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CITY PLANNING INTERPRETATION

TITLE: Clarification of Basement, Subterranean and Semi-subterranean Portions of a Building

CODE SECTIONS

REFERENCED: 9.04.02.030.115, 9.04.02.030.310, 9.04.02.030.335

SCOPE: This interpretation is intended to clarify the criteria used to determine when a basement or semi-subterranean garage is considered the first story.

INTERPRETATION: The finished first floor is defined in the Zoning Ordinance as: "The top of the finished surface of the floor of a structure which does not extend more than three (3') feet above the lot's Average Natural Grade (ANG), or in the Ocean Park District, theoretical grade". With the exception of a mezzanine or landing(s) for stairs, any floor level, or portion of a floor that extends higher than 3' above ANG is considered a second story level regardless if there is a room below it. Accordingly, the next floor level is considered the third story.

A basement is a portion of a building that is located below the building's finished first floor.

A subterranean or semi-subterranean garage or the vehicle parking portion of a basement is also a portion of a building that is located below the building's first floor, but may extend into a front, side or rear yard (subject to unexcavated yard requirements of SMMC 9.04.10.02.170). A semi-subterranean garage (or basement) shall not extend into a front yard setback (SMMC 9.04.10.08.210(b), and any opening, window, door or vent, to a subterranean or semi-subterranean garage may not be located within a front yard setback (SMMC 9.04.10.08.200(a) & 9.04.10.08.210(a). Although some districts allow a light well, stair well or driveway within a front yard, the building wall that the door or opening is located in may not encroach into the front yard setback

A basement or semi-subterranean garage shall be considered the first floor if the finished floor of the room, deck or roof above the basement or semi-subterranean garage, extends more than three (3') above the ANG or in the Ocean Park District, theoretical grade.

All portions of a subterranean garage, including the highest structure which encloses and forms the ceiling and finished first floor/roof or supports the restored natural terrain, shall be located below the natural grade line (SMMC 9.04.10.08.200). Any portion of a subterranean garage that is not covered by the building's first story shall be covered by dirt that is no higher than the natural topography.

BACKGROUND INFORMATION AND ANALYSIS

Santa Monica Municipal Code (SMMC) Section 9.04.02.030.115 defines a Basement as: *"The portion of a structure below the finished first floor. A basement shall be considered a story if the finished first floor [for the room above] extends more than three (3') above the Average Natural [Grade (ANG)] or in the Ocean Park District, theoretical grade."* The Finished First floor is defined as: *"The top of the first floor of a structure which does not extend more than three (3') feet above ANG, or in the Ocean Park District, theoretical grade"* (SMMC 9.04.02.030.310). The definition of a semi-subterranean garage (SMMC 9.04.02.030.335) is basically the same as a basement and development issues are identical.

To improve the pedestrian orientated design of buildings and minimize building mass, the Zoning Ordinance limits the height of a building's finished first floor to 3' above ANG/Theoretical Grade. Basements and semi-subterranean garages are allowed below the first floor level. However, once the finished floor of the room or deck above the basement's floor (the structure which also encloses and forms the ceiling of the basement) is higher than 3' above ANG/Theoretical Grade, the room or deck above the basement becomes a second story. Accordingly, the basement or semi-subterranean garage becomes the first story with a finished floor that is below grade.



CITY PLANNING INTERPRETATION

TITLE: Landscaping Requirements for Auto Sales & Rental Lots

CODE SECTIONS

REFERENCED: 9.04.10.04.060, 9.04.10.04.070, 9.04.10.04.090

SCOPE: This interpretation is intended to clarify the cumulative landscape area requirements for automobile sales and rental lots.

INTERPRETATION: At least three sections of the City's landscaping ordinance apply to auto sales and auto rental businesses. Each of the requirements specified in the following Sections must be calculated and provided on-site independent of the other requirements:

1. SMMC 9.04.10.04.060 requires 1.5 sq. ft. of landscape area per linear foot of street frontage. This requirement applies to all commercial and industrial district projects and the landscape area required by this section must be provided in addition to the area required for parking and display areas listed below;
2. SMMC 9.04.10.04.070 requires 10% of the paved area that accommodates vehicular traffic to be landscaped (not vehicle display area). This requirement applies to all residential, commercial and industrial district projects and the landscape area required by this section must be provided in addition to the area required by other sections of the Landscape Ordinance; and
3. SMMC 9.04.10.04.090 requires all areas used for vehicle display to provide a landscaped strip 2' in depth adjacent to a public right-of-way (sidewalk, street or alley). Except for required driveways (including the 5' wide hazardous view obstruction areas) pedestrian access ways and buildings, the 2' wide strip must be maintained along the full length of the property frontage.

Example: an auto sales or rental operation is located on a 50' x 150' corner lot, with 2,000 sq. ft. devoted to parking (excluding the vehicle display) including driveway access to the parking area. The remainder of the front 75' of the lot is to be used for outdoor car display and sales; the building covers the rear 75',

The landscaping requirement is calculated as follows:

9.04.10.04.060 – Site landscaping

$$50' + 150'_{(\text{corner lot})} = 200' \text{ of frontage} \times 1.5 = \mathbf{300 \text{ sq. ft.}}$$

9.04.10.04.070 – Parking area landscaping

$$2,000 \text{ sq. ft.} \times 10\% = \mathbf{\underline{200 \text{ sq. ft.}}}$$

9.04.10.04.090 – Screening of auto display area

$$75' + 50' = 125'_{(\text{corner lot})} \text{ of lot frontage} \\ (\text{less } 30' \text{ driveway}) \quad \mathbf{\underline{95' \text{ of } 2' \text{ wide landscaping}}}$$

BACKGROUND INFORMATION AND ANALYSIS

The Zoning Ordinance allows automobile dealerships and automobile rental agencies to display cars on open lots, providing the outdoor lots are landscaped to minimize negative visual impacts associated with the outdoor storage of vehicles. Auto sales and rental businesses must comply with current landscaping requirements when they establish a new dealership, or an existing dealership is expanded (Performance Standards Sections 9.04.12.040(d) and 9.04.12.050(f) and Special Conditions for conditional uses Section 9.04.14.060(d). Three separate sections of the landscaping ordinance typically apply to auto sales and rental operations. Additional landscaping requirements apply to projects that also involve auto repair or are adjacent to a residential district.



CITY PLANNING INTERPRETATION

TITLE: Calculating Affordable Housing Fees

CODE SECTIONS

REFERENCED: 9.56.070, 9.04.02.030.315

SCOPE: This interpretation is intended to clarify the procedure for the calculation of Affordable Housing Fees

INTERPRETATION: When the Affordable Housing Fee option is elected by the developer of a multi-family project, the Base Fee the developer must pay per square foot of residential building area is the fee that is in effect on the date the AA, DCP, CUP, or DR application is deemed complete (SMMC 9.56.070(b)). To reduce the developers carrying costs during construction and because the size of a project can vary during plan check and construction, the fee must be recalculated at a point prior to final inspection, but when the building size will not change. The building's floor area, as defined by 9.04.02.030.315, is applied to the Base Fee. The fee must be paid in full prior to any occupancy of the building or the issuance of a Certificate of Occupancy (no release of utilities, partial occupancy or temporary C of O's). The following examples demonstrate the fee calculation for the three categories specified in SMMC 9.56.070(a):

RESIDENTIAL DISTRICTS (Standard Fee Calculation)

SMMC 9.56.070(a)(1)

Apartment	Condo
100 sq. ft. x \$6.14 = \$89,030	100 sq. ft. x \$11.01 = \$159,645

RESIDENTIAL DISTRICTS – VACANT PARCEL

SMMC 9.56.070(a)(2)

Apartment	14,500 sq. ft. x \$6.14 x 75% = \$66,772.50
Condo	14,500 sq. ft. x \$11.01 x 75% = \$119,733.75

COMMERCIAL/INDUSTRIAL DISTRICTS (Multi-Family Only)

SMMC 9.56.070(a)(3)	
Apartment	Condo's
0 sf x \$6.14 x 50% = \$44,515	0 sf x \$11.01 x 50% = \$79,822.50
COMMERCIAL/INDUSTRIAL DISTRICTS (Mixed Use – Commercial / Residential)	
Apartment	Condo's
Commercial Floor Area 10,000 sf F/A 800 sf Basement <u>7,000 sf</u> Covered Parking 7,800 sf = N/F	Commercial Floor Area 10,000 sf F/A 800 sf Basement <u>7,000 sf</u> Covered Parking 7,800 sf = N/F
Residential Floor Area 14,500 sf F/A 300 sf Basement <u>N/F sf</u> 1 st Floor Covered Parking 7,800 sf x \$6.14 x 50% = \$45,436	Residential Floor Area 14,500 sf F/A 300 sf Basement <u>N/F sf</u> 1 st Floor Covered Parking 7,800 sf x \$11.01 x 50% = \$81,474

BACKGROUND INFORMATION AND ANALYSIS

There are four options available to developers of projects that are subject to the City's Affordable Housing Production Program to meet their affordable housing obligation. They include:

- 1) Providing either 10% of the proposed units for very low income affordable unit or 20% of the proposed units for low income affordable units on-site (Section 9.56.050);
- 2) Provide the above affordable unit(s) off-site (Section 9.56.060);
- 3) Pay an affordable housing fee (Section 9.56.070); or
- 4) Acquire land for affordable housing (Section 9.56.080).

When the developer elects to satisfy the Affordable Housing Production requirement with the payment of an affordable housing fee, the City Planning Division calculates the fee and verifies that the fee is paid prior to occupancy of the building.



CITY PLANNING INTERPRETATION

TITLE: Open versus Enclosed Balconies, Porches, Patios and Decks

CODE SECTIONS REFERENCED: 9.04.02.030.105, 9.04.02.030.585, 9.04.10.02.180,
9.04.10.02.250.

