. ***Air Space Lot.*** A division of the space above or below a lot, or partially above and below a lot, having finite width, length, and upper and lower elevations, occupied or to be occupied by a use, building or portion thereof, group of buildings or portions thereof, accessory buildings or portions thereof, or accessory uses. An air space lot shall be identified with a separate and distinct number or letter on a final subdivision or parcel map recorded in the office of the County Recorder.

3. ***Block.*** The area of land within a subdivision which area is entirely bounded by streets, highways or ways, except alleys, or the exterior boundary or boundaries of the subdivision.

4. ***Community Apartment.*** A project as defined in Business and Professions Code Section 11004 in which an undivided interest in the land is coupled with the right of exclusive occupancy of any apartment.

5. ***Condominium.*** An estate in real property consisting of an undivided interest in common in a portion of a parcel of real property together with a

separate interest in space in a residential, industrial or commercial building on such real property, such as an apartment, office, or store. A condominium may include, in addition, a separate interest in other portions of such real property.

6. **Conversion.** The creation of separate ownership of existing improved real property together with a separate interest in space of residential, industrial or commercial buildings thereon. A conversion may be accomplished by condominium, stock cooperative, community apartment, or cooperative apartment.

7. **Cooperative Apartment.** Pursuant to the City's authority to regulate subdivisions not regulated by the Subdivision Map Act as authorized by Government Code Section 66411, a project of more than four units in which an undivided interest in land is coupled with the exclusive right of occupancy of any apartment located thereon, whether such right is contained in the form of a written or oral agreement, when such right does not appear on the face of the deed.

8. **Design.** Street alignments, grades and width; drainage and sanitary facilities and utilities, including alignments and grades thereof; location and size of all required easements and rights-of-way; fire roads and fire breaks; lot size and configuration; traffic access; grading; land to be dedicated for park or recreational purposes; and such other specific requirements in the plan and configuration of the entire subdivision as may be necessary or convenient to ensure conformity to or implementation of the General Plan or any adopted specific plan.

9. **Final Map.** A map showing a subdivision for which a tentative and final map is required by this Chapter, prepared in accordance with the provisions of this Chapter and the Subdivision Map Act and designed to be recorded in the office of the County Recorder.

10. **Final Parcel Map.** A final map for a parcel.

11. **General Plan.** The General Plan of the City of Santa Monica.

12. **Improvement.** Street work, storm drainage, utilities and landscaping to be installed, or

agreed to be installed, by the subdivider on the land to be used for public or private streets, highways, and easements, as are necessary for the general use of the lot owners in the subdivision and local neighborhood traffic and drainage needs as a condition precedent to the approval and acceptance of the final map thereof; or to such other specific improvements or type of improvements, the installation of which, either by the subdivider, by public agencies, by private utilities, by any other entity approved by the local agency or by a combination thereof, is necessary to ensure conformity to or implementation of the General Plan or any adopted specific plan.

13. **Lot.** A parcel or portion of land separated from other parcels or portions by description, as on a subdivision or record of survey map, or by metes and bounds, for purpose of sale, lease, or separate use.

14. **Lot Line Adjustment.** A lot line adjustment between adjoining parcels, where the land taken from one parcel is added to an adjoining parcel, and where a greater number of parcels than originally existed is not thereby created.

15. **Merger.** The joining of two or more contiguous parcels of land under one ownership into one parcel.

16. **Subdivision Map Act.** The Subdivision Map Act of the State of California.

17. **Parcel Map.** A map showing a division of land of four or less parcels as required by this Chapter, prepared in accordance with the provisions of this Chapter and the Subdivision Map Act.

18. **Peripheral Street.** An existing street whose right-of-way is contiguous to the exterior boundary of the subdivision.

19. **Remainder.** That portion of an existing parcel which is not included as part of the subdivided land. The remainder is not considered as part of the subdivision but must be shown on the required maps as part of the area surrounding subdivision development.

20. **Stock Cooperative.** A corporation as defined in Business and Professions Code Section 11003.2 which is primarily for the purpose of holding

title to property if shareholders receive the right to exclusive occupancy in a portion of property and whose right to occupancy transfers concurrently with the transfer of an interest in the corporation.

21. **Subdivider.** A person who proposes to divide, divides, or causes to be divided real property into a subdivision for the subdivider or for others; except employees and consultants of such persons or entities acting in such capacity, are not "subdividers."

22. **Subdivision.** The division, by any subdivider, of any units or unit of improved or unimproved contiguous land shown on the latest equalized County assessment roll as a unit or as contiguous units for the purpose of sale, lease or financing, whether immediate or future. Property shall be considered as contiguous units, even if it is separated by roads, streets, utility easements or railroad rights-of-way. Subdivision includes a condominium project, as defined herein or in California Civil Code Section 1351(f), a community apartment project, as defined herein or in California Civil Code Section 1351(d), a stock cooperative, as defined herein or in California Civil Code Section

1351(m), a cooperative apartment as defined herein, or two or more air space lots as defined herein. Any conveyance of land to a governmental agency, public entity, or public utility shall not be considered a division of land for purposes of computing the number of parcels. "Subdivision" does not include anything excluded from the definition of subdivision in the Subdivision Map Act unless otherwise provided for herein.

23. ***Subdivision Map.*** See Final Map.

24. ***Tentative Map.*** A map made for the purpose of showing the design and improvements of a proposed subdivision and the existing conditions in and around it.

25. ***Tentative Parcel Map.*** A tentative map for a parcel.

26. ***Zoning Ordinance.*** Divisions 1 through 5 of Article 9 of the Municipal Code.

F. **City Attorney.**

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

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

1. The City Council shall have final jurisdiction in the approval of final subdivision and parcel maps and improvement agreements and the acceptance by the City of such land and/or improvements as may be proposed for dedication to the City.

2. The City Council shall act as the appeal board for hearing appeals of the approval, conditional approval or denial of tentative maps and the approval or denial of extensions.

3. The City Council shall establish by resolution reasonable fees for the processing of maps and for other procedures required or authorized by this Chapter or the Subdivision Map Act.

4. The City Council shall approve or deny applications for a stay of expiration of tentative

subdivision or parcel maps pursuant to Section 9.54.090(C).

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

1. Establishing design and construction details, standards and specifications;

2. Determining if proposed subdivision improvements comply with the provisions of this Chapter and the Subdivision Map Act;

3. The processing and certification of final maps, reversion to acreage maps, and amended maps; the processing and approval of subdivision improvement plans, lot line adjustments, mergers and certificates of compliance;

4. The inspection and approval of subdivision improvements;

5. The acceptance of private improvements.

**I. Planning Commission.**

The Planning Commission is designated as the Advisory Agency and shall be responsible for approving,

conditionally approving, or denying the application for tentative maps and the approval or denial of extensions.

**J. Director of Planning & Community**

**Development.**

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

SECTION 50. Santa Monica Municipal Code Section 9.54.030 is hereby amended to read as follows:

**9.54.030 Tentative Subdivision Maps**

A. **General.** The form and contents, submittal, and approval of tentative subdivision maps shall be governed by the provisions of this Section 9.54.030 and the Subdivision Map Act.

B. **Form and Contents.** The tentative subdivision map shall be prepared by a registered civil engineer or

licensed land surveyor and shall be clearly and legibly drawn and contain not less than the following:

1. A title which shall contain the subdivision number, subdivision name, and type of subdivision;
2. Name and address of legal owner, subdivider, and person preparing the map (including registration number);
3. Sufficient legal description to define the boundary of the proposed subdivision;
4. Date, north arrow, scale and contour interval;
5. Existing and proposed land use;
6. A vicinity map showing roads, adjoining subdivisions, towns, creeks, railroads, and other data sufficient to locate the proposed subdivision and show its relation to the community;
7. Existing topography of the proposed site and at least one hundred feet beyond its boundary, including but not limited to:

a. Existing contours at two feet intervals if the existing ground slope is less than ten percent and at not less than five feet intervals for existing ground slopes equal to or greater than ten percent. Contour intervals shall not be spread more than one hundred fifty feet apart. Existing contours shall be represented by dashed lines or by screened lines.

b. Type, circumference, and dripline of existing trees. Any trees proposed to be removed shall be so indicated.

c. The approximate location and outline of existing structures identified by type. Buildings to be removed shall be so marked.

d. The approximate location of all areas subject to inundation or storm water overflow and the location, width and direction of flow of each watercourse.

e. The location, pavement and right-of-way width, grade and name of existing streets or highway.

f. The widths, location and identity of all existing easements.

g. The location and size of existing sanitary sewers, water mains and storm drains. The approximate size of existing sewers and storm drains shall be indicated. The location of existing sewers and storm drains shall be indicated. The location of existing overhead utility lines on peripheral streets.

h. The approximate location of the 60, 65 and 70 CNEL (Community Noise Equivalent Level) contours, if any.

8. Proposed improvements to be shown shall include but not be limited to:

a. The location, grade, centering radius and arc length of curves, pavement and right-of-way width and name of all streets. Typical sections of all streets shall be shown.

b. The location and radius of all curb returns and cul-de-sacs.

c. The location, width, and purpose of all easements.

d. The angle of intersecting streets if such angle deviates from a right angle more than four degrees.

e. The approximate lot layout and the approximate dimensions of each lot and of each building site. Engineering data shall show the approximate finished grading of each lot, the preliminary design of all grading, the elevation of proposed building pads, the top and toe of cut and fill slopes to scale and the number of each lot.

f. Proposed contours at two feet intervals shall be shown if the existing ground slope is less than ten percent and not less than five feet intervals for existing ground slopes greater than or equal to ten percent. A separate grading plan may be submitted.

g. Proposed recreation sites, trails, and parks for private or public use.

h. Proposed commons areas to be dedicated to public open space.

i. The location and size of sanitary sewers, water mains or storm drains. Proposed slopes and approximate elevations of sanitary sewers and storm drains shall be indicated.

9. The name or names of any geologist or soils engineer whose services were required in the preparation of the design of the tentative map;

10. The source and date of existing contours;

11. All letter size shall be one-eighth inch minimum;

12. If the subdivider plans to develop the site as shown on the tentative map in units, then the subdivider shall show the proposed units and their proposed sequence of construction on the tentative map;

13. The Director may waive any of the foregoing tentative subdivision map requirements whenever he or she finds that the type of subdivision is such as not to necessitate compliance with these

requirements, or that other circumstances justify such waiver. The Director may require other such drawings, data or other information as deemed necessary.