SCOPE: This interpretation applies to new projects, or additions, or expansion of existing buildings, structures, balconies, porches, patios, stairways, platforms or decks. The interpretation is intended to clarify the criteria for determining if a balcony, porch, patio, stairway, platform or deck is considered open as opposed to enclosed for the purpose of applying setback, lot coverage or floor area ratio requirements on the project.

INTERPRETATION: Pursuant to SMMC 9.04.02.030.105, SMMC 9.04.02.030.585, SMMC 9.04.10.02.180 & SMMC 9.04.10.02.250, a balcony, porch, patio, stairway, platform or deck is open when:

- The floor area of the proposed balcony, porch, patio, stairway, platform or deck is unenclosed, has no walls or vertical surfaces, on at least two (2) sides, or if the proposed balcony, porch, patio, stairway, platform or deck has more than four (4) walls, at least 50% of the perimeter (linear) is open;
- Such structure may have up to a 42" high safety rail/parapet on the open sides (SMMC 9.04.02.030.105); and
- Such structure may be covered, or partially covered by a roof that complies with setback requirements of the district or to the extent allowed setback encroachments as specified in SMMC 9.04.10.02.180. To create an open area between the safety rail/parapet and the roof, no portion of a roof (beams, joists, rafters or fascia, except posts) may be less than 3'- 6" above the safety rail/parapet. A roof may be supported by narrow posts or columns that are necessary to support it, such as a 4" x 4" post at each corner, providing the posts comply with setback requirements of the district for walls of the building.

Any balcony, porch, patio, stairway, platform, deck, or similar structure that exceeds any one of the above criteria shall be considered enclosed

and shall comply with building setback, lot coverage and floor area criteria for the district. Any existing building/structure that does not conform shall be considered nonconforming pursuant to SMMC 9.04.18.

BACKGROUND INFORMATION AND ANALYSIS

Several sections of the Zoning Ordinance specify that balconies, porches, patios and decks are considered open, unenclosed, if the floor area is unenclosed on at least two (2) sides (SMMC 9.04.02.030.105, SMMC 9.04.02.030.585, SMMC 9.04.10.02.180 & SMMC 9.04.10.02.250). The Zoning Ordinance also allows up to a 42" high safety rail/parapet on the open sides (SMMC 9.04.02.030.105). A roof that complies with setback requirements of the district or is an allowed encroachment as specified in SMMC 9.04.10.02.180 may cover, or partially cover these open spaces. The Zoning Administrator believes that narrow post or columns that are necessary to support a roof, such as a 4" x 4" post on each corner, is consistent with the open structure classification, providing the posts comply with setback requirements.

In the past, however, some architects have proposed open balconies, porches or decks with large columns and horizontal beams which, except for comparatively small openings between solid parapets and the roof beams, effectively encloses the area. The Zoning Administrator believes that such designs are inconsistent the Zoning Ordinance.



CITY PLANNING INTERPRETATION

TITLE: Building Code Impacts on Porte Cochere & Carport Setbacks

CODE SECTIONS

REFERENCED: 9.04.10.02.180, 9.04.02.030.670

SCOPE:

This interpretation applies to projects where district development standards require the principal building to be setback, but SMMC 9.04.10.02.180 allows a porte cochere to encroach into a side or rear setback. The interpretation is intended to clarify what key components must be present for a covered parking space to be considered a porte cochere, as opposed to a carport or garage and specify that a porte cochere must be setback at least 3' to comply with the UBC.

INTERPRETATION: Pursuant to SMMC 9.04.02.030.670 and SMMC

9.04.10.02.180, a porte cochere is:

- A roofed structure extending from the entrance of a principal building over an adjacent driveway;
- Intended to shelter persons entering and exiting a building (not intended to provide a parking space). It must be attached to a principal building and cover a building entrance and driveway;
- Not more than 20' long (measured parallel to the principal building that it is attached to) and 16' high (above ANG);
- Open on three sides, except for necessary structural supports (one post or column at each corner). Post or columns shall not exceed 12" wide and the area from the driveway level to 7'-0" above the driveway shall be open on all three sides;
- Permitted to extend into a side or rear yard setback, but may not be closer than 3' or as required by the UBC or other pertinent safety codes. A 10' minimum clear driveway width between entrance steps and columns is required. The 4' minimum setback required by 9.04.10.02.180 does not apply

because the Section specifies that a porte cochere may extend to a property line; and

- Not permitted to be located in a front yard, but may be in the front ½ of a residential zoned parcel. However parking under a porte cochere cannot be used to satisfy parking required by SMMC 9.04.10.08.020 unless located in the rear ½ of a multi-family zoned parcel.

BACKGROUND INFORMATION AND ANALYSIS

Section 9.04.10.02.180 of the Santa Monica Municipal Code (SMMC) allows a porte cochere to extend from a building to a side or rear property line. This special provision applies to porte cocheres, but not carports or garages. This interpretation clarifies what key components must be present for a covered parking space to be considered a porte cochere, as opposed to a carport or garage and explains why a porte cochere must be setback at least 3' from an adjacent property line.

Pursuant to SMMC Section 9.04.02.030.670, a porte cochere is defined as: *“A roofed structure extending from the entrance of a building over an adjacent driveway, the purpose of which is to shelter persons entering and exiting a building.”* SMMC 9.04.10.02.180 limits the size of a porte cochere to 20' long and 16' high and requires a porte cochere to be open on three sides, except for necessary structural supports. Although SMMC 9.04.10.02.180 implies that a porte cochere may extend to a side or rear property line, the Uniform Building Code (UBC) requires any residential structure (R Occupancy) within 3 feet of a property line to provide a one-hour fire rated wall. Since a porte cochere must extend from the principal building and be open on three sides, a fire rated wall cannot be provided. Accordingly, a porte cochere must be setback at least 3' to comply with both the UBC and the Zoning ordinance. Because the minimum width of a driveway is 10' and a column or post to support the porte cochere is 6" thick, at least 13'-6" (3'+10'+6") is needed between the property line and the entrance steps or landing.

Although a porte cochere may be located in the front half of a residentially zoned property, parking under a porte cochere that is located in the front one-half (SMMC 9.04.10.08.190(b)) cannot be used to satisfy parking required by SMMC 9.04.10.08.020. All other roofed structures (buildings) used to cover parking spaces shall be considered a carport if open (SMMC 9.04.02.030.175) or a garage if enclosed (SMMC 9.04.02.030.330) and shall comply with setback requirements of the primary structure, or if detached (6' minimum separation) the setback required of detached accessory structures.



CITY PLANNING INTERPRETATION

TITLE: Height Restrictions for Antennas & Communication Equipment

CODE SECTIONS REFERENCED: 9.04.10.06, 9.04.10.02.030

SCOPE: This interpretation applies to antennas and equipment, including, but not limited to transmitters, receivers, transceivers, power supplies, back-up equipment, maintenance facilities and emergency generators that are ancillary to RF or microwave antennas or antenna systems.

INTERPRETATION: **Antennas** – Antennas, with their necessary supporting structure, cables and conduit may exceed the height of the building they are located on, or the height limit of the underlying district, or encroach into a setback, to the degree necessary to function properly, as specified in the City's Antenna Ordinance, SMMC 9.04.10.06.

Transmitter/Base Station Equipment – Equipment and components that are ancillary to an antenna or antenna system, including, but not limited to transmitters, receivers, transceivers, power supplies and emergency generators shall be located in an existing on site building (the building that the antenna is located on). If construction of a building addition, or structures or equipment enclosures are proposed to house such equipment, the new structure shall comply with current development standards, including, but not limited to building height, setbacks, FAR, parking and architectural design standards as specified in the Zoning Ordinance. If the new structure is designed for unmanned equipment, the warehouse parking requirement of 1 parking space per 1,000 sq. ft. of floor area may be utilized for determining parking requirements.

BACKGROUND INFORMATION AND ANALYSIS

Wireless communication facilities are subject to the Zoning Ordinance requirement that the use must be conducted or located within an enclosed building, except where otherwise permitted. Because a building's mass and limited height envelope can adversely affect the performance of the antenna portion of a radio communication facility, the City's Antenna Ordinance (SMMC Section 9.04.10.06) specifically allows antennas to project above the height of a building's roof and/or the maximum height permitted in the district. However, there are no special provisions to allow related equipment enclosures to be located on a roof, or encroach into the height limit of the district or a setback. While height directly affects the performance of an antenna, its support equipment, transmitter, receiver, transceiver, etc., does not need to be located with the antenna. Traditionally, transceiver equipment is located within a building and connected to the antenna(s) by co-axial cable (RF wave guide).

Due in part to the reduction in the size, improved dependability and weather resistance of digital telecommunication transceivers, some new wireless communication providers have proposed placing unmanned Base Transceiver Stations (BTS) in roof mounted equipment cabinets. The proposed communication equipment structures would frequently exceed the building height limit and/or encroach into a setback. These encroachments are not consistent with Exceptions to Height Limits contained in SMMC 9.04.10.02.030 in that the height exceptions allowed by 9.04.10.02.030 pertain to enclosures used exclusively for housing features associated with the operation of the building including the building's elevator, mechanical equipment, or stairs. Communication equipment is also not consistent with setback encroachments permitted by SMMC 9.04.10.02.180 for the same reason.