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

1. ***Title Report.*** A preliminary title report dated within the last three months prior to the submittal date, showing the legal owners at the time of filing the tentative subdivision map.

2. ***Environmental Impact Study.*** The various time limits set forth in this Chapter for taking action on tentative subdivision maps shall not be deemed to commence until the subdivision is found exempt or an initial study is completed and a negative declaration or environmental impact report, as appropriate, is prepared, processed and considered in accordance with the provisions of the California Environmental Quality Act. The subdivider shall provide such additional data and information and deposit and pay

such fees as may be required for the preparation and processing of environmental review documents.

3. ***Housing Element Compliance Plan.*** A plan for complying with any requirements of the Housing Element.

4. Building Plans and Elevations.

5. Landscape Plan.

6. Condominium Specification Checklist.

7. CC & Rs.

8. Tenant Displacement List.

9. Tenants' Notice of Intent to Convert.

10. Notice of Intent to Convert.

11. Building Condition and History Report.

12. Conversion Report.

13. Energy Conservation Plan.

14. Application for Conditional Use Permit.

15. Radius Map, Mailing List.

16. **Preliminary Soil Report.** A preliminary soil report as required by Health and Safety Code Section 17953. The Building Officer may waive this requirement upon a determination that no preliminary analysis is necessary because of the knowledge of the Building Officer as to soil qualities of soil of the proposed subdivision or lot.

17. **Other Reports.** Any other data or reports deemed necessary by the Director.

#### **D. Submittal and Processing of Tentative**

##### **Subdivision Maps.**

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

number of tentative maps that the Director deems necessary.

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

**F. Vesting Tentative Map.**

1. A “vesting tentative map” is a tentative map as defined in this Chapter which shall have printed conspicuously on its face the words “Vesting Tentative Map” and which is processed in accordance with this Section.

2. Whenever a tentative map is required by this Chapter, a vesting tentative map may be filed instead. If a subdivider does not seek the rights conferred by a vesting tentative map, the filing of a vesting tentative map shall not be required as a prerequisite to any approval for any proposed subdivision, permit for construction, or work preparatory to construction.

3. A vesting tentative map shall be processed in the manner provided in Sections 9.54.030(D) and 9.54.030(E) of this Chapter. A vesting tentative map

shall be filed in the same form and with the same content as provided in Sections 9.54.030(B) and 9.54.030(C) of this Chapter except that the words "Vesting Tentative Map" shall be conspicuously printed on the face thereon.

4. A vesting tentative map shall expire and be subject to the same extensions as apply to a tentative map as set forth in this Chapter.

5. The approval or conditional approval of a vesting tentative map shall confer a vested right to proceed with development in substantial compliance with those ordinances, policies and standards in effect as of the date the application for a vesting tentative map is determined to be complete, or as otherwise permitted by Government Code Section 66474.2. If Government Code Section 66474.2 is repealed, the approval or conditional approval of a vesting tentative map shall confer a vested right to proceed with development in substantial compliance with the ordinances, policies, and standards in effect at the time the vesting tentative map is approved or conditionally approved. Approval of a vesting tentative map shall in no way limit or diminish the

authority of the City to deny or impose reasonable conditions in conjunction with subsequent approvals relating to the project provided the City applies those ordinances, policies and standards in effect at the time of approval of the vesting tentative map.

6. Notwithstanding subsection (5), the City may condition or deny a permit, approval, extension, or entitlement for use based upon ordinances, policies and standards enacted subsequent to the time the vesting tentative map is approved or conditionally approved if any of the following are determined:

a. A failure to do so would place the residents of the subdivision or the immediate community, or both, in a condition dangerous to their health or safety, or both.

b. The condition or denial is required in order to comply with State or Federal law.

7. The rights referred to in this Section shall expire if a final map is not approved prior to the expiration of the vesting tentative map. After the final map is approved, the rights referred to in this Section shall apply for the following time periods:

a. An initial time period of one year after recordation of the final map. Where several final maps are recorded on various phases of a project covered by a single vesting tentative map, this initial time period shall begin for each phase when the final map for that phase is recorded.

b. The initial time period provided in subsection (7)(a) shall be automatically extended by any time used by the City for processing a complete application for a grading permit or for design or architectural review, if the time to process application exceeds thirty days from the date a complete application is filed.

c. A subdivider may apply to the Planning Commission for a one-year extension at any time prior to the expiration of the initial time period provided by this Section. If the extension is denied, the subdivider may appeal that decision to the City Council within fifteen days.

d. If the subdivider submits a complete application for a building permit during the time period provided in this Section, the vested right to proceed shall be extended until the expiration of the building permit or any extension of that permit granted by the City.

8. Whenever a subdivider files a vesting tentative map for a subdivision whose intended development is inconsistent with the zoning ordinance in existence at that time, that inconsistency shall be noted on the map. The City shall deny such a vesting tentative map or approve it conditioned upon the subdivider obtaining the necessary change in the zoning ordinance to eliminate the inconsistency. If the change in the zoning ordinance is obtained, the approved or conditionally approved vesting tentative map shall confer the vested right to proceed with development in substantial compliance with the change in the zoning ordinance and the map as approved.

9. Notwithstanding any provision of this Section, a property owner or his or her designee may seek approvals or permits for development which

departs from the ordinances, policies and standards described in subsection (5), the City may grant these approvals or issue these permits to the extent that the departures are authorized under applicable law.

SECTION 51. Santa Monica Municipal Code Section 9.54.040 is hereby amended to read as follows:

**9.54.040 Final Subdivision Maps**

A. **General.** The form, contents, accompanying data, and filing of the final subdivision map shall conform to the provisions of this Section 9.54.040 and the Subdivision Map Act. The final subdivision map shall be prepared by or under the direction of a registered civil engineer or licensed land surveyor.

**B. Survey Required.**

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

2. At the time of making the survey for the final subdivision map, the engineer or surveyor shall set sufficient durable monuments to conform with the standards described in Business and Professions Code Section 8771 so that another engineer or surveyor may readily retrace the survey. At least one exterior boundary line shall be monumented prior to recording the final map. Other monuments shall be set as required by the City Engineer.

**C. Form.** The form of the final subdivision map shall conform to the Subdivision Map Act and as set forth below:

1. The final subdivision map shall be legibly drawn, printed or reproduced by a process guaranteeing a permanent record of black on tracing cloth or polyester base film. Certificates, affidavits and acknowledgements may be legibly stamped or printed upon the map with opaque ink. If ink is used on polyester base film, the ink surface shall be coated with a suitable substance to assure permanent legibility.

2. The size of each sheet shall be eighteen by twenty-six inches. A marginal line shall be drawn

completely around each sheet, leaving an entirely blank margin of one inch. The scale of the map shall be not less than one inch equals one hundred feet or as may be necessary to show all details clearly, and enough sheets shall be used to accomplish this end. The particular number of the sheet and the total number of sheets comprising the map shall be stated on each of the sheets, and its relation to each adjoining sheet shall be clearly shown. When four or more sheets including the certificate sheets are used, a key sheet will be included.

3. All printing or lettering on the map shall be of one-eighth inch minimum height and of such shape and weight as to be readily legible on prints and other reproductions made from the original drawings.

4. The final form of the final subdivision map shall be as approved by the City Engineer.

D. **Contents.** The contents of the final subdivision map shall conform to the Subdivision Map Act and as set forth below:

1. **Boundary.** The boundary of the subdivision shall be designated by a heavy black line in such manner as not to obliterate figures or other data.

2. **Title.** Each sheet shall have a title showing the subdivision number and name and location of the property being subdivided with reference to maps which have been previously recorded, or by reference to the plat of a United States Survey. The following words shall appear in the title, "In the City of Santa Monica."

3. **Certificates.** The following certificates shall appear only once on the cover sheet.

a. *Owner's Certificate.* A certificate, signed and acknowledged by all parties having record title interest in the land subdivided, excepting those parties having rights-of-way, easements, other interests which cannot ripen into a fee, or other exceptions provided by the Subdivision Map Act, and consenting to the preparation and recordation of the final subdivision map and offering for dedication to the public certain specific parcels of land.

b. *Engineer's Certificate.* A certificate by the engineer or surveyor responsible for the survey and final subdivision map shall appear on the map. The certificate shall give the date of the survey, state that the survey and final subdivision map were made by or under the direction of the engineer or surveyor, and that the survey is true and complete as shown.

c. The certificate shall also state that all monuments are of the character and occupy the positions indicated, or that they will be set in such position on or before a specified later date. The certificate shall also state that the monuments are, or will be, sufficient to enable the survey to be retraced.

d. The certificate shall be in the form required by the Subdivision Map Act.

e. *City Engineer's Certificate.* A certificate by the City Engineer stating that the final subdivision map has been examined and that it is in accord with the tentative map and any approved alterations thereof, complies with

the Subdivision Map Act and the provisions of the Chapter, and is technically correct. The City Engineer shall not execute such certification until receiving a report from the Director of Planning of compliance with all conditions of the tentative subdivision map. The certification shall be conditional on the City Council finding that all conditions of the tentative subdivision map have been complied with.

f. *City Clerk's Certificate.* A certificate for execution by the City Clerk stating the date and number of the resolution adopted by the City Council approving the final subdivision map and stating that the City Council accepted, accepted subject to improvement or rejected on behalf of the public, any real property offered for dedication for public use in conformity with the terms of the offer of dedication.

g. *County Recorder's Certificate.* A certificate to be executed by the County Recorder stating that the final subdivision map

has been accepted for filing, that the final subdivision map has been examined and that it complies with the provisions of State laws and local ordinances governing the filing of final subdivision maps.

h. The certificate shall show who requested the filing of the final subdivision map, the time and date the map was filed and the book and page where the map was filed.

i. *County Clerk's Certificate.* A certificate to be executed by the County Clerk stating that all taxes due have been paid or that a tax bond assuring the payment of all taxes which are a lien but not yet payable has been filed with the County.

**4. *Scale, North Arrow and Basis of Bearings.*** There must appear on each map sheet the scale, the north arrow and the basis of bearings in relation to a previously recorded final map. The basis of bearings shall be approved by the City Engineer.