CITY PLANNING INTERPRETATION

TITLE:	Film & Entertainment Production Uses in M1 District
CODE SECTIONS REFERENCED:	9.04.08.34.010, 9.04.08.34.020(a), 9.04.08.34.020(m) 9.04.08.34.020(o)
SCOPE:	This interpretation applies to film and entertainment industry related uses that are seeking City approval to establish a new business or expand an existing studio use in the M1 District. The interpretation is intended to provide a uniform framework to analyze business license or tenant improvement requests for such uses.
INTERPRETATION:	<p>Pursuant to SMMC 9.04.08.34.020(o), a film or entertainment production studio use may be classified as a <i>Design Studio</i> in the M1 District if a Zoning Conformance Review application demonstrates that the proposed business complies with all of the following:</p> <p>A. The nature and method of how the proposed entertainment studio business operates (as shown on floor plans and the application description, including the business name) and the product(s) produced, demonstrate that the particular application is substantially similar to a design studio; and</p> <p>B. Any administrative or executive office area proposed is directly related to the primary permitted use and the total floor area devoted to office uses, including adjacent hallways and reception areas, does not exceed 25% of the floor area devoted to the primary permitted <i>Design Studio</i> uses, 9.04.08.34.020(a); and</p> <p>There are no aspects of the proposed entertainment production studio that would be more disturbing or disruptive than the permitted use. Approval should clearly specify “approved as a production/design studio use.”</p>

BACKGROUND INFORMATION AND ANALYSIS

Many film and entertainment industry related uses are substantially similar to a *Design Studio* use, in that they design and manufacture production sets, props and wardrobes. They edit, duplicate and process film and video, and they prepare graphic plans, maps, etc. Consistent with M1 uses, entertainment production uses do not have traditional retail components, they incorporate a minimum amount of general/admin office space and they generate a significant number of jobs, which is consistent with the Purpose of the M1 District, 9.04.08.34.010. Since *Design Studios* are a permitted use in the M1 District, 9.04.08.34.020(m), entertainment production studios that operate substantially as a design studio could be classified as a *Design Studio* and allowed in the M1 District pursuant to SMMC 9.04.08.34.020(o).



CITY PLANNING INTERPRETATION

TITLE:	Exceptions to Unexcavated Side Yard Setback Requirement
CODE SECTIONS REFERENCED:	9.04.10.02.170, 9.04.10.08.080, 9.04.10.08.090
SCOPE:	This interpretation is intended to clarify the exception to the unexcavated front and side yard areas specified by SMMC Section 9.04.10.02.170
INTERPRETATION:	Subterranean and semi-subterranean basements, parking garages and structures, including, but not limited to lightwells, in-ground swimming pools, stairways, pedestrian access/egress and driveways shall not encroach into the unexcavated yards specified by SMMC 9.04.10.02.170. However, to the extent necessary to provide parking access required by SMMC 9.04.10.08.080 and/or 9.04.10.08.090, a vehicle driveway may project into the unexcavated yard for residential parcels wider than 49.5' but narrower than 70' (SMMC 9.04.10.02.170(a)(1)).

BACKGROUND INFORMATION AND ANALYSIS

The Santa Monica Municipal Code (SMMC) allows subterranean and semi-subterranean basements and garages, including lightwells, driveways and stairways to subterranean portions of a building to extend into a side or rear yard. However, such structures are not allowed to encroach into the unexcavated side yard that is required by SMMC Section 9.04.10.02.170. To the extent necessary to provide parking access pursuant to SMMC 9.04.10.08.080 and 9.04.10.08.090, SMMC 9.04.10.02.170(a)(1) allows vehicle driveways within the unexcavated side yard of residential parcels between 50' and 70' in width. For parcels greater than 70' in width, when its side yard abuts a residential district, an unexcavated area four feet in width along the required side yards shall be provided along the entire length of both side property lines.



CITY PLANNING INTERPRETATION

TITLE: Pedestrian Oriented Design in the CM Main Street Commercial District

CODE SECTIONS

REFERENCED: 9.04.10.02.440

SCOPE: This interpretation applies to all development in the CM Main Street Commercial District.

INTERPRETATION: Any new development or remodel on a site in the CM Main Street Commercial District is not required to comply with the standards specified in 9.04.10.02.440 pertaining to pedestrian oriented design standards. However, pedestrian oriented design should be encouraged throughout the permit process and specifically addressed at Planning Commission and ARB, consistent with the purpose of the CM District and the goals of the Main Street Master Plan.

BACKGROUND INFORMATION AND ANALYSIS

Section 9.04.10.02.440 (pedestrian-oriented design standards) provides specific standards to ensure pedestrian oriented design in commercial districts. The requirement for applying these specific standards is set forth in the individual zoning district. While the CM District requires that first floor uses be pedestrian oriented, there is no specific requirement to comply with the standards established in Section 9.04.10.02.440. Therefore, it is not appropriate to mandate compliance with these specific standards. However, the purpose and intent of the CM District standards is to protect this “special, historic commercial district” that serves both local residents and the City’s tourist population. Development is intended to be low to moderate scale to insure compatibility with existing surrounding commercial and residential uses. Further, the Main Street Master Plan states that the vision for Main Street is a “pedestrian oriented village, a neighborhood oriented commercial district designed to be a homogeneous component of the neighborhood that facilitates pedestrian as well as vehicular traffic.” Therefore, while the standards of 9.04.10.02.440 do not specifically apply, pedestrian oriented design should be encouraged throughout the permit process and specifically addressed at Planning Commission, if applicable, and ARB.



CITY PLANNING INTERPRETATION

TITLE:	Section 9.04.02.050, Rounding of Quantities
CODE SECTIONS REFERENCED:	9.04.02.050
SCOPE	This interpretation applies to all new development and remodels.
INTERPRETATION:	Any new development or remodel shall comply with the following regarding rounding of quantities:
Parking:	Parking shall be determined for each use, totaled and then rounded to calculate the requirement for the building.
Setbacks:	Setbacks that result in a fraction are not rounded.
Density Bonuses:	Additional units allowed pursuant to the State density bonus are determined based upon the actual number of units to be constructed, absent the bonus unit[s]. For example, if the site permits 5.3 units, 5 units may be constructed. However, the number of bonus units constructed is rounded up. For example 5 units X .25 density bonus = 1.25. Two additional units may be constructed.
Lot Size:	Lot size dimensions must be rounded up to the next whole number when the site survey demonstrates that the lot width or length is .5 or greater.

BACKGROUND INFORMATION AND ANALYSIS

Section 9.04.02.050 defines of Rounding of Quantities as follows:

Whenever this Chapter requires consideration of distances, parking spaces, unit density, or other aspects of development or the physical environment expressed in numerical quantities which are fractions of whole numbers, such numbers are to be rounded to the nearest highest whole number, when the fraction is one-half or more, and to the next lowest whole number when the fraction is less than one-half, except as otherwise provided by this Chapter.

The following clarifies how to apply this definition in specific situations.

Parking Parking calculations for mixed used developments should be determined for each use and then totaled to determine the parking requirement for the building. When calculations result in a fraction, total the number first and then round to determine the parking requirement for the building. This can result in a greater parking requirement for the building than if each use is individually rounded.

Setbacks Side yard setbacks that result in a fraction (e.g. 10% of a 55' wide lot = a 5.5' setback) are not rounded. Use the actual number based upon the applicable setback calculation. This determination is based upon past practice.

Density Bonuses

In determining the number of additional units allowed when using the State density bonus, determine the bonus based upon the actual number of units being constructed rather than upon the fraction. For example, $8000/1500 = 5.3$ units. The permitted number of units is five. The density bonus calculation is then based upon 5, not 5.3. If the fraction were used, the bonus would be partially based upon a fractional unit that is not constructed. However, note that the number of additional units constructed pursuant to the State density bonus percentage is rounded up at any fraction to the next whole number. This is because the State law defines density bonus as "a density increase of at least 25% over the otherwise maximum allowable residential density..."

Lot Size Lot size must be rounded up. For example, if the site survey demonstrates that a lot is 49.5 feet in width or greater, the lot width must be rounded up to 50 feet. If the site survey demonstrates that the lot is 49.4 feet in width, the lot may be rounded down to 49 feet.



CITY PLANNING INTERPRETATION

TITLE: Clarification of Internet Business Classifications

CODE SECTION REFERENCED: 9.04.08.34.020 and provisions contained in the Zoning Ordinance and General Plan for each district.

SCOPE: This interpretation applies to businesses that conduct business via the Internet. The interpretation is intended to provide a uniform framework to analyze and classify applications for Internet land uses.

INTERPRETATION: The nature and method of operation of Internet businesses (demonstrated by floor plans and the application description, including the business name) and the product(s) produced shall govern how such a business/land use is classified:

- C. **Office Use** – Business is conducted where information, advertising, reservations, referrals or other services are requested and delivered to the off-site customer primarily over the Internet. The floor plans and business description needs to demonstrate an office setting (100% office use - no merchandise storage, or shipping and receiving other than mail service for common correspondence).
- D. **Industrial Warehouse Use** - When the Internet business is engaged in the sale of a product, merchandise, material or other stock-in-trade, the business uses the customer's home video monitor as their primary display (show room). Because products are primarily shipped to the customer by a common carrier or delivered by the Internet business in relatively large volume, these uses typically generate significant trucking related impacts and shall be considered an industrial warehouse use. The amount of floor area that is used for incidental office use in the M1 District is limited to 25%. At least 75% of the floor area must be used as manufacturing, or merchandise storage, or shipping and receiving in an industrial district. The amount of floor area that is used for incidental office use in the LMSD District is limited to 50%. At least 50% of the floor area must be used as design, manufacturing, merchandise storage, or shipping and receiving in the LMSD District.

E. The administrative and internet facilities for such a business may, however be located in a general office district providing the receiving, shipping and warehouse business activity is located in an industrial district. The following notation should be added to the City Planning approval of any business license for the administrative office for any Internet business in a general office or commercial district that allows office uses: *Shipping, receiving and warehouse facilities for this business will be provided at _____.* No stock-in-trade is permitted on-site.

Design Studio – Internet businesses that are engaged in design work such as web site design, graphic design, or architecture can also be classified as a general office, or a design studio use. Approval in the M1 and LMSD Districts should clearly specify “approved as a design studio use.” Conversion from a design studio to an office use is not permitted.