**5. *Linear, Angular and Radial Data.*** Sufficient linear, angular, and radial data shall be shown to

determine the bearings and lengths of monument lines, street centerlines, the boundary lines of the subdivision and of the boundary lines on every lot and parcel which is a part thereof. Length, radius and total central angle or radial bearings of all curves shall be shown. Ditto marks shall not be used in the dimensions and data shown on the final subdivision map.

6. **Monuments.** The location and description of all existing and proposed monuments shall be shown. Standard City monuments shall be set at (or from off-sets as approved by the City Engineer) the following locations:

- a. The intersection of street centerlines.
- b. Beginning and end of curves in centerlines.
- c. At other locations as may be required by the City Engineer.

7. **Lot Numbers.** Lot numbers shall begin with the number 1 in each subdivision and shall continue consecutively with no omissions or duplications

except where contiguous lands, under the same ownership, are being subdivided in successive units, in which event lot numbers may begin with the next consecutive number following the last number in the preceding unit. Each lot shall be shown entirely on one sheet of the final subdivision map, unless approved by the City Engineer.

8. **City Boundaries.** City boundaries which cross or join the subdivision shall be clearly designated.

9. **Street Names.** The names of all streets, alleys, or highways within or adjoining the subdivision shall be shown.

10. **Easements.**

a. Easements for roads or streets, paths, storm water drainage, sanitary sewers or other public use as may be required, shall be dedicated to the public for acceptance by the City or other public agency, and the use shall be specified on the final subdivision map. If at the time the final subdivision map is approved, any streets, paths, alleys or storm

drainage easements are not accepted by the City Council, the offer of dedication shall remain open and the City Council may, by resolution at any later date, accept and open the streets, paths, alleys or storm drainage easements for public use, which acceptance shall be recorded in the office of the County Recorder.

b. All easements of record shall be shown on the final subdivision map, together with the name of the grantee and sufficient recording data to identify the conveyance, e.g., recorder's serial number and date, or book and page of official records.

c. Easements not disclosed by the records in the office of the County Recorder and found by the surveyor or engineer to be existing, shall be specifically designated on the final subdivision map, identifying the apparent dominant tenements for which the easements were created.

d. The sidelines of all easements of record shall be shown by dashed lines on the final subdivision map with the widths, lengths and bearings of record. The width and location of all easements shall be approved by the City Engineer.

**11. *Subdivision Improvement Agreements.***

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

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

**E. Preliminary Submittal for City Approval.** The subdivider shall submit the final subdivision map to the City Engineer for checking. The preliminary submittal shall be accompanied by the following data, plans, reports and documents in a form as approved by the City Engineer:

1. **Improvement Plans.** Improvement plans as required by the Planning Commission or City Council.

2. **Title Report.** A title report dated within the last three months prior to the submittal date, showing the legal owners at the time of submittal of the final subdivision map.

3. **Improvement Bond Estimate.** The improvement bond estimate shall include all improvements within public rights-of-way, easements, or common areas and utility trench backfill as provided by the developer except for those utility facilities installed by a utility company under the jurisdiction of the California Public Utilities Commission.

4. **Deeds for Easements or Rights-of-Way.**  
Deeds for easements or rights-of-way required for road or drainage purposes which have not been

dedicated on the final subdivision map. Written evidence acceptable to the City in the form of rights of entry or permanent easements across private property outside of the subdivision permitting or granting access to perform necessary construction work and permitting the maintenance of the facility.

**5. *Joint Use of Right-of-Way Agreement.***

Agreements, acceptable to the City, executed by all owners of all utility and other easements within the proposed rights-of-way consenting to the dedication of the road or consenting to the joint use of the right-of-way, as may be required by the City for public use and convenience of the road shall be required. These owners shall join in the dedication and subordinate their rights to the right of the public in the road.

**6. *Traverse Closures.*** Traverse closures for the boundary blocks, lots, easements, street centerlines and monument lines. The error of field closures in the traverse around the subdivision and around the interior lots or blocks shall not exceed one part in twenty thousand.

**7. *Hydrology and Hydraulic Calculations.***

Complete hydrology and hydraulic calculations of all storm drains.

**8. *Organization Documents.*** The submittal of the final subdivision map shall include the proposed Declaration of Covenants, Conditions and Restrictions, and all other organizational documents for the subdivision in a form as prescribed by Civil Code Section 1355.

9. Any additional data, reports or information as required by the City Engineer. All documents shall be subject to review by the City Engineer and City Attorney.

**F. *City Engineer's Review.*** Upon completing the preliminary check the City Engineer shall note the required corrections, if any, on the preliminary submittal, reports and data. The submittal shall be marked as approved as submitted, approved when corrected as noted, or revise and resubmit and shall be returned to the subdivider's engineer.

**G. *Resubmittal.*** The subdivider's engineer shall submit the revised and corrected map, reports and data to the City Engineer.

**H. Approval by the City Engineer and Planning Director.** Upon receipt of an approved print, the subdivider shall submit to the City Engineer the original tracing of the revised map, prepared in accordance with the Subdivision Map Act and this Chapter and corrected to its final form, and signed by all parties required by the Subdivision Map Act and this Chapter to execute the certificate on the map. The City Engineer shall sign the appropriate certificates and notify the Director that the map has been approved. The original tracing will be held by the City Engineer until Council approves the map.

**I. Approval.** The final map shall be approved or denied in accordance with procedures set forth in Subchapter 9.54.080.

SECTION 52. Santa Monica Municipal Code Section 9.54.050 is hereby amended to read as follows:

**9.54.050 Tentative Parcel Maps**

**A. General.** The form and contents, submittal, and approval of tentative parcel maps shall conform to the provisions of this Section 9.54.050 and the Subdivision Map Act. The tentative parcel map shall be prepared by a registered civil engineer or licensed land surveyor.

B. **Form.** The tentative parcel map shall be clearly and legibly drawn on one sheet. The scale shall be approved by the City Engineer and all lettering shall be one-eighth (1/8) inch minimum in height. The final form shall be approved by the City Engineer.

C. **Content.** The tentative parcel map shall show the following information:

1. Name and address of legal owner, subdivider, and the person preparing the map (including registration number). The engineer or surveyor responsible for the preparation of the map shall certify that all monuments are or will be set on or before a specified date.

2. Assessor's parcel number.

3. Date prepared, north arrow, scale and contour interval.

4. Existing and proposed land use.

5. Title.

6. A vicinity map, sufficient to show the relation to the local community.

7. Existing topography of the site and at least one hundred (100) feet from its boundary, including but not limited to:

a. Existing contours at two (2) feet intervals, if the existing ground slope is less than ten percent and not less than five (5) feet intervals for existing ground slopes greater than or equal to ten percent. Existing contours shall be represented by screened or dashed lines.

b. Type, circumference, and dripline of existing trees. Any trees proposed to be removed shall be so indicated.

c. The approximate location and outline of existing structures identified by type. Structures to be removed shall be so marked.

d. The approximate location of all areas subject to inundation or storm water overflow and the location, width and direction of flow of each watercourse.

e. The location, pavement, and right-of-way width, and grade and name of existing streets or highways.

f. Location and type of street improvements.

g. The location, size, and slope of existing storm drains. The location of existing overhead utility lines on peripheral streets.

h. The location, width, and identity of exiting easements.

8. Any improvements proposed by the owner shall be shown.

9. If the site is to be graded, proposed contours shall be shown or on an approved grading plan.

10. The proposed lot layout and lot areas.

11. Proposed easements or rights-of-way.

12. The source and date of existing contours.

13. A preliminary report of title showing the current vested owner and dated within three months of the application.

14. A soils and/or engineering geology report may be required by the City Engineer.

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

1. ***Title Report.*** A preliminary title report, showing the legal owners at the time of filing the tentative parcel map.

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

3. ***Housing Element Compliance Plan.*** A

plan for complying with any requirements of the Housing Element.

4. Building Plans and Elevations.

5. Landscape Plan.

6. Condominium Specification Checklist.

7. CC & Rs.

8. Tenant Displacement List.

9. Tenants' Notice of Intent to Convert.

10. Notice of Intent to Convert.

11. Building Condition and History Report.

12. Conversion Report.

13. Energy Conservation Plan.

14. Application for Conditional Use Permit.

15. Radius Map, Mailing List.

16. ***Preliminary Soil Report.*** A preliminary soil report as required by Health and Safety Code Section 17953. The Building Officer may waive this

requirement upon a determination that no preliminary analysis is necessary because of the knowledge of the Building Officer as to soil qualities of soil of the proposed parcel or lot.

17. **Other Reports.** Any other data or reports deemed necessary by the Director of Planning.

**E. Submittal and Processing of Tentative Parcel Maps.**

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

**F. Approval.**

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

**G. Waiver of Parcel Map.**

The Planning Commission may waive the requirements for a tentative and final parcel map when it is demonstrated that the waiver is consistent with the purpose of this Chapter and the General Plan. No parcel map may be waived for a condominium, stock cooperative, community apartment project, or cooperative apartment, whether created by new construction or conversion. The decision of the Planning Commission shall not be appealable.

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

1. A subdivider shall submit a Request for Waiver of Parcel Map which shall set forth the manner in which the proposed division is consistent with the purpose of this Chapter and the General Plan.

2. A subdivider shall also submit a plot map of the proposed division which shall contain a detailed

survey of all affected parcels. The content of the plot map shall be determined by the City Engineer.

3. The Director of Planning shall review the Request for Waiver of Parcel Map and shall set the matter for public hearing before the Planning Commission as provided in Section 9.54.070(A).

4. The Planning Commission shall approve, conditionally approve or deny the Request for Parcel Map Waiver after the contents of the plot map have been approved by the City Engineer.

5. If the Planning Commission approves or conditionally approves the Request for Parcel Map Waiver, a Certificate of Compliance shall be executed. The Certificate of Compliance shall identify the real property and shall state that the division thereof complies with applicable provisions of the Subdivision Map Act and this Chapter. Upon making such a determination the City shall cause the Certificate of Compliance to be filed for record with the County Recorder's Office.

SECTION 53. Santa Monica Municipal Code Section 9.54.060 is hereby amended to read as follows:

## **9.54.060 Final Parcel Maps**

### **A. Final Parcel Maps.**

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

### **B. Survey Required.**

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

### **C. Form and Content.**

The form and content of the final parcel map shall conform to the requirements for final subdivision maps as specified by Sections 9.54.040(C) and 9.54.040(D) of this

Chapter (except that any reference therein to a final subdivision map shall refer to a final parcel map). Lots shall be designated by letters commencing with "A".