BACKGROUND INFORMATION AND ANALYSIS

The Internet has spawned new types of businesses which must be classified when processing requests for business licenses, tenant improvement permits and other land use applications. Internet businesses are normally classified as an office use because they are conducted in an office setting and they are operated in a non-pedestrian oriented manner since they provide their information, advertising, reservations, etc. to their customers over the internet. However, Internet businesses can have associated warehouse, delivery/receiving and shipping (trucking) uses that are prohibited in general office, general retail, or pedestrian oriented districts. Internet businesses that are engaged in design work, such as web site design, graphic design, or architecture can also be classified as a design studio use, which are allowed in general office, M1 and LMSD Districts.



CITY PLANNING INTERPRETATION

TITLE: Difference between a Skylight and Clerestory

CODE SECTIONS

REFERENCED: 9.04.02.030.800 and 9.04.10.02.030

SCOPE: This interpretation applies to all projects having proposed features with glazing that project above the roofline.

INTERPRETATION: The Zoning Ordinance does not contain a definition of a clerestory and as result this type of feature is generally regulated by the same standards pertaining to a skylight. A common definition of a clerestory however, is an outside wall with windows that rises above a floored section of a building. In addition to not being defined in the Zoning Ordinance, this type of glazed area is not identified as a permitted height projection. Therefore, a clerestory that projects above the district height limit is not a permitted projection. Furthermore, clerestory pop-ups add to the mass of buildings and shall not be allowed to project above the height limit in the zoning district. Skylights, however, are permitted height projections, provided the skylight is no more than 5' above the district height limit and the curb and mechanical fastening to hold the glazing is no more than 10 inches in height. This interpretation is consistent with the definition and intent of a skylight.

BACKGROUND INFORMATION AND ANALYSIS

In recent months a problem has resulted concerning the difference between a skylight and a clerestory and what design standards should apply to these features. The definition of a skylight per Section 9.04.02.030.800 is, "*that portion of a roof which is glazed to admit light, and the mechanical fastening required to hold the glazing, including a curb not exceeding ten inches in height, to provide a weatherproofing barrier*". Although there is not a definition of a clerestory in the Zoning Ordinance, the Webster's Dictionary definition of clerestory is, "*an outside wall with windows that rises above a roofed section of a building*".

The skylight definition seems to suggest that a skylight is relatively flat. However, Section 9.04.10.02.030 allows skylights to project 5 feet above the height limit in

all zoning districts. This section has created a misconception regarding skylights which has ultimately lead to the approval of a variety of projects having glazed features which project above the roofline. These features do not seem to fit the definition or intent of a skylight. A more accurate definition would be to classify some of these building features as clerestories. The Webster's definition of a clerestory is much more appropriate for the types of features having glazing that project above the roofline and as a result should be regarded in this manner thereby prohibiting a clerestory feature to project above the height limit.



CITY PLANNING INTERPRETATION

TITLE: Exceptions to Building Setbacks & 4' Minimum Setback for Allowed Encroachments

CODE SECTIONS

REFERENCED: 9.04.10.02.180

SCOPE: This interpretation is intended to clarify those building features subject to the minimum 4' setback required by SMMC 9.04.10.02.180.

INTERPRETATION: The setback encroachments allowed by SMMC 9.04.10.02.180 are the horizontal distances specified in the table that an architectural feature that is listed may encroach (extend) into a front, side or rear yard setback (measured from the setback line if the building wall is not so located). However, no projection shall be permitted closer than 4' to any property line, except ground level porches, patios, decks, or similar unenclosed structures which do not exceed 3' above ANG, and porte cocheres. The 4' minimum setback criteria specified in SMMC 9.04.10.02.180 does not apply to other structures or buildings which are otherwise permitted by the Zoning Ordinance.

BACKGROUND INFORMATION AND ANALYSIS

The Santa Monica Municipal Code (SMMC) allows the building features listed in Section 9.04.10.02.180 to encroach into the minimum front, side or rear yard setback as specified in the table. The list includes architectural building features that add to a building's aesthetic character, such as roof eaves, cornices, porches and balconies, as well as features that are necessary to comply with safety codes such porch landings and sills. SMMC 9.04.10.02.180 also specifies how far each category of architectural feature is allowed to encroach into a project's minimum setback. However, the section also specifies that no projection shall be permitted closer than 4' to any property line. Although most of the allowed projections can comply with the alternate 4' minimum setback criteria, the 4' setback criteria is

inconsistent with ground level entry porches, patios, decks and porte cocheres since these development features commonly extend to a side property line.

While SMMC 9.04.10.02.180 allows architectural features to encroach into a building setback, other provisions establish setback criteria for certain structures or portions of buildings that differ from the primary structures setback. These setback exceptions include:

- Fences, walls or hedges (SMMC 9.04.10.02.080);
- Detached accessory and garage structures in the rear ½ (or rear 35') of a parcel (9.04.10.02.100);
- Subterranean and semisubterranean basements and garages (SMMC 9.04.10.08.200(b) & 9.04.10.02.210(b) & (c). Lightwells and stairways to subterranean and semisubterranean portions of a building and in-ground swimming pools (deck height is less than 3' above ANG) are considered semisubterranean structures and may extend into a side or rear yard, but shall not encroach into an unexcavated sideyard required by SMMC 9.04.10.02.170. Swimming pool equipment, however, is subject SMMC 9.04.10.02.180 and may not be located in a front or side yard.



INTERPRETATION OF THE ZONING ADMINISTRATOR

TITLE: Building Volume Envelope

**CODE SECTIONS
REFERENCED:** 9.04.10.02.040

SCOPE: This interpretation shall apply to all properties subject to Section 9.04.10.02.040 pertaining to the Building Volume Envelope setback requirement. Furthermore, this interpretation shall also apply to all properties which are subject to additional side yard setback requirements.

INTERPRETATION: The maximum depth of setback required per Section 9.04.10.02.040 shall be equal to the maximum allowable height of the building. In cases where the setback is also required along the side yard and there is an overlap of setback area, the area may be applied to both the front and side yard setback requirements.

BACKGROUND INFORMATION AND ANALYSIS

Section 9.04.10.02.040 of the Santa Monica Municipal Code requires all new buildings and additions to buildings above two stories or thirty feet to be stepped back an average amount from the street frontage. This code requirement applies primarily to commercial projects that do not have a front yard setback requirement and are allowed to be higher than 30 feet. A variety of proposed setback configurations are routinely proposed for new projects since the code allows an average setback. Specifically, staff calculates the minimum amount of average setback required using a volumetric measure, i.e. length of setback by the depth and the height. With different setback proposals, staff often needs to determine how far back a proposed setback can extend. For example, if a building has a setback area along the front elevation which extends back 50' from the front property line, does this entire area count towards the requirement? Another situation which staff frequently encounters is whether or not a front

step back area, which also effects the side elevation, counts towards side setback requirements. In other words can a setback be double counted? The Zoning Ordinance does not address these issues.

Past practice has been to allow a step back area up to 50% of the lot depth in dealing with front yard setbacks. The same standard has been accepted when considering side yard setbacks; however, it is much more commonly proposed along the front elevation. Without a standard in the zoning ordinance, dealing with this situation has typically been up to the discretion of the individual Planner. To alleviate inconsistency from one project to the next, an acceptable standard needs to be imposed. The 50% threshold seems excessive because allowing the setback to extend to such a depth circumvents the intent of the Building Volume Envelope requirement, which is to alleviate massing at the street frontage. Similarly, the same logic applies along street facing side elevations. In order to promote consistency and preserve the intent of the Building Volume Envelope requirements, the following standards are hereby established:

- 1. The maximum depth of setback that can be counted toward Building Volume Envelope requirements shall be equal to the maximum allowable height of the building measured from the front property line.**
- 2. In the event that a side yard setback is required for projects that are also subject to the Building Volume Envelope requirements, then any setback area which overlaps in the front and side yard shall count towards both setback requirements.**



CITY PLANNING INTERPRETATION

TITLE: Separate and Secure Access for Residential Uses in Non-residential Districts

CODE SECTIONS REFERENCED: Section 9.04.10.02.111(b)

SCOPE: This interpretation applies to all residential developments in Non-residential districts subject to Section 9.04.10.02.111.

INTERPRETATION: Entrances and exits within mixed-use buildings which directly access on-site parking may be shared between commercial and residential uses provided that access to the residential areas of the building is separated and secured from non-residential uses.

BACKGROUND INFORMATION AND ANALYSIS

Section 9.04.10.02.111 of the Santa Monica Municipal Code (SMMC) establishes development standards for residential uses in commercial districts. Specifically, 9.04.10.02.111 (b) states that any residential development on a parcel zoned for a non-residential use shall have both a separate and secure entrance and exit that are directly accessible to on-site parking. Enforcing this standard has become problematic because of the ambiguity of the meaning of separate and secure.

In order to comply with this standard a variety of design solutions have been proposed and approved on a case by case basis. Some of these solutions have resulted in shared stairways, elevators, and hallways by residents and non-residents. Shared hallways have been divided by doors equipped with key card access and emergency panic bars and shared elevators have utilized key card access for residential access only. These solutions and others like them, which limit access to residential areas of buildings, have met the intent of the Code which is to provide entrances and exits for residents to on-site parking that are separated and secured from non-residential uses.



INTERPRETATION OF THE ZONING ADMINISTRATOR

TITLE: Clarification of Section 9.04.14.110 Pertaining to the Applicability of Special Standards for Accessory Buildings

CODE SECTIONS REFERENCED: Section 9.04.14.110

SCOPE: This interpretation is to clarify the applicability of the accessory building standards referenced in Section 9.04.14.110.

INTERPRETATION: The last sentence of the first paragraph of Section 9.04.14.110 which reads "The following conditions shall apply to single story buildings" shall be interpreted to read as follows: "The following standards shall apply to one-story accessory buildings over fourteen feet in height or two-story accessory buildings with a maximum height of twenty-four feet."

BACKGROUND INFORMATION AND ANALYSIS

Section 9.04.14.110 of the zoning ordinance established special standards for one-story accessory buildings over fourteen feet in height or two-story accessory buildings with a maximum height of twenty-four feet. The first paragraph of this code section is a written description of the purpose of the Section. The last sentence of this paragraph reads, "The following conditions shall apply to single story buildings." This sentence does not relate to the requirement because the standards apply to both one-story buildings above fourteen feet and two-story accessory buildings. Therefore, this sentence needs to be interpreted to accurately explain the applicability of the standards.



CITY PLANNING INTERPRETATION

TITLE: Development Standards for Accessory Buildings

CODE SECTIONS REFERENCED: Section 9.04.08.02.020 (d)

SCOPE: This interpretation applies to all accessory buildings over fourteen feet in height and two story accessory buildings in the R1 Zoning District except the R1 neighborhood north of Montana Avenue.

INTERPRETATION: Accessory buildings over fourteen feet in height or two-stories in all R1 zoning districts, except the R1 District north of Montana Avenue which is subject to different requirements and standards, shall comply with the development standards set forth in Section 9.04.14.110; however, a conditional use permit shall not be required.

BACKGROUND INFORMATION AND ANALYSIS

There has been confusion among the public and staff concerning whether or not a conditional use permit is required for accessory buildings over 14 feet and two-stories in the R1 Zoning District. Specifically, the confusion is a result of conflicting code sections. Section 9.04.08.02.020 (d), in the R1 Zoning District, permits by right one-story accessory buildings over fourteen feet in height to a maximum height of twenty-eight feet, or two-story accessory buildings up to a maximum height of twenty-eight feet, if such buildings conform to the required setbacks and stepbacks for the principal building and with the development standards set forth in Section 9.04.14.110. Although these structures are clearly listed as a permitted use, the development standards set forth in Section 9.04.14.110 are part of Subchapter 9.04.14 entitled, Special Conditions for Conditional Uses, which establishes standards for uses which require a conditional use permit.

To clarify the confusion, a conditional use permit is not required for an accessory structure over 14 feet in height or two-stories in the R1 district. However, applying the development standards for conditional uses is required and ensures

that the use does not adversely impact adjacent parcels or the surrounding neighborhood.



**CITY OF SANTA MONICA
CITY PLANNING DIVISION**

19.

CITY PLANNING INTERPRETATION

TITLE:	Conditional Use Permit for accessory buildings over one story or fourteen feet.
<u>CODE SECTIONS REFERENCED:</u>	9.04.10.02.110
SCOPE:	This interpretation is to clarify which zoning districts require a conditional use permit for the construction of accessory buildings over one story or fourteen feet in height.
INTERPRETATION:	No accessory building more than one story or fourteen feet in height shall be erected, structurally altered, converted, enlarged, or moved in any residential district, except the R1 district, unless a Conditional Use Permit for the building is approved.

BACKGROUND INFORMATION AND ANALYSIS

Section 9.04.10.02.110 establishes standards for accessory buildings over one story or fourteen feet. The first paragraph of this Section states that a building over one story or fourteen feet cannot be constructed in any residential district without first obtaining a Conditional Use Permit. This sentence is not entirely accurate and as a result it has caused a significant amount of confusion for both the public and staff. The problem with this sentence is that not all residential districts require a conditional use permit for accessory buildings over one story or fourteen feet. Specifically, only multi-family residential zoning districts require a conditional use permit.



CITY PLANNING INTERPRETATION

TITLE: Definition of an Activity Structure

CODE SECTIONS

REFERENCED: 9.04.02.030.815

SCOPE: This interpretation shall apply to all structures and yard accessories meeting the definitions established below.

INTERPRETATION: Any activity structure having a fixed location on the ground and is more than three feet above grade shall not be located within a required rear, front or side yard. An activity structure is hereby defined as any object accessory to the primary structure, except those included in SMMC Section 9.04.10.02.180 Projections permitted into required yards, having a fixed location, including but not limited to objects such as: barbecues, sinks/counters, cabanas, fountains, screen rooms, above ground swimming pools & spas, and gazebos.

Utility devices such as gas meters, transformers, and electrical conduit shall also be considered using the same logic and shall not be located in the required yard areas except for reasons to supercede this requirement by virtue of the Uniform Building Code or Utility Codes.

BACKGROUND INFORMATION AND ANALYSIS

During the plan check process, staff frequently encounters a variety of different types of “activity structures” on site plans that are located within the required setbacks. Often times this is the first time some of these “activity structures” are shown on the plans. These “activity structures” vary from barbecues to sink/counters to utility devices. However, the commonality of all of these different “activity structures” is that the Zoning Ordinance does not contain language indicating if setbacks are required. To properly address this issue the definition of a structure (Section 9.04.02.030.815) shall be used to help classify these “activity structures”.

Section 9.04.02.030.815 defines a structure as: *anything constructed or erected, which requires a fixed location on the ground, or is attached*

to a building or other structure having a fixed location on the ground. This definition is vital when determining whether or not an “activity structure” is a structure and whether setbacks apply. By using “fixed location” as the threshold from the definition of structure and applying it to the definition of “activity structure” an argument can then be made that setbacks should apply to them because of their permanence on the property. Furthermore, by allowing the “activity structures” in the required setback area their associated use could have a negative impact on adjoining properties.



CITY PLANNING INTERPRETATION

TITLE: Parking Requirements for a Change in Use for Commercial and Industrial Structures

CODE SECTIONS

REFERENCED: 9.04.10.08.030(e)(1), 9.04.10.08.040, 9.04.18.020 (b)(3) and (4)

SCOPE: This interpretation applies to every commercial or industrial change in use where the new use requires a greater number of parking spaces than was required for the previous use, regardless of whether the site conforms or is legally nonconforming for on-site parking.

INTERPRETATION: Consistent with the provisions of SMMC Section 9.04.10.08.030(e)(1), for every new use of an existing non-residential building that requires a greater number of parking spaces than the previous use, parking in the amount specified in SMMC Section 9.04.10.08.040, shall be provided for that use.

Where an addition or enlargement is proposed to a structure that lacks sufficient parking, the provisions of SMMC Section 9.04.18.020 (b)(3) and (4), shall be reviewed to determine whether parking is required only for the new addition, or if parking for the entire site must be provided.

BACKGROUND INFORMATION AND ANALYSIS

SMMC Part 9.04.10.08 establishes when parking is required and the number of spaces that shall be provided. Unless a Reduced Parking Permit or Variance has been approved, all uses must comply with the established parking requirements. When a change of use occurs to an existing structure, the new use is similarly required to meet the required parking provisions of the Code, as stated in SMMC Section 9.04.10.08.030(e).

Application of the above referenced code section has resulted in conflicting interpretations when applied to existing structures that are legally nonconforming with respect to parking. In some cases, when a new use with a greater parking requirement was proposed to be located within an existing structure that was nonconforming for parking, parking for the new use was determined by taking the difference between the required parking of the new use and the required parking of the previous use. For example, a retail use requires 2 parking spaces but only 1 space is provided on-site. The retail use is replaced with a restaurant use that requires 4 spaces. Under the previously stated interpretation, the restaurant use would only be required to provide 2 additional parking spaces on-site. This interpretation however, is inconsistent with the provisions of SMMC Section 9.04.10.08.030(e)(1), which states that every new use that will require a greater number of parking spaces shall comply with the number of spaces established in the Parking Chapter. Based on this language, the new restaurant in the example above would be required to provide parking for 3 additional vehicles for a total of 4 on-site spaces.

Regarding the legal nonconforming parking condition, only SMMC Section 9.04.18.020 (b)(3) and (4), address commercial and industrial structures lacking sufficient parking and then only establishes provisions on how to address additions and enlargements to the structure. Specifically, this section states that parking must be provided only for the addition if the one-time or cumulative increase in floor area is 25% or less than the existing floor area. Over a 25% increase in floor area requires the site to be brought into compliance with the Parking Chapter.

Regardless of the conforming or nonconforming parking situation at a site, whenever a change of use is proposed that requires a greater number of parking spaces, all of the required spaces shall be provided. When an existing commercial or industrial use that lacks required parking is added to or enlarged, then the provisions of the nonconforming chapter should be considered to determine if parking is only required for the new addition, or if the site parking must be brought up to code.



CITY PLANNING INTERPRETATION

TITLE: Definition of Required Front, Side and Rear Yards

CODE SECTIONS

REFERENCED: 9.04.02.030.895, 9.04.02.030.900, 9.04.02.030.905,
9.04.02.030.910

SCOPE: This interpretation applies to all zoning districts.

INTERPRETATION: Consistent with the definitions for front, side and rear yards, the space extending the full width or depth of the parcel between the corresponding property line and the required setback distance shall be considered the required setback area. This interpretation establishes that overlapping yards will result at the corners of a parcel as illustrated below. When applying development standards to an area that has overlapping setback areas, the more restrictive provision shall apply.

BACKGROUND INFORMATION AND ANALYSIS

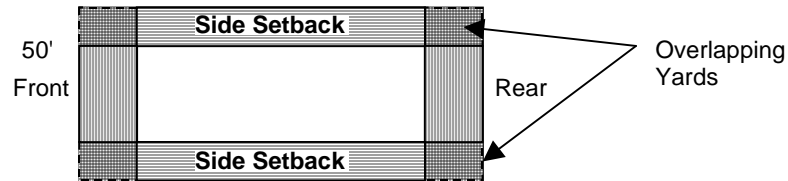
A required yard is an area of a parcel between a property line and the closest extent to which a building or structure may be located from a specified property line. The Zoning Ordinance establishes minimum required yard requirements for all base zoning districts and, for some developments, building stepback requirements that encourage further articulation of a structure at upper levels.