**D. Preliminary Submittal for City Approval.** The subdivider shall submit the final parcel map to the City Engineer for checking. The preliminary submittal shall be accompanied by the following data, plans, reports and documents in a form as approved by the City Engineer:

1. **Improvement Plans.** Improvement plans as required by the Planning Commission or City Council.

2. **Title Report.** A title report dated within three months of the submittal showing the legal owners at the time of submittal of the final parcel map.

3. **Improvement Bond Estimate.** The improvement bond estimate shall include all improvements within public rights-of-way, easements, or common areas and utility trench backfill as provided by the developer except for those utility facilities installed by a utility company under the jurisdiction of the California Public Utilities Commission.

4. **Deeds for Easements or Rights-of-Way.** Deeds for easements or rights-of-way required for road or drainage

purposes which have not been dedicated on the final parcel map. Written evidence acceptable to the City in the form of rights of entry or permanent easements across private property outside of the parcel permitting or granting access to perform necessary construction work and permitting the maintenance of the facility.

**5. *Joint Use of Right-of-Way Agreement.***

Agreements, acceptable to the City, executed by all owners of all utility and other easements within the proposed rights-of-way consenting to the dedication of the road or consenting to the joint use of the right-of-way, as may be required by the City for public use and convenience of the road shall be required. These owners shall join in the dedication and subordinate their rights to the right of the public in the road.

**6. *Traverse Closures.*** Traverse closures for the boundary blocks, lots, easements, street centerlines and monument lines. The error of field closures in the traverse around the parcel and around the interior lots or blocks shall not exceed one part in twenty thousand (1/20,000).

**7. *Hydrology and Hydraulic Calculations.***

Complete hydrology and hydraulic calculations of all storm drains.

**8. *Organization Documents.*** The submittal of the final parcel map shall include the proposed Declaration of Covenants, Conditions and Restrictions, and all other organizational documents for the subdivision in a form as prescribed by Civil Code Section 1355.

9. Any additional data, reports or information as required by the City Engineer. All documents shall be subject to review by the City Engineer and City Attorney.

**E. *City Engineer's Review.***

Upon completing the preliminary check the City Engineer shall note the required corrections, if any, on the preliminary submittal, reports and data. The submittal shall be marked approved as submitted, approved when corrected as noted, or revise and resubmit and shall then be returned to the subdivider's engineer.

**F. *Resubmittal.***

The subdivider's engineer shall submit the revised and corrected map, reports and data to the City Engineer.

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

**Director.**

Upon receipt of an approved print, the subdivider shall submit to the City Engineer the original tracing of the revised map, prepared in accordance with the Subdivision Map Act and this Chapter and corrected to its final form, and signed by all parties required by the Subdivision Map Act and this Chapter to execute the certificate on the map. The City Engineer shall sign the appropriate certificates and notify the Director that the map has been approved. The original tracing will be held by the City Engineer until Council approves the map.

**H. Approval of Final Parcel Map.**

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

SECTION 54. Santa Monica Municipal Code Section 9.54.080 is hereby amended to read as follows:

**9.54.080 Procedures for Approval of Final Maps**

**A. Approval by City Council.**

1. The final map together with the subdivision improvement agreement, shall be placed on the City Council agenda for its approval. The City Council shall consider the final map for approval at its next regular meeting after the meeting at which it receives the map prepared in accordance with this Chapter. The City Council shall have approved any subdivision improvement agreement before approving the final map.

2. If the subdivision improvement agreement and final map are approved by the City Council, it shall instruct the City Manager to execute the agreement on behalf of the City. If the subdivision improvement agreement and/or final map does not meet the requirements of the Subdivision Map Act or this Chapter, the City Council shall deny the final map without prejudice to the subdivider resubmitting a final map in compliance with the Subdivision Map Act and this Chapter.

**B. Denial by the City Council.**

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

**C. Filing with the County Recorder.**

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

**D. Submittal by Units.**

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

subdivider shall provide for the construction of such improvements as may be required to constitute a logical and orderly development of the whole subdivision by units.

SECTION 55. Santa Monica Municipal Code Section 9.56.090 is hereby amended to read as follows:

**9.56.090 Structure of Merit Designation Procedure**

Structures of Merit shall be designated by the Landmarks Commission in accordance with the following procedure:

A. Except as limited by 9.25.040(E), any person may request the designation of an improvement as a Structure of Merit by properly filing with the Director an application for such designation on a form furnished by the Department. Additionally, the Commission may file an application for the designation of a Structure of Merit on its own motion. Within thirty days of filing a Structure of Merit designation application, the property owner and tenants of the subject property shall be notified of the application filing.

B. Upon determination that an application for designation of an improvement as a structure of merit is complete, removal or demolition, in whole or in part, of or to a proposed Structure of Merit is prohibited, and no permit

issued by any City Department, Board or Commission including, but not limited to, a conditional use permit, a tentative tract map, or tentative parcel map permit, a development review permit, any Zoning Conformance permit, Architectural Review Board approval, rent control permit, or building permit, authorizing any such removal or demolition shall be granted while any action on the application is pending.

C. The Director shall conduct an evaluation of the proposed designation and shall make a recommendation to the Commission as to whether the structure merits such designation. A public hearing to determine whether the structure merits such designation shall be scheduled before the Landmarks Commission within ninety days of the determination that the application is complete.

D. Not more than twenty days and not less than ten days prior to the date scheduled for a public hearing, notice of the date, time, place, and purpose thereof shall be given by at least one publication in a daily newspaper of general circulation, and shall be mailed to the applicant, owner of the improvement, and to all owners and residential and commercial tenants of all real property within three hundred feet of the exterior boundaries of the lot or lots on which a

proposed Structure of Merit is situated, using for this purpose the names and addresses of such owners as are shown on the records of the Los Angeles County Assessor. The failure to send notice by mail to any such real property owner where the address of such owner is not a matter of public record shall not invalidate any proceedings in connection with the proposed designation. The Commission may also give such other notice as it may deem desirable and practicable.

E. No later than ninety days from the determination that the application is complete, the Commission shall approve, in whole or in part, or disapprove the application for the designation of a Structure of Merit. If the Commission fails to take action on the application for the designation of a Structure of Merit at the conclusion of the public hearing, the application for such designation shall be deemed disapproved, and it shall be the duty of the Director to certify such disapproval.

F. The decision of the Commission shall be in writing and shall state the findings of fact and reasons relied upon to reach the decision, and such decision shall be filed with the Director.

G. Upon the rendering of a decision to designate a Structure of Merit, the owner of the designated Structure of Merit shall be given written notification of such designation by the Commission, using for this purpose the name and address of such owner as is shown in the records of the Los Angeles County Assessor.

H. Subject to other provisions of this Section and Section 9.56.180 of this Chapter, a decision of the Commission to designate a Structure of Merit shall be in full force and effect from and after the date of the rendering of such decision by the Commission.

I. The Commission shall have the power, after a public hearing, to amend, modify, or rescind any decision to designate a Structure of Merit and to make any preliminary or supplemental designations, determinations or decisions, as additions thereto.

J. The Commission shall determine the instances in which cases scheduled for public hearing may be continued or taken under advisement. In such instances, no new notice need be given of the further hearing date, provided such date is announced at the scheduled public hearing.

K. Whenever an application for the designation of a Structure of Merit has been disapproved or deemed disapproved by the Commission, no application which contains the same or substantially the same information as the one which has been disapproved shall be resubmitted to or reconsidered by the Commission or City Council within a period of five years from the effective date of the final action upon such prior application. However, if significant new information is available, the City Council, upon recommendation from the Landmarks Commission, may waive the time limit by resolution and permit a new application to be filed. In addition, an application by the owner of the improvement proposed for Structure of Merit designation may be resubmitted or reconsidered notwithstanding said five year time period.

L. If an improvement is designated as a Structure of Merit because the improvement contributes to a potential Historic District, this designation shall remain in full force and effect only if within ninety days from the date of designation, either by the Landmarks Commission or by the City Council on appeal, an application for designation of an Historic District has been filed pursuant to Section 9.56.130 which would include the Structure of Merit within its area. If a

Historic District application is timely filed, the Structure of Merit designation shall remain in full force and effect during the Historic District designation process. If an application for designation of a Historic District is not timely filed or a Historic District is not designated in accordance with Section 9.56.130, then the Structure of Merit designation shall be automatically nullified without any action required by the Commission.

SECTION 56. Santa Monica Municipal Code Section 9.56.100 is hereby amended to read as follows:

**9.56.100 Landmark or Historic District Designation**

**Criteria**

A. For purposes of this Chapter, the Landmarks Commission may approve the landmark designation of a structure, improvement, natural feature or an object if it finds that it meets one or more of the following criteria:

1. It exemplifies, symbolizes, or manifests elements of the cultural, social, economic, political or architectural history of the City.

2. It has aesthetic or artistic interest or value, or other noteworthy interest or value.

3. It is identified with historic personages or with important events in local, state or national history.

4. It embodies distinguishing architectural characteristics valuable to a study of a period, style, method of construction, or the use of indigenous materials or craftsmanship, or is a unique or rare example of an architectural design, detail or historical type valuable to such a study.

5. It is a significant or a representative example of the work or product of a notable builder, designer or architect.

6. It has a unique location, a singular physical characteristic, or is an established and familiar visual feature of a neighborhood, community or the City.

B. For purposes of this Chapter, a geographic area or a noncontiguous grouping of thematically related properties may be designated a Historic District if the City Council finds that such area meets one of the following criteria:

1. Any of the criteria identified in Section 9.56.100(A)(1) through (6).

2. It is a noncontiguous grouping of thematically related properties or a definable area possessing a

concentration of historic, scenic or thematic sites, which contribute to each other and are unified aesthetically by plan, physical development or architectural quality.

3. It reflects significant geographical patterns, including those associated with different eras of settlement and growth, particular transportation modes, or distinctive examples of park or community planning.

4. It has a unique location, a singular physical characteristic, or is an established and familiar visual feature of a neighborhood, community or the City.

SECTION 57. Santa Monica Municipal Code Section 9.56.110 is hereby amended to read as follows:

**9.56.110 Public Spaces**

For purposes of this Chapter, any interior space regularly open to the general public, including, but not limited to, a lobby area may be included in the landmark designation of a structure or structures if the Landmarks Commission, or the City Council upon appeal, finds that such public spaces meet one or more of the criteria listed under Section 9.56.100.

SECTION 58. Santa Monica Municipal Code Section 9.56.130 is hereby amended to read as follows:

**9.56.130 Historic District Designation Procedure**

Historic Districts shall be designated by the City Council in accordance with the following procedure:

A. Any person may request the designation of an area as a Historic District by properly filing with the Director of Planning an application for such designation on a form furnished by the Planning Department. Additionally, the Landmarks Commission may file an application for the designation of a Historic District on its own motion.

B. No later than sixty days after the application for the designation of a Historic District is determined to be complete, City staff shall conduct a public meeting to discuss the potential District designation, including but not limited to, the designation process, the effect of designation on future property development, and the benefits of designation. The Landmarks Commission may request that City staff conduct this public meeting prior to the Landmark Commission's determination to file an application on its own motion. No more than twenty days and not less than ten days prior to the date scheduled for the public meeting, notice of the date,

time, place, and purpose thereof shall be given by at least one publication in a daily newspaper of general circulation, and shall be mailed to the applicant, and to all owners and occupants of all real property within the potential Historic District.

C. Upon determination by City staff that an application for designation of an Historic District is complete, any alteration, restoration, construction, removal, relocation or demolition, in whole or in part, of or to a building or structure within a proposed Historic District is prohibited, and no permit issued by any City Department, board or commission including a conditional use permit, a tentative tract map or parcel map permit, a final tract map or parcel map permit, a development review permit, any Zoning Conformance permit, Architectural Review Board approval, rent control permit, or building permit authorizing any such alteration, restoration, construction, removal, relocation or demolition shall be granted while a public hearing or any appeal related thereto is pending.

D. Any person subject to subdivision (C) of this Section may apply to the Director, and to the Landmarks Commission, on appeal, for an exception. Exceptions may be granted for repairs or alterations which do not involve any

detrimental change or modification to the exterior of the structure in question or for actions which are necessary to remedy emergency conditions determined to be dangerous to life, health or property.

E. The Director shall conduct a preliminary evaluation of the proposed designation and shall make a recommendation to the Commission as to the appropriateness and qualification of the application for consideration by the Commission.

F. A hearing to determine whether to recommend to the City Council that the application for the designation of a Historic District be approved, in whole or in part, or disapproved shall be scheduled before the Commission within one hundred eighty days after the application has been determined to be complete but no sooner than forty-five days after the public meeting held pursuant to subsection (B) of this Section.

G. Not more than twenty days and not less than ten days prior to the date scheduled for such public hearing, notice of the date, time, place and purpose thereof shall be given by at least one publication in a daily newspaper of general circulation, and shall be mailed to the applicant,

owners of all real property within the proposed Historic District and to the owners and residential and commercial tenants of all real property within three hundred feet of the exterior boundary of the Historic District, using for this purpose the names and addresses of such owners as are shown on the records of the Los Angeles County Assessor. The failure to send notice by mail to any such real property owner where the address of such owner is not a matter of public record shall not invalidate any proceedings in connection with the proposed designation. The Commission may also give such other notice as it may deem desirable and practicable.

H. At the conclusion of a public hearing, or any continuation thereof, but in no case more than forty-five days from the date set for the initial public hearing, the Commission shall recommend to the City Council the approval, in whole or in part, or disapproval of the application for the designation of a Historic District, and shall forward such recommendation to the City Council stating in writing the findings of fact and reasons relied upon in reaching such a recommendation. If the Commission fails to take action on the application for the designation of a Historic District within the forty-five day time period, the application for such

designation shall be deemed disapproved, and it shall be the duty of the Director to certify such disapproval.

I. Within forty-five days from the date the Landmarks Commission renders a recommendation on the Historic District application, a public hearing shall be scheduled before the City Council. The same notice requirements set forth in subsection (G) of this Section shall apply to the hearing before the City Council. At the conclusion of the public hearing, or any continuation thereof, but in no case more than forty-five days from the date set for the initial public hearing, the City Council shall by ordinance approve, in whole or in part, the application for the designation of the Historic District, or shall by motion disapprove the application in its entirety. If the City Council fails to take action on the application for the designation of a Historic District within the forty-five day time period, the application for such designation shall be deemed disapproved, and it shall be the duty of the City Clerk to certify such disapproval.

J. The decision of the City Council to approve the application for the designation of a Historic District, in whole or in part, by ordinance, or to disapprove the application in its entirety by motion, shall be in writing and shall state the

findings of fact and reasons relied upon to reach the decision, and such decision shall be filed with the City Clerk.

K. The City Council shall by ordinance have the power, after a public hearing, whether at the time it renders a decision to designate a Historic District or at any time thereafter, to specify the nature of any alteration, restoration, construction, removal, relocation or demolition of or to a building or structure within a Historic District which may be performed without the prior issuance of a certificate of appropriateness pursuant to this Chapter. The City Council shall by ordinance also have the power after a public hearing to amend, modify or rescind any specification made pursuant to the provisions of this subsection.

L. Upon the rendering of such decision to designate a Historic District, the owners of all real property within the designated Historic District shall be given written notification of such designation by the City Council, using for this purpose the names and addresses of such owners as are shown in the records of the Los Angeles County Assessor.

M. Subject to other provisions of this Section 9.56.130, a decision of the City Council to designate a Historic District shall be in full force and effect from and after

the effective date of the ordinance approving, in whole or in part, the application for the designation of a Historic District.

N. The City Council shall by ordinance have the power, after a public hearing, to amend, modify or rescind any decision to designate a Historic District and to make any preliminary or supplemental designations, determinations or decisions, as additions thereto. The Commission shall have the power to forward the recommendations of the Commission to the City Council on its own motion or at the direction of the City Council.

O. The City Council shall determine the instances in which cases scheduled for public hearing may be continued or taken under advisement. In such instances, no new notice need be given of the further hearing date, provided such date is announced at the scheduled public hearing.

P. Whenever an application for the designation of a Historic District has been disapproved or deemed disapproved by the Commission or the City Council, no application which contains the same or substantially the same information as the one which has been disapproved shall be resubmitted to or reconsidered by the Commission or City Council within a period of five years from the effective

date of the final action upon such prior application. However, if significant new information is available, the City Council, upon recommendation from the Landmarks Commission, may waive the time limit by resolution and permit a new application to be filed. In addition, an application of all owners of the majority of parcels within the subject area proposed for Historic District designation, may be resubmitted or reconsidered notwithstanding said five year time period.

SECTION 59. Santa Monica Municipal Code Section 9.56.160 is hereby amended to read as follows:

**9.56.160 Certificate of Economic Hardship**

A. Application for a certificate of economic hardship shall be made on a form furnished by the Department. An application shall be processed in accordance with the same procedures set forth in Sections 9.56.170 and 9.56.180 of this Code.

B. The Landmarks Commission may solicit expert testimony or require that the applicant for a certificate of economic hardship make submissions concerning any or all of the following information before it makes a determination on the application:

1. Estimate of the cost of the proposed construction, alteration, demolition or removal, and an estimate of any additional cost that would be incurred to comply with the recommendations of the Landmarks Commission for changes necessary for the issuance of a certificate of appropriateness. In connection with any such estimate, rehabilitation costs which are the result of the property owner's intentional or negligent failure to maintain the designated landmark or property in good repair shall not be considered by the Landmarks Commission in its determination of whether the property may yield a reasonable return to the owner.

2. A report from a licensed engineer or architect with experience in rehabilitation as to the structural soundness of any structures on the property and their suitability for rehabilitation.

3. Estimated market value of the property in its current condition; estimated market value after completion of the proposed construction, alteration, demolition or removal; estimated market value after any changes recommended by the Landmarks Commission; and, in the case of a proposed demolition, estimated market value after renovation of the existing property for continued use.

4. In the case of a proposed demolition, an estimate from an architect, developer, real estate consultant, appraiser or other real estate professional experienced in rehabilitation as to the economic feasibility of rehabilitation or reuse of the existing structure on the property.

5. Amount paid for the property, the date of purchase, and the party from whom purchased, including a description of the relationship, if any, between the owner of record or applicant and the person from whom the property was purchased, and any terms of financing between the seller and buyer.

6. If the property is income-producing, the annual gross income from the property for the previous two years; itemized operating and maintenance expenses for the previous two years; and depreciation deduction and annual cash flow before and after debt service, if any, during the same period.

7. If the property is not income-producing, projections of the annual gross income which could be obtained from the property in its current condition, in its rehabilitated condition, or under such conditions that the Landmarks Commission may specify.

8. Remaining balance on any mortgage or other financing secured by the property and annual debt service, if any, for the previous two years.

9. All appraisals obtained within the previous two years by the owner or applicant in connection with the purchase, financing or ownership of the property.

10. Any listing of the property for sale or rent, price asked, and offers received, if any, within the previous two years.

11. Assessed value of the property according to the two most recent assessments.

12. Real estate taxes for the previous two years.

13. Form of ownership or operation of the property, whether sole proprietorship, for profit or not-for-profit corporation, limited partnership, joint venture or other.

14. Any other information considered necessary by the Landmarks Commission for a determination as to whether the property does yield or may yield a reasonable return to the owners.

C. In considering an application for a certificate of economic hardship, the Commission shall consider all relevant factors. In order to grant a certificate of economic hardship, the Landmarks Commission must make a finding that without approval of the proposed demolition or remodeling, all reasonable use of or return from a designated landmark or property within a Historic District will be denied a property owner. In the case of a proposed demolition, the Landmarks Commission must make a finding that the designated landmark cannot be remodeled or rehabilitated in a manner which would allow a reasonable use of or return from such landmark or property to a property owner.

D. Upon a finding by the Commission that without approval of the proposed work, all reasonable use of or return from a designated landmark or property within a historic district will be denied a property owner, then the application shall be delayed for a period not to exceed one hundred twenty days. During this period of delay, the Commission shall investigate plans and make recommendations to the City Council to allow for a reasonable use of, or return from, the property, or to otherwise preserve the subject property. Such plans and

recommendations may include, but are not limited to, provisions for relocating the structure, a relaxation of the provisions of the ordinance, a reduction in real property taxes, financial assistance, building code modifications and/or changes in zoning regulations.