Determining the front, side and rear required yard not only defines the general location of a structure, but also affects the height of fences, location of mechanical equipment, location of accessory structures and is used to calculate required landscaping.

The definition of a front, rear and side yard is described as a space extending the full depth, or width, of a parcel between the principal building and a side, front or rear property line. The yard definition creates a condition where two yards, a front and a side, or a rear and side, are overlapping, typically at the corners of a parcel. This condition has created practical problems when applying other code sections. For instance, front yard fences are restricted to 42 inches in height, but

a side yard fence may extend up to 8 feet in height. With respect to landscaping, most residential projects are required to landscape 50% of the required front and side yard setbacks. At the area of overlapping yards, an opportunity to 'double count' landscaping has the potential to reduce the overall amount of site landscaping.

The condition of overlapping yards and conflicting regulations, however, is addressed in the Zoning Ordinance. The code establishes that in cases of conflicting regulations that the more restrictive provision shall apply. An attempt to specifically define the area of a required yard, without overlaps, in a more traditional manner where the front and rear yards have precedence over the side yards, actually creates more conflicts with other code sections, particularly with respect to accessory structures and the location of mechanical equipment.





CITY PLANNING INTERPRETATION

TITLE: Use of Grass Crete to Satisfy Portions of Required Landscaping

CODE SECTIONS

REFERENCED: 9.04.10.04

SCOPE: This interpretation applies to all developments that are required to provide landscaping and that intend to use grass crete to count toward required landscape area.

INTERPRETATION: Grass crete may be used to satisfy minimum landscape area requirements and shall be counted at 100% of the total area. Landscape plans shall continue to be reviewed and approved by the Architectural Review Board and must comply with the City's Water Conservation Ordinance.

BACKGROUND INFORMATION AND ANALYSIS

The Zoning Ordinance establishes minimum standards for landscaping residential and commercial parcels. Required landscaping is typically calculated in terms of area and is defined to include living plant material and other design features commonly used in landscaping, but excluding walkways, driveways and other landscape features that use smooth concrete or asphalt. Planter walls are excluded from the calculation of landscape areas. Grass crete is sometimes used in driveways and other areas to satisfy the requirements of the landscape chapter. Given the "checker box" design of grass crete with living plant material uniformly spaced within asphalt, concrete, or other decorative material, an interpretation is necessary to determine the percentage at which grass crete will count toward required landscaping. Since only 50% of a typical grass crete design includes living plant material, there is a question as to whether it is appropriate to consider the entire area toward landscaping or only consider 50% of the area.

Grass crete is a design alternative that enhances the aesthetic appearance of a development and provides flexibility in landscape citing and material. Generally when looking at an area landscaped with grass crete, the entire area is

considered as opposed to focusing on the small isolated islands of grass material interspersed between decorative hardscape. Although the ultimate incorporation and determination of appropriateness and degree of use of grass crete will be considered by the Architectural Review Board, it is acceptable for an applicant to calculate the entire grass crete area without deducting the related hardscape material.



CITY PLANNING INTERPRETATION

TITLE: Height of Fences/Walls Not Located in Required Yards

CODE SECTIONS

REFERENCED: 9.04.10.02.080, 9.04.10.02.090

SCOPE: This interpretation applies to all fences, walls and hedges in all districts that are not located in a required front, side or rear yard setback.

INTERPRETATION: A fence, wall, or hedge which complies with the setback requirements for a permitted building may exceed 8', but may not exceed the height restrictions of the district in which they are located and shall comply with setback, view corridor and building envelope requirements as applicable to the project. For purposes of this interpretation, fences, walls and hedges shall not be considered accessory structures and therefore not subject to the locational and height restrictions governing accessory buildings and structures.

BACKGROUND INFORMATION AND ANALYSIS

SMMC Section 9.04.10.02.080 establishes procedures that restrict the height of fences, walls and hedges to specified limits when located in required yards. Clarifying ambiguities regarding the height of such barriers when not located in required yards is the focus of this interpretation.

Nothing included in this interpretation precludes the subject barriers, regardless of location, from complying with the hazardous view obstruction requirement of SMMC Section 9.04.10.02.090, and from obtaining approval from the Architectural Review Board if a building permit is required for the barrier and it is located in commercial, industrial or multi-family residential zone. Further, all fences, walls and hedges shall comply with the provisions of SMMC Section 9.04.10.02.080 when located in a required yard.



CITY PLANNING INTERPRETATION

TITLE: Mobile Home Park Permit Requirements

CODE SECTIONS

REFERENCED: 9.04.08.42.060

SCOPE: This interpretation applies to the R-MH Residential Mobile Home Park District.

INTERPRETATION: This interpretation establishes the definition of what constitutes “new development”, “remodeling” or “additions to existing facilities” in the R-MH district. This interpretation also clarifies when a Development Review permit or an Administrative Approval is required. Construction of a new mobile home park, the increase in height of an existing mobile or manufactured home from one story to two stories, the addition of a new pad in an existing mobile home park, the removal of an existing pad in an existing mobile home park, reconfiguration of the park layout, and reconfiguration of existing pads in an existing mobile home park are considered new development and require the approval of a Development Review Permit. The remodeling of an existing mobile home/manufactured home or the placement of a new mobile home/manufactured home on an existing pad, provided there is no alteration to the size of the pad, is considered a remodel or addition to an existing mobile home park facility. This work requires Administrative Approval.

BACKGROUND INFORMATION AND ANALYSIS

The Zoning Ordinance requires the approval of a Development Review permit in instances where, due to the size and scope of the new development, it is necessary to review the location, size, massing, and placement of the project to ensure the proposal is compatible with the surrounding area. In the context of a mobile home park, it is the size and layout of the park, the number and placement of mobile home/manufactured home pads, and the size of the pad that guides the overall park density and placement of mobile homes/manufactured homes. A Development Review permit is required to review these issues. However, once a park layout, pad location, and pad size is established, the placement of a new mobile home/manufactured home on an existing pad or the

addition to an existing mobile home/manufactured home on an existing pad, requires Administrative Approval. Compliance with state law provisions related to mobile homes/manufactured homes is also required.



CITY PLANNING INTERPRETATION

TITLE: Clarification to the Definition of Roof Signs

CODE SECTIONS

REFERENCED: 9.52.030 (nn)

SCOPE: This interpretation applies to all instances where clarification is needed to determine if a type of sign is considered a roof sign.

INTERPRETATION: Any sign that extends in part or in whole above the roofline of a building or structure shall be considered a roof sign. A wall sign that does not extend more than 30-inches above the roofline of a one-story building and that is attached or painted to a parapet, shall not be considered a roof sign.

BACKGROUND INFORMATION AND ANALYSIS

A roof sign is defined as a sign erected upon and which extends above a roof, parapet or a roof-mounted equipment structure of a building. SMMC Section 9.52.150 specifically prohibits the construction of roof signs.

The definition of a roof sign has generated some ambiguity as to when a sign becomes a roof sign and therefore prohibited. The intent of this interpretation is to clarify when a sign is considered a roof sign.



CITY PLANNING INTERPRETATION

TITLE:	Sign Area Permitted By Zoning District
CODE SECTIONS REFERENCED:	9.52.160(f)
SCOPE:	This interpretation supplements the provisions of SMMC Section 9.52.160 (f) and shall be used to determine the permitted sign area for each zoning district.
INTERPRETATION:	The following table shall be used to determine permitted sign area for each zoning district.

Summary Table of Permitted Sign Area By Zoning District

R1, R2R, OP1, OP-D, RMH	Single Family Residential District; Ocean Park Single Family Residential District; Ocean Park Duplex Residential District ; Residential Mobile Home Park District	Exempt signs only permitted.
R2, R2B, R3, R4, OP2, OP3, OP4	Multiple Family Residential Districts	A maximum of one-fourth square foot of sign area for each linear foot of building frontage with the total non-exempt sign area not to exceed twenty-five square feet. Externally illuminated signs are permitted for the purpose of building name and address identification. Hotels in R-4 Districts: A maximum of one square foot of sign area for each linear foot of building frontage. Internally illuminated signs are permitted.
RVC	Residential-Visitor Commercial District	A maximum of one-fourth square foot of sign area for each linear foot of building frontage with the total non-exempt sign area not to exceed twenty-five square feet. Externally illuminated signs are permitted for the purpose of building name and address identification.
BCD, C2, C4, C5, C6, CM, CP, CC, M1, LMSD	Broadway Commercial District; Neighborhood Commercial District; Highway Commercial District; Special Office Commercial District; Boulevard Commercial District; Main Street Special Commercial	A maximum of one square foot of sign area for each linear foot of building or store frontage. For corner locations, one and one-half times the building's linear address frontage in square footage is permitted with no more than 2/3 of the total allowable signage area permitted on one or the other street front elevation.

	District; Commercial Professional District; Civic Center district; Industrial Conservation District; Light Manufacturing and Studio District	
BSCD	Bayside Commercial District	For other than street corner locations, a maximum of one square foot of sign area for each linear foot of building or store frontage. For street corner locations, a maximum of one square foot of sign area for each linear foot of building or store frontage for each street facing frontage (the provisions of Section 9.52.160(b)) relative to street corner locations shall not apply). One wall mounted sign with a maximum of 4 square feet at the rear of each business is permitted that does not count towards the total permitted sign area for the building. Additional requirements are listed in Section 13.5 of the Bayside Specific Plan.
C3, C3C	Central Business Commercial District; Downtown Overlay District	For other than street corner locations, a maximum of one square foot of sign area for each linear foot of building or store frontage. For street corner locations, a maximum of one square foot of sign area for each linear foot of building or store frontage for each street facing frontage (the provisions of Section 9.52.160(b shall not apply).
BP	Beach Parking District	A maximum of one-fourth square foot of sign area for each linear foot of building frontage with the total nonexempt sign area not to exceed twenty-five square feet. Externally illuminated signs are permitted for the purpose of building name and address identification.
DP	Designated Parks District	Exempt signs only.
Overlay Districts	Parking, North of Wilshire, Off Street Parking, Beach, Boulevard Residential, Neighborhood Commercial	The same as the sign requirements in the underlying district.