E. If, by the end of this one hundred twenty day period, the Commission has found that without approval of the proposed work, the property cannot be put to a reasonable use or the owner cannot obtain a reasonable economic return therefrom, then the Commission shall issue a certificate of economic hardship approving the proposed work. If the Commission finds otherwise, it shall deny the application for a certificate of economic hardship and notify the applicant by mail of the final denial.

SECTION 60. Santa Monica Municipal Code Section 9.56.170 is hereby amended to read as follows:

**9.56.170 Certificate of Appropriateness/Certificate of Economic Hardship Procedure**

An application for a certificate of appropriateness or an application for a certificate of economic hardship approving any proposed alteration, restoration, construction, removal, relocation, or demolition, in whole or in part, of or to

a Landmark or Landmark Parcel, or of or to a building or structure within a Historic District shall be processed in accordance with the following procedure:

A. Any owner of a Landmark, or of a building or structure within a Historic District, may request the issuance of a certificate of appropriateness or certificate of economic hardship by properly filing with the Director an application for such certificate of appropriateness or certificate of economic hardship on a form furnished by the Department. Each application for a certificate of appropriateness or certificate of economic hardship shall include such plans, specifications, statements of work, and any other information which are reasonably required by the Landmarks Commission to make a decision on any such proposed work. An application shall be determined complete within thirty days after the Department receives a substantially complete application together with all information, plans, specifications, statements of work, and any other materials and documents required by the appropriate application forms supplied by the City. If, within the specified time period, the Department fails to advise the applicant in writing that his or her application is incomplete and to specify additional

information required to complete that application, the application shall automatically be deemed complete.

B. The Director shall schedule a public hearing to be held within forty-five days of the date on which an application for a certificate of appropriateness or certificate of economic hardship is determined complete and shall make a preliminary recommendation to the Commission on or before the date scheduled for a public hearing as to the appropriateness and qualification of the application for a certificate of appropriateness or certificate of economic hardship.

C. Not more than twenty days and not less than ten days prior to the date scheduled for a public hearing, notice of the date, time, place and purpose thereof shall be given by at least one publication in a daily newspaper of general circulation, shall be mailed to the applicant, and to the owners and residential and commercial tenants of all real property within three hundred feet of the exterior boundaries of the Landmark Parcel upon which a Landmark is situated in the case of any proposed work to a Landmark, or within three hundred feet of the exterior boundaries of the lot or lots on which a building or structure within a Historic District is situated in the case of any proposed work to a building or

structure within a Historic District, using for this purpose the names and addresses of such owners as are shown on the records of the Los Angeles County Assessor. The failure to send notice by mail to any such real property owner where the address of such owner is not a matter of public record shall not invalidate any proceedings in connection with the proposed designation. The Commission may also give such other notice as it may deem desirable and practicable.

D. The Commission shall have up to six months, or one year if the project requires an Environmental Impact Report, to render a decision on the certificate application. If the Commission does not render a decision within this time period, then the certificate application shall be automatically determined approved if any required environmental review has been completed. Notwithstanding the foregoing, the Commission may mutually agree with the applicant for a certificate of appropriateness or certificate of economic hardship to extend the six months or one year time period in which the Commission must take action to another time period which is mutually agreeable. The time period provided for in this Section shall be extended by the time period provided for in Section 9.56.160(D) when applicable.

E. The decision of the Commission shall be in writing and shall state the findings of fact and reasons relied upon to reach the decision, and such decision shall be filed with the Director of Planning.

F. Subject to the provisions of Section 9.56.180 of this Chapter, upon the rendering of such decision to approve an application for a certificate of appropriateness or certificate of economic hardship, the Commission shall issue the certificate of appropriateness or certificate of economic hardship within a reasonable period of time and such issued certificate of appropriateness or certificate of economic hardship may be obtained by the applicant from the Department.

G. Subject to other provisions of this Section 9.56.170 and Section 9.56.180 of this Chapter, a decision of the Commission shall be in full force and effect from and after the date of the rendering of such decision by the Commission. A certificate of economic hardship may be appealed to the City Council in the same manner and according to the same procedures as for a certificate of appropriateness.

H. Subject to other provisions of this Section 9.56.170 and Section 9.56.180 of this Chapter, a certificate of appropriateness or certificate of economic hardship shall be in full force and effect from and after the date of the issuance by the Commission. Any certificate of appropriateness or certificate of economic hardship issued pursuant to this Chapter shall expire one year from its date of issuance unless the work authorized by the certificate has been commenced. In addition, any such certificate of appropriateness or certificate of economic hardship shall also expire and become null and void if such work authorized is suspended or abandoned for a one hundred eighty day time period after being commenced.

I. The Commission shall have the power, after a public hearing, to amend, modify or rescind any decision to approve, in whole or in part, an application for a certificate of appropriateness or certificate of economic hardship and to make any preliminary or supplemental designations, determinations or decisions, as additions thereto.

J. The Commission shall determine the instances in which cases scheduled for public hearing may be continued or taken under advisement. In such instances, no new notice

need be given of the further hearing date, provided such date is announced at the scheduled public hearing.

K. The following rules shall limit the resubmittal of an application for a certificate of appropriateness or certificate of economic hardship:

1. Whenever an application for a certificate of appropriateness or certificate of economic hardship for demolition has been disapproved or deemed disapproved by the Commission, or by the City Council on appeal, no application which is the same or substantially the same as the one which has been disapproved shall be resubmitted to or reconsidered by the Commission or City Council for a period of five years from the effective date of the final action upon the prior application. A certificate of appropriateness or certificate of economic hardship for demolition may be re-filed at any time during the five year period provided that the applicant submits significant additional information which was not and could not have been submitted with the previous application. A re-filed application shall be processed in the manner outlined in this Section 9.56.170. Under this provision, should the applicant still seek to demolish the

Landmark structure after the five year period has expired, a new and separate certificate of appropriateness or certificate of economic hardship application would be required to be re-filed. This application shall be subject to the same conditions as the prior application.

2. Whenever an application for a certificate of appropriateness or certificate of economic hardship for other than demolition has been disapproved or deemed disapproved by the Commission, or by the City Council on appeal, no application which is the same or substantially the same as the one which has been disapproved shall be resubmitted to or reconsidered by the Commission or City Council within a period of one hundred eighty days from the effective date of the final action upon such prior application. A certificate of appropriateness or certificate of economic hardship for other than demolition may be re-filed at any time during the one hundred eighty day period provided that the applicant submits significant additional information, which was not and could not have been submitted with the previous application. A re-filed application shall be

processed in the manner outlined in this Section 9.56.170. Under this provision, should the applicant still seek approval for other than the demolition of a Landmark structure after the one hundred eighty day period has expired, a new and separate certificate of appropriateness or certificate of economic hardship application would be required to be re-filed. This application shall be subject to the same conditions as the prior application.

L. Under the authority of Section 9.56.060, the Commission, may, by resolution, establish criteria under which the Landmarks Commission Secretary may approve certificate of appropriateness applications for minor or insignificant alterations, restorations, or construction, in whole or in part, of or to a Landmark or Landmark Parcel, or of or to a building or structure within a Historic District which would not defeat the purposes and objectives of this Chapter.

SECTION 61. Santa Monica Municipal Code Section 9.56.180 is hereby amended to read as follows:

**9.56.180 Appeals**

An appeal to the City Council of an action of the Landmarks Commission shall be processed in accordance with the following procedure:

A. Each of the following actions by the Commission may be appealed to the City Council:

1. Any decision relating to an application for the designation of a Landmark.
2. Any decision defining and describing a Landmark Parcel upon which a Landmark is situated.
3. Any decision amending, modifying or rescinding any decision to designate a Landmark or Landmark Parcel, or any preliminary or supplemental designations, determinations or decisions, as additions thereto.
4. Any decision relating to an application for a certificate of appropriateness.
5. Any decision relating to a structure of merit.
6. The approval or disapproval of an application of a Landmark, Historic District, Structure of Merit, or certificate of appropriateness that

occurred as a result of the expiration of the required time periods for processing such applications.

B. Any person may appeal a determination or decision of the Commission by filing a notice of appeal with the Department on a form furnished by the Department. Such notice of appeal shall be filed within ten consecutive days commencing from the date that such determination or decision is made by the Commission or from the date an application is deemed approved or disapproved because of the failure to comply with any time period set forth in this Chapter. The notice of appeal shall be accompanied by a fee required by law. Notwithstanding any of the foregoing, any member of the Commission or City Council may request a review by the Commission or City Council of any determination or decision of the Commission without the accompaniment of such fee in the amount required by law. Once an appeal is filed, the review is de novo, and the City Council may review and take action on all determinations, interpretations, decisions, judgments, or similar actions taken which were in the purview of the original hearing body on the application or project and is not limited to only the original reason stated for the appeal.

C. The City Council shall schedule a public hearing to be held within forty-five days after the notice of appeal is properly filed with the Department. The owner of the improvement may agree to extend the time period for the City Council to hold and conclude the public hearing on the application.

**D. Notice.**

1. Not more than twenty days and not less than ten days prior to the date scheduled for a public hearing, notice of the date, time, place and purpose thereof shall be given by the Director by at least one publication in a daily newspaper of general circulation, and shall be mailed to:

a. The appellant;

b. The owner and residential and commercial tenants of the Landmark in the case of any action regarding a Landmark;

c. The owners of all real property within the Historic District in the case of any action regarding an entire Historic District;

d. The owners of all real property and residential and commercial tenants within three hundred feet of the exterior boundaries of the lot or lots on which a Landmark is located in the case of any action regarding a Landmark;

e. The owners and all commercial and residential tenants of all real property within three hundred feet of the exterior boundaries of the Historic District in the case of any action regarding an entire Historic District;

f. The owners of all real property and all commercial and residential tenants within three hundred feet of the exterior boundaries of the lots or lots on which a building or structure is located in the case of any action regarding a building or structure within a Historic District.

2. The names and addresses of such owners as are shown on the records of the Los Angeles County Assessor shall be used for providing this notification. The address of the residential and commercial tenants shall be determined by visual site inspection or other reasonably accurate means. The

failure to send notice by mail to any such real property where the address of such owner is not a matter of public record shall not invalidate any proceedings in connection with the proposed designation. The Commission or the City Council may also give such other notice as it may deem desirable and practicable.

E. At the conclusion of the public hearing, or any continuation thereof, the City Council shall render its decision on the notice of appeal and shall approve, in whole or in part, or disapprove the prior determination or decision of the Commission. Any continued public hearing must be completed within thirty days from the date set for the initial public hearing. The City Council decision shall be in full force and effect from and after the date such decision is made. If the City Council fails to take action on the notice of appeal within the thirty day time period, the notice of appeal shall be deemed disapproved. The owner of the improvement may agree to extend the time period for the City Council to hold and conclude the public hearing on the application.

F. Within thirty days after the decision has been made, the City Council shall approve a statement of official action which shall include:

1. A statement of the applicable criteria and standards against which the application for designation was assessed.

2. A statement of the facts found that establish compliance or non-compliance with each applicable criteria and standards.

3. The reasons for a determination to approve or deny the application.

4. The decision to deny or to approve with or without conditions and subject to compliance with applicable standards.

G. The appellant and the owner of the Landmark in the case of a decision regarding a Landmark, the owners of all real property within the Historic District in the case of a decision regarding an entire Historic District, or the owner of a building or structure in the case of a building or structure within a Historic District shall be provided a copy of the statement of official action, using for this purpose the names and addresses of such owners as are shown in the records of the Los Angeles County Assessor.

SECTION 62. Santa Monica Municipal Code Chapter 9.62 is hereby amended to read as follows:

**9.62.010 CEQA Determinations by Non-Elected**

**Decision-Making Bodies**

Any non-elected City Body, Official, Agency, Board, Commission, Department Official, Director, or employee (collectively "City Body") who has the authority under the City's Charter, Municipal Code, Ordinance, Resolution, Master Plan, or State law to approve a discretionary action on a Project, shall also have the authority to approve, certify, deny approval, or deny certification of any CEQA Document related to that discretionary action. Where a Project involves multiple discretionary actions which require approval from a non-elected City Body in addition to the approval by an elected official and/or body, City Manager or designee shall have absolute discretion to determine which shall act on the CEQA Document. Any City Body shall also have the authority to enter into a Mitigation Agreement pursuant to CEQA Guidelines Section 15070(b)(1), to prepare and release CEQA Documents for public review, and to publish notices pursuant to CEQA.

**9.62.020 City Council CEQA Appeals**

Any person may appeal to the City Council from the decision of a nonelected decision-making body of the City to certify an environmental impact report, approve a negative declaration or mitigated negative declaration or determine that a project is not subject to Public Resources Code Section 21080 et seq. (California Environmental Quality Act) if that decision is not otherwise subject to further administrative review. Any such appeal must be filed with the Secretary of the nonelected decision-making body within fourteen consecutive calendar days of the date that the decision is made. The appellant shall state the specific reasons for the appeal on an appeal form prepared by the City. The appeal must be accompanied by the required filing fee.

SECTION 63. Santa Monica Municipal Code Section 9.64.050 is hereby amended to read as follows:

**9.64.050 On-Site Option**

The following requirements must be met to satisfy the on-site provisions of this Chapter:

A. For ownership projects of at least four units but not more than fifteen units in multi-family residential districts, the multi-family project applicant agrees to construct at least: (1)

twenty percent of the total units as ownership units for moderate-income households at an Affordable Ownership Housing Cost, or as an alternative; (2) twenty percent of the total units as rental units for 80% income households at affordable rent if these rental units are provided by the applicant in accordance with Civil Code Sections 1954.52(b) and 1954.53(a)(2); (3) ten percent of the total units as rental units for 50% income households at affordable rent if these rental units are provided by the applicant in accordance with Civil Code Sections 1954.52(b) and 1954.53(a)(2); or (4) five percent of the total units as rental units for 30% income households at affordable rent if these rental units are provided by the applicant in accordance with Civil Code Sections 1954.52(b) and 1954.53(a)(2).

B. For ownership projects of sixteen units or more in multi-family residential districts, the multi-family project applicant agrees to construct at least: (1) twenty-five percent of the total units as ownership units for moderate-income households at an Affordable Ownership Housing Cost, or as an alternative; (2) twenty-five percent of the total units as rental units for 80% income households at affordable rent if these rental units are provided by the applicant in accordance with Civil Code Sections 1954.52(b) and

1954.53(a)(2); fifteen percent of the total units as rental units for 50% income households at affordable rent if these rental units are provided by the applicant in accordance with Civil Code Sections 1954.52(b) and 1954.53(a)(2); or (4) ten percent of the total units as rental units for 30% income households at affordable rent if these rental units are provided by the applicant in accordance with Civil Code Sections 1954.52(b) and 1954.53(a)(2).

C. For all other multi-family applicants, the multi-family project applicant agrees to construct at least:

1. five percent of the total units of the project for 30% income households at affordable rent;
  2. ten percent of the total units of the project for 50% income households at affordable rent;
  3. twenty percent of the total units of the project for 80% income households at affordable rent;
- or
4. one hundred percent of the total units of a project for moderate income households at affordable rent.

D. Except as provided in Section 9.23.030(A), any fractional affordable housing unit that results from the formulas of this Section that is 0.75 or more shall be treated as a whole affordable housing unit (i.e., any resulting fraction shall be rounded up to the next larger integer) and that unit shall also be built pursuant to the provisions of this Section. Any fractional affordable housing unit that is less than 0.75 can be satisfied by the payment of an affordable housing fee for that fractional unit only pursuant to Section 9.64.070(A)(2) or by constructing all the mandatory on-site affordable units with three or more bedrooms. The City shall make available a list of income levels for 30% income households, 50% income households, 80% income households, and moderate income households, adjusted for household size, the corresponding maximum affordable rents adjusted by household size appropriate for the unit, and the minimum number of units required for 30% income households, 50% income households, or 80% income households required for typical sizes of multi-family projects, which list shall be updated periodically.

E. The multi-family project applicant may reduce either the size or interior amenities of the affordable housing units as long as there are not significant identifiable

differences between affordable housing units and market rate units visible from the exterior of the dwelling units; provided, that all dwelling units conform to the requirements of the applicable Building and Housing Codes. However, except as provided in Section 9.23.030(A), each affordable housing unit provided shall have at least two bedrooms unless:

1. The proposed project comprises at least ninety-five percent one bedroom units, excluding the manager's unit, in which case the affordable housing units may be one bedroom;

2. The proposed project comprises at least ninety-five percent zero bedroom units, excluding the manager's unit, in which case the affordable housing units may be zero bedroom units;

3. The proposed project comprises zero and one bedroom units, excluding the manager's unit, in which case the affordable housing units must be at least one bedroom units; or

4. The multi-family project applicant has elected not to pay the affordable housing fee pursuant to Section 9.64.070(A)(2), in which case the

affordable housing units must be at least three bedroom units. The design of the affordable housing units shall be reasonably consistent with the market rate units in the project. An affordable housing unit shall have a minimum total floor area, depending upon the number of bedrooms provided, no less than the following:

0 bedrooms	500 square feet	1 occupant
1 bedroom	600 square feet	1 occupant
2 bedrooms	850 square feet	2 occupants
3 bedrooms	1,080 square feet	3 occupants
4 bedrooms	1,200 square feet	5 occupants

Affordable housing units in multi-family projects of one hundred units or more must be evenly disbursed throughout the multi-family project to prevent undue concentrations of affordable housing units.

F. All affordable housing units in a multi-family project or a phase of a multi-family project shall be constructed concurrently with the construction of market rate units in the multi-family project or phase of that project.

G. On-site affordable housing units must be rental units in rental projects. In ownership projects, these

affordable housing units may be either rental units or ownership units.

H. Each multi-family project applicant, or his or her successor, shall submit an annual report to the City identifying which units are affordable units, the monthly rent (or total housing cost if an ownership unit), vacancy information for each affordable unit for the prior year, verification of income of the household occupying each affordable unit throughout the prior year, and such other information as may be required by City staff.

I. A multi-family project applicant in a residential district who meets the requirements of this Section shall be entitled to the density bonuses and incentives provided by Sections 9.22.020 or any successor thereto and 9.22.030 or any successor thereto and the waiver/modification of development standards provided by Section 9.22.040 or any successor thereto. A multi-family project applicant in a commercial or industrial district shall be entitled to the development bonuses and incentives provided in the Land Use and Circulation Element and implementing ordinances.

J. All residential developments providing affordable housing on-site pursuant to the provisions of this Section

shall receive priority building department plan check processing by which housing developments shall have plan check review in advance of other pending developments to the extent authorized by law.

K. The City Council may by resolution establish compliance monitoring fees which reflect the reasonable regulatory cost to the City of ensuring compliance with this Section when affordable housing units are being initially rented or sold, when the required annual reports are submitted to the City, and when the units are being re-sold or re-leased.

SECTION 64. Santa Monica Municipal Code Section 9.66.030 is hereby amended to read as follows:

**9.66.030 Definitions**

For the purpose of this Chapter, the following terms shall be defined as follows:

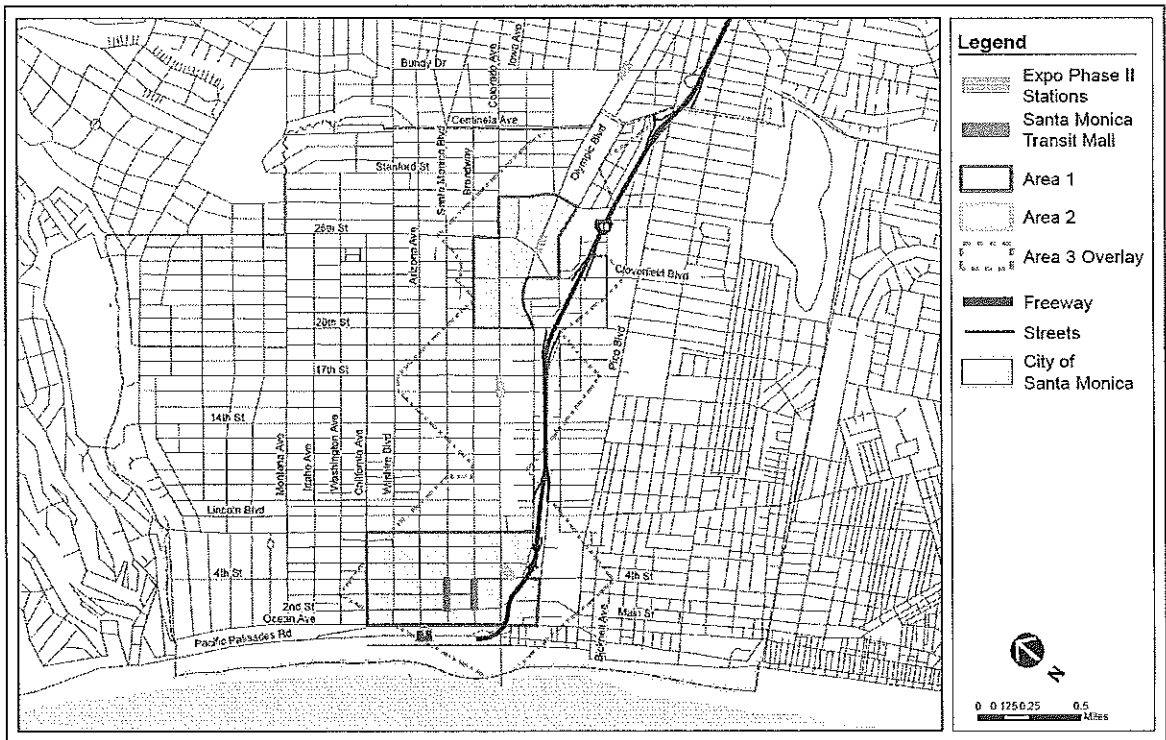
A. "Area 1" means the area bounded in the west by California Avenue from 7th Street to Ocean Avenue, in the north by 7th Street from California Avenue to Highway 10 and 4th Street from Highway 10 to Olympic Drive, in the east by Highway 10 from 7th Street to 4th Street and Olympic Drive from 4th Street to Ocean Avenue, and in the south by

Ocean Avenue from California Avenue to Olympic Drive and, the area bounded in the west by Broadway from 20th Street to 26th Street and Colorado Avenue from 26th Street to Stewart Street, in the north by 26th Street from Broadway to Colorado Avenue and by Stewart Street from Colorado Avenue to Exposition Boulevard, in the east by Exposition Boulevard and Michigan Avenue from Stewart Street to Cloverfield Boulevard and Olympic Boulevard from Cloverfield Boulevard to 20th Street, and in the south by 20th Street from Broadway to Olympic Boulevard and Cloverfield Boulevard from Olympic Boulevard to Michigan Avenue.

B. "Area 2" means any remaining area within the City boundary that is not included in Area 1.

C. "Area 3 overlay" means a one-half mile walk-shed from a transit station within the City boundary. Only housing development projects as defined in Section 9.66.040(A)(6) may qualify for a transportation impact fee based on their location within the Area 3 overlay.

**SANTA MONICA TRANSPORTATION IMPACT FEE AREAS**



D. "City projects" means City public works projects and City community facilities (e.g., libraries, public parking structures, recycling centers, and community centers), not including public/private partnerships.

E. "Housing development project" means a development project with common ownership and financing consisting of residential use or mixed use where not less than fifty percent of the floorspace is for residential use as provided in Government Code Section 66005.1(c) and its successor statutes.

F. "Nexus Study" means the Transportation Impact Fee Nexus Study prepared by Nelson/Nygaard Consulting Associates Inc, dated April 2012.

G. "Project" means any development having new or additional floor area of one thousand square feet or more or that changes an existing use to a different use that increases the demand for transportation infrastructure, or residential development of improved or unimproved land which adds dwelling units. Floor area for the purposes of this definition shall be the same as Section 9.04.080, or any successor legislation, but shall exclude parking area. Where the requirements of this Chapter have been adjusted or waived for a project pursuant to Section 9.66.050 hereof, subsequent changes in use, project remodels or tenant improvements that increase trip generation shall constitute a project as defined herein.

H. "Transit station" means a rail or light-rail station, ferry terminal, bus hub, or bus transfer station, and includes planned transit stations otherwise meeting this definition whose construction is programmed to be completed prior to the scheduled completion and occupancy of the housing development.

I. "Transportation impact fee" means a fee paid to the City by an applicant pursuant to Section 9.66.040 of this Chapter in connection with approval of a project, to contribute to the creation of transportation improvements to offset additional vehicle trips generated by new development to achieve no net new trips consistent with the goals, objectives and policies of the City's Land Use and Circulation Element ("LUCE").

SECTION 65. Santa Monica Municipal Code Section 9.66.040 is hereby amended to read as follows:

**9.66.040 Transportation Mitigation Requirement**

Except as provided in Section 9.66.050, the developer of a project shall pay a transportation impact fee in accordance with the following:

**A. Transportation Impact Fee.** Fees shall be computed as follows:

1. For single-family residential development projects that result in the addition of a dwelling unit:

a. Seven thousand six hundred dollars per multi-family dwelling unit in Area 1.

b. Seven thousand eight hundred dollars per multi-family dwelling unit in Area 2.

2. For multi-family residential development projects that result in the addition of a dwelling unit:

a. Two thousand six hundred dollars per multi-family dwelling unit in Area 1.

b. Three thousand three hundred dollars per multi-family dwelling unit in Area 2.

c. Two thousand six hundred dollars per multi-family dwelling unit in Area 3 overlay for housing development projects that satisfy the requirements of subsection (A)(6)(a), (b), and (c) of this Section.

3. All nonresidential projects shall pay the following based on the square footage of the proposed project:

a. Retail.

i. Twenty-one dollars per square foot in Area 1.

ii. Thirty dollars and ten cents per square foot in Area 2.

b. Office.

i. Nine dollars and seventy cents per square foot in Area 1.

ii. Ten dollars and eighty cents per square foot in Area 2.

c. Medical Office.

i. Twenty-eight dollars and ten cents per square foot in Area 1.

ii. Twenty-nine dollars and eighty cents per square foot in Area 2.

d. Hospital.

i. Not applicable.

ii. Fourteen dollars and seventy cents per square foot in Area 2.

e. Lodging.

i. Three dollars and sixty cents per square foot in Area 1.

ii. Three dollars and sixty cents  
per square foot in Area 2.

f. Industrial.

i. One dollar and twenty cents per  
square foot in Area 1.

ii. One dollar and thirty cents per  
square foot in Area 2.

g. Auto Sales and Display Areas.

i. One dollar and twenty cents per  
square foot in Area 1.

ii. One dollar and thirty cents per  
square foot in Area 2.

4. The land use categories identified in  
subsections (3)(a) through (g) shall have the following  
meanings:

a. Single-family residential shall include  
single-family.

b. Multi-family residential shall include  
congregate care—nonsenior, congregate  
care—seniors, and multi-family.

c. Retail shall include: animal kennels and veterinary hospitals, auto repair, car wash, community meeting facilities, community centers and nonresidential adult care facilities, retail and wholesale construction-related materials, nurseries and garden centers, entertainment and recreational facilities, gas station, library, museums, aquariums and art galleries, nightclubs and bars, personal services, post-secondary educational facility, pre-school/child day care, private studio, restaurants—fast food and cafés, restaurants—sit down, retail durable goods, retail food and markets, retail mixed, and retail non-food.

d. Office shall include: creative office, financial institutions and office, and general office.

e. Medical office shall include: medical office, including medical clinics, and offices for medical professionals.

f. Hospital shall include: full service hospitals.

g. Lodging shall include: hotels, motels and other overnight accommodations.

h. Industrial shall include: surface or structured auto inventory storage, City maintenance facilities and bus yards, heavy industrial and manufacturing, light industrial, utilities, warehouse and self-storage, and wholesale distribution and shipping.

5. For mixed residential/nonresidential development, the sum of the fee required for each component as set forth in subsections (A)(2) and (A)(3) of this Section.

6. Housing development projects within the Area 3 overlay that meet the following characteristics shall pay a transportation impact fee of two thousand six hundred dollars per multi-family dwelling unit:

a. The housing development is located within one-half mile of a transit station and there is direct access between the housing

development and the transit station along a barrier-free walkable pathway not exceeding one-half mile in length; and

b. Convenience retail uses, including a store that sells food, are located within one-half mile of the housing development; and

c. The housing development provides either the minimum number of parking spaces required by the municipal code, or no more than one on-site parking space for zero- to two-bedroom units, and two on-site parking spaces for three or more bedroom units, whichever is less.

7. The amount of legally permitted square footage to be demolished in an existing building or structure, or to be removed from an outdoor area used as part of a service station or for auto dealer sales, display and inventory storage, as a part of a project shall be a credit in the calculation of the transportation impact fee. Outdoor area used as part of a gas station shall not include setbacks,

landscaping, parking and other paved areas used solely for access and circulation.

**B. Timing of Fee Payment.**

1. The project applicant shall pay fees according to the schedule of fees in place on the date the fees are paid, except that the applicant for a vesting tentative map for a development project shall pay the fees in effect on the date the application for the vesting tentative map is deemed complete, as automatically adjusted.

2. No building permit for any project shall be issued unless the fees have been paid or, if state law requires the City to accept later fee payment, a contract to pay the fees has been executed with the City, in which case no final inspection shall be approved until the fees have been paid. If a residential development project contains more than one dwelling unit and is approved for development in phases, the developer shall pay the fees in installments based on the phasing of the residential development project. Each fee installment shall be paid at the time when the first dwelling unit within

each phase of development has received its final inspection.

3. For all projects subject to this Chapter, the City may require the payment of fees at an earlier time if the fees will be collected for public improvements or facilities for which an account has been established and funds appropriated and for which the City has a proposed construction schedule or plan prior to final inspection, or the fees are to reimburse the City for expenditures previously made.

SECTION 66. Santa Monica Municipal Code Chapter 9.57 is hereby deleted in its entirety.

SECTION 67. The following language is modified throughout the Zoning Ordinance (various pages): ~~Residential Multi-Unit~~ Residential Districts.

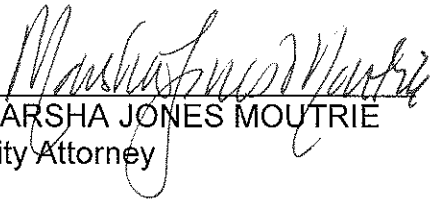
SECTION 68. Any provision of the Santa Monica Municipal Code or appendices thereto inconsistent with the provisions of this Ordinance, to the extent of such inconsistencies and no further, is hereby repealed or modified to that extent necessary to effect the provisions of this Ordinance.

SECTION 69. 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 70. 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.

APPROVED AS TO FORM:

  
MARSHA JONES MOUTRIE  
City Attorney