Additional Information:

1. *Non-conforming signs that are not Meritorious:*
 - Within redevelopment area – no alterations permitted per SMMC 9.52.210(e) and should be removed;
 - Outside redevelopment area – change in copy only permitted per SMMC 9.52.210(e).
2. *Multiple tenants within the same building or suite* - allowed a minimum of 25 square feet of signage per SMMC 9.56.160(e) regardless of the amount of signage permitted pursuant to the building’s street frontage.

BACKGROUND INFORMATION AND ANALYSIS

The last comprehensive amendment to the Sign Code occurred in 1985. Following that amendment, several zoning districts throughout the City have been added, deleted or revised, which has rendered the Sign Code inconsistent with current zoning. Since permitted sign area is based on the underlying zoning district, there has been some ambiguity with respect to calculating sign area for the new districts.

The table shown above illustrates the permitted sign area for each current zoning district. The permitted sign area was determined by applying the standards of the previous zoning districts to current zoning and by applying the standards of similar zoning districts to the more recently created districts.



CITY PLANNING INTERPRETATION

TITLE: Difference between a Gable and a Dormer

CODE SECTIONS REFERENCED: None

SCOPE: This interpretation is to define the difference between a gable and a dormer. Furthermore, the definitions will be essential to the understanding of their significance to the application and intent of the development standards for projects in the OP1, OP2, OP3, OP4 and R2R districts.

INTERPRETATION: A gable is hereby defined as the triangular wall enclosed by the sloping ends of a ridged roof. The triangular wall as per the definition can project above the height limit of the development standards for multi-family projects as long as it is fully enclosed by the sloping roof that extends to the maximum height for a flat roofed structure as determined by the zoning designation of the property. A dormer is hereby defined as a window set upright in a structure projecting from a sloping roof. The exterior walls of a dormer may extend to the maximum allowable height for a structure with a sloped roof provided the total aggregate width of the dormer(s) does not exceed 25% of the width of the building façade.

BACKGROUND INFORMATION AND ANALYSIS

The application of the development standards for projects in the OP1, OP2, OP3, OP4 and R2R Districts is problematic because of wording that relates to the height of exterior building walls. Specifically the Zoning Ordinance limits the height of exterior walls of a building except for the portions of walls within a roof gable. This wording is difficult because the Zoning Ordinance does not define a gable. Additionally, since there is not a dormer definition, these similar elements are sometimes transposed. Accordingly, this interpretation defines both a gable and a dormer and considers how their meaning relates to the application of the development standards for projects in the OP1, OP2, OP3, OP4 and R2R districts.

Since both a gable and a dormer are not defined in the Zoning Ordinance, the following definitions are taken from the Webster's Dictionary. The Webster's definition is appropriate to demonstrate the difference between a gable and a dormer:

Gable: the triangular wall enclosed by the sloping ends of a ridged roof.

Dormer: a window set upright in a structure projecting from a sloping roof.

A dormer is a common architectural feature that projects beyond the roofline of a structure with walls not enclosed by its roof. Just like any other window, its intention is to allow light and air into a livable space. The Zoning Ordinance contains development standards that limit the height of exterior walls in order to reduce the height, mass and bulk of buildings. This limitation could preclude the addition of dormers as an architectural feature.

Dormers are important style elements of certain types of architecture found within the City (Craftsman, Victorian, Colonial Revival, etc.). Therefore, in order to allow for dormers and still meet the intent to limit mass and bulk of buildings, dormers whose total width in aggregate comprise 25% or less of the building façade are permitted to the same maximum height allowed for buildings with sloped roofs provided the slope of the dormer roofs are greater than or equal to 3:1.

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CITY PLANNING INTERPRETATION

TITLE:	Bicycle Parking Requirements
CODE SECTIONS REFERENCED:	9.04.10.08.050(a)(4)
SCOPE:	This interpretation applies to all developments subject to the requirements of Section 9.04.10.08.050.
INTERPRETATION:	In order to ensure that there is public awareness concerning the availability of bicycle parking spaces required by Section 9.04.10.08.050, signage shall be required for all projects. The signage shall be installed at the main entrance to the subject building in a location visible and legible to users of the subject building. Additionally, the requirements regarding separation of bicycle parking from vehicle parking and overhead height clearance shall apply to all projects regardless of the on-site bicycle parking location.

BACKGROUND INFORMATION AND ANALYSIS

Section 9.04.10.08.050, Number of bicycle, vanpool and carpool parking spaces required, specifically, Section 9.04.10.08.050 (4) states, “ *All required outdoor bicycle parking shall be located so as to be not further than one-half of the distance from the furthest off-street auto parking space from a main entrance of the building being developed. Bicycle parking spaces shall be separated from automobile parking spaces by either a wall, a fence, a curb, or by at least five feet of open space where parking is prohibited. The bicycle parking shall also have a minimum of 6 feet overhead clearance. Signage indicating the availability and location of bicycle parking shall be installed at the main entrance to the subject building in a location visible and legible to users of the subject building*”. This section is misleading because of the reference to required outdoor bicycle parking in the first sentence. This leads to an interpretation requiring signage only for developments having bicycle parking spaces located outside.

The intent of this section is to require new non residential developments, even those located in the Bayside Parking Assessment District, to provide bicycle facilities encouraging people to ride bikes to the building. Furthermore, providing signage which is visible at the main entrance of the building raises public awareness. Public awareness of adequate bicycle facilities, which ensure security of their bike and possessions, will potentially lead to decreased vehicle trips to the subject building. Additionally, the requirements regarding separation of bicycle parking from vehicle parking, which is a safety issue, and minimum overhead height clearance shall apply to all bicycle parking areas located on a project site.



CITY PLANNING INTERPRETATION

TITLE: Removal of Abandoned Driveway Aprons

CODE SECTIONS

REFERENCED: 3.12.050, 7.24.050, 9.04.10.08

SCOPE: This interpretation applies to all new developments and substantial remodel projects.

INTERPRETATION: Any new development or substantial remodel on a site that has an existing driveway apron that does not serve a required or non-required parking area or driveway leading to a required or non-required parking area shall be removed and new curbing, parkway and sidewalk shall be installed pursuant to the standards set forth by the Environmental Public Works Department. New development or substantial remodels in the R-1 zone, north of Montana Avenue, shall be required to obtain Use Permit approval to retain existing curb cuts or create new curb cuts that serve a legal parking area.

BACKGROUND INFORMATION AND ANALYSIS

Municipal Code regulations require abandoned driveway aprons to be removed. An abandoned driveway is defined in SMMC Section 7.24.050 and includes driveway aprons that no longer serve a driveway or parking space due to the construction of a barrier or the removal of the parking space.

The General Plan and Zoning regulations encourage access to on-site parking from an alley and specifically prohibit the establishment of new curb cuts in multi-family residential districts unless certain site conditions apply. The Zoning Ordinance requires that in R-1 zoned properties located north of Montana Avenue and adjacent to an alley, curb cuts may only be established if approval of a Use Permit is granted by the Zoning Administrator. This requirement will also apply to the retention of existing curb cuts serving R1 properties with adequate alley access located north of Montana Avenue.

This interpretation establishes the City Planning Division's policy regarding the removal of abandoned driveway aprons.



CITY PLANNING INTERPRETATION

TITLE: Clarification Regarding Decks and Lobbies Pertaining to Floor Area Calculations

CODE SECTIONS

REFERENCED: 9.04.02.030.315

SCOPE: This interpretation applies to all developments located in commercially and industrially zoned districts.

INTERPRETATION: Unenclosed decks, balconies and platforms not used for commercial or restaurant activity shall be excluded from the calculation of a building's floor area pursuant to SMMC Section 9.04.02.030.315(d). An unenclosed deck, balcony or platform must contain at least two sides open to the outdoors and may be covered by a roof. The open sides must remain open, except for minimum height required guardrails and columns needed to support a roof or overhanging element. Guardrails shall consist of a visually open design.

Elevator lobbies adjacent to or serving an elevator on all building floor levels, including subterranean and semi-subterranean levels, shall be counted toward building floor area. A landing equal or less in area to the size of the elevator it serves may be excluded from floor area.

BACKGROUND INFORMATION AND ANALYSIS

Developments in commercial and industrial zones are limited in size to a maximum permitted floor area. Floor area is determined based on the definition contained in SMMC Section 9.04.02.030.315. Language in that definition and application of the Code to recent developments has created a need to further define what specifically is considered floor area when dealing with basement level lobbies and unenclosed decks, balconies and platforms.

The subject code section states that unenclosed decks, balconies and platforms not used for commercial or restaurant activities are excluded from the total floor area of a project. The term *unenclosed* is not defined creating ambiguity as to whether or not the area may be covered by a roof, how many sides must be open

to the outdoors, and to what extent a side is considered open. Also stated in the subject code section is that restrooms, lounges, lobbies, kitchens, storage area and interior hallways and corridors are considered part of floor area. Past application of this code section has permitted basement level elevator lobbies to be excluded from floor area consistent with permitted exclusion of elevators, elevator equipment rooms and elevator shafts.

This interpretation clarifies the “openness” requirement for balconies and confirms that elevator lobbies on all levels of a building are considered floor area.



CITY PLANNING INTERPRETATION

TITLE: Applicability of Required Site Landscape Standards

CODE SECTIONS

REFERENCED: 9.04.10.04

SCOPE: This interpretation applies to all residential districts (except R1 and R2R districts) and the C2, C3, C3C, C4, C6, BSCD and BCD commercial districts.

INTERPRETATION: A building site shall comply with the landscape requirements of SMMC Section 9.04.10.04 when one or more of the following applies to the project:

- A. A vacant parcel is developed;
- B. Any structure on a building site that is substantially remodeled;
- C. A new unit is established on the site;
- D. A use not required to be located within a building or structure (i.e.; parking lots or car rental lots), that is established, converted, altered, or enlarged; or,
- E. An addition to a structure that involves greater than a 50% increase in floor area.

A building site is not required to comply with the landscape requirements of SMMC Section 9.04.10.04 when all of the following are satisfied (unless clearly not applicable):

- F. The project involves a change of use within an existing building;
- G. The remodel project is not considered a substantial remodel; and
- H. An addition to a structure that involves a 49% or less increase in floor area.

The 50% threshold that relates to the floor area increase was determined to be consistent with the permitted modification to an existing building. By definition, a modification is intended to represent a minor or limited change to a structure. The 50% threshold reflects the permitted, limited change.

BACKGROUND INFORMATION AND ANALYSIS

SMMC Section 9.04.10.04.020 establishes the applicability standards that determine when a building site is required to be landscaped. This section specifically states that building sites in all districts (except R1 and R2R districts) shall comply with the landscape chapter when a building, structure, parking lot, storage yard, or other site improvement is erected, constructed, converted, established, altered, remodeled, enlarged or otherwise modified. This language is intended to capture all site improvements and use modifications applicable to a building site and require compliant landscaping when such modifications are proposed. There is one exception in the subject code section that permits modifications to existing buildings that are nonconforming to the landscape requirements provided the building is not substantially remodeled.

The all-encompassing language of this code section and the general exemption clause has created ambiguity as to when a project is required to provide landscaping and when it may be exempt. The intent of this interpretation is to provide specific guidelines identifying when a project must comply with the landscape chapter of the Zoning Ordinance.



CITY PLANNING INTERPRETATION

TITLE: Clarification of SMMC Section 9.04.18.020(b)(2) Pertaining to Additions to Residential Structures Lacking Sufficient Parking

CODE SECTIONS

REFERENCED: 9.04.08.02.090, 9.04.10.08.030 (d), 9.04.10.08.030 (j), 9.04.10.08.040, 9.04.10.08.060 (a), 9.04.18.020 (b)(2)

SCOPE: This interpretation applies to all existing residential developments that are nonconforming with respect to number of required off-street parking spaces.

INTERPRETATION: Single Family Dwellings – When required to provide parking, due to a substantial remodel or 50% addition that includes 500 square feet or more of floor area, the applicant shall provide two standard spaces enclosed within a garage. No less than the minimum number of parking spaces shall be added. Parking shall not be required based on the addition of bedrooms, rather it shall be based on whether it is a substantial remodel (in the R1 or multi-family districts) or 50% addition (in the R1 zoning district). This interpretation is consistent with the requirements of SMMC 9.04.08.02.090; 9.04.10.08.040; and, 9.04.10.08.060(a), which requires parking for substantial remodels and 50% additions to floor area, establishes that parking is based on the single family residential use as opposed to the number of bedrooms within the dwelling, unlike multi-family dwellings, and provides the enclosure and dimension requirements off-street parking. This interpretation also serves to clarify that the language of SMMC 9.04.18.020(b)(2) regarding additional parking for the addition of bedrooms, does not apply to single family developments.

Multi-family Dwellings – When a bedroom is added to a multi-family dwelling unit that is lacking sufficient parking, additional spaces shall be added to satisfy the requirements of the new bedroom(s), or until the site conforms to the parking requirements, whichever is less. Parcels with two or more units on the lot shall be considered multi-family dwellings and subject to this requirement.

Example

Legal non-conforming 4-unit, 1 bedroom apartment building with 4 parking spaces. 6 parking spaces are required under current regulations. Proposed is a 1 bedroom addition to one of the units. Unless otherwise documented, the existing parking is allocated equally to each unit. The addition to the unit requires two parking spaces for that unit, thereby requiring one additional on-site parking space.

BACKGROUND INFORMATION AND ANALYSIS

Legally constructed residential structures lacking sufficient parking may be added to or enlarged under the provisions of SMMC 9.04.18.020(b)(2) provided additional parking spaces are available to accommodate the addition or enlargement pursuant to the requirements of the Parking Chapter. The above cited code section presumes that a residential structure lacking sufficient parking is a nonconforming building because of the lack of parking and that the parking requirements of SMMC 9.04.10.08 are property development standards applicable to all districts. Depending on the type of residential development, i.e.; single family dwelling versus a multi-family dwelling, and the number of existing parking spaces, the number of additional parking spaces required and applicable zoning standards will vary.

Relevant code sections related to this interpretation are identified and summarized below:

SMMC 9.04.08.02.090 – applies to single family dwellings where the principal structure is substantially remodeled or has a 50% floor area addition (if 500 square feet or more) and requires compliance with parking chapter (SMMC 9.04.10.08).

SMMC 9.04.10.08.030 (d) – states that additional parking spaces in the number specified in SMMC 9.04.10.08.040 shall be provided for any new floor area added to an existing structure which results in a greater parking requirement.

SMMC 9.04.10.08.030 (j) – defines what constitutes a bedroom for the purpose of determining off-street parking requirements.

SMMC 9.04.10.08.040 – establishes the parking requirement for single-family and multi-family dwellings.

SMMC 9.04.10.08.060 (a) – establishes the dimensional requirements for a single-family garage and provides an exemption to allow substandard parking spaces to remain.

SMMC 9.04.18.020 (b)(2) – states that residential structures that are nonconforming due to parking may be added to provided the project meets the requirements of the Parking Chapter and states that additional parking shall be required for the addition of bedrooms.

When a legally established residential building that is nonconforming with respect to the parking chapter is enlarged, parking shall be provided to satisfy the additional area and/or increase in the number of bedrooms within the dwelling unit. A single-family dwelling is required to maintain two (2) off-street parking spaces located within a garage. A multi-family dwelling is required to maintain 1 space for each studio apartment; 1.5 spaces for each 1 bedroom apartment; and 2 spaces for each two or more bedroom apartment.



CITY PLANNING INTERPRETATION

TITLE:	Applicability of Landscape Standards in the BSC District
CODE SECTIONS REFERENCED:	9.04.10.04 (Landscape Standards)
SCOPE:	This interpretation shall apply to all properties in the Bayside Commercial District.
INTERPRETATION:	Any property in the Bayside Commercial District shall be subject to the requirements of Section 9.04.10.04.060 (b), except properties located along the Promenade.

BACKGROUND INFORMATION AND ANALYSIS

The purpose of Section 9.04.10.04 (Landscape Standards) is to establish regulations intended to enhance the aesthetic appearance of development in all areas of the City. As the purpose statement is worded, the intent is to enhance all areas of the City. Section 9.04.10.04.060 (b) sets forth the nonresidential districts in the city that must comply with the landscape area for building sites requirement. Generally, a district must be specifically identified here in order to apply the requirement. For example, no landscaping is required in the M1 and LMSD districts. The BSC district is also excluded from the code text and as a result it is presumed that landscaping is not required in this area of the city. However, after reviewing the history of the BSC district, specifically when this district originated, it appears landscaping should be required.

The Bayside Commercial District was created by the adoption of Ordinance 1841 on February 13, 1996. The BSC district formerly was comprised of properties in the C3 and C3-C Zoning Districts. The current landscape standards were initially codified in 1988, prior to establishment of the Bayside Commercial District. The landscape standards then applied to both

the C3 and C3C zoning districts. When the Bayside was re-zoned the landscape section was not amended to include the new BSCD zoning designation.

Because the intent of the landscape ordinance is meant to apply to all areas of the City and due to the oversight of amending the landscape section to include the BSC district, a logical argument can be made requiring landscaping in the Bayside Commercial District except on the Promenade.



INTERPRETATION OF THE ZONING ADMINISTRATOR

TITLE:	Food Use Conversions on the Third Street Promenade
<u>CODE SECTIONS REFERECED:</u>	Sections 9.04.08.15.085 (b)(1) and (b)(2)
SCOPE:	This interpretation clarifies a provision related to the Conditional Use Permit exemptions stated in Santa Monica Municipal Code Sections 9.04.08.15.085 (b)(1) and (b)(2).
INTERPRETATION:	The minimum width limitations set forth in the above referenced sections for an existing restaurant frontage and outdoor dining frontage shall be based on the frontages that existed on January 24, 2006.
APPROVED BY:	_____ Amanda Schachter Planning Manager
DATE:	<u>December 1, 2006</u>

BACKGROUND INFORMATION AND ANALYSIS

Ordinance Number 2198 was adopted by the Santa Monica City Council on July 25, 2006. This ordinance protects the balance of uses in the Bayside District by regulating the reduction and loss of food serving uses on the Third Street Promenade. Specifically, the ordinance requires the approval of a Conditional Use Permit (CUP) for any use which exceeds 50 linear feet and conversions of a restaurant uses to another use. However, the ordinance makes an exception for partial conversions, meaning that a CUP is not required when the minimum width of the retained food use is equal to at least 1/2 of the existing restaurant frontage and 2/3 of the existing outdoor dining frontage, but in any case no less than 16

feet, and the minimum depth of the retained food use is no less than 75 feet at any point measured from the front property line.

As established by the ordinance, the legally established linear length of restaurant frontage and outdoor dining frontage, as of January 24, 2006, shall be the basis for all calculations to determine the amount of minimum width of a retained food use and to verify compliance with the CUP exceptions. This date shall be the point in time from which all calculations are determined for food use conversions subject to SMMC 9.04.08.15.085 (b)(1) and (b)(2).

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