

## ATTACHMENT B

(Policy Redline Explanations)

### POLICY DISCUSSION ITEMS

#19

**SMMC Sections 9.26.010, 9.26.050, 9.26.060, 9.26.090 (pp. 3.48-52)**

- **Policy Topic:** Minor modifications to Chapter 9.26 (Landscaping) of the Zoning Ordinance to clarify terminology and establish consistency with the recently adopted amendments to the Green Building, Landscape Design, Resource Conservation and Construction and Demolition Waste Management Standards (SMMC 8.108, Subpart A).
- **Purpose of the Standards**
  - The landscaping standards are intended to improve the appearance and livability of the community, enhance the aesthetic appearance of development, and provide environmental benefits among others.
- **How the Issue was Identified**
  - City staff, in the course of verifying consistency between Chapter 9.26 (Landscaping) and the Green Building, Landscape Design, Resource Conservation and Construction and Demolition Waste Management Standards (SMMC 8.108, Subpart A) noted a few minor corrections necessary to clarify language.
- **What the Clarifying Language Will Do**
  - Make minor corrections to clarify certain terminology in Chapter 9.26 (Landscaping) and make the selection of trees required by the Zoning Ordinance a more efficient process.

#22

**SMMC Section 9.28.070(A)(1)(a) (p. 3.75)**

- **Policy Topic:** Distinguish use categories in R1 (and OP) districts where enclosed garage parking may not be required.
- **Purpose of Standard**
  - The purpose of the standard is to maintain the requirement that single-unit dwellings (SUDs) provide parking within an enclosed garage.
- **How the Issue was Identified**
  - The issue was identified by staff upon review of an application for a Child Care Facility within the R1 Single-Unit Residential District. Other allowable uses within the Single-Unit districts that may require parking in addition to the two parking spaces within an enclosed garage include Duplex, Adult Day Care, Supportive Housing, Bed and Breakfast, and Schools.
- **What the Clarifying Language Will Do**
  - For permitted uses that are not SUDs, this removes the requirement for parking within an enclosed garage and allows uncovered surface parking to meet the parking requirements.

## #23

### SMMC Section 9.28.120(B)(9)(b)(i-ii) (p. 3.86)

- **Policy Topic:** Minimum driveway widths should match minimum apron widths.
- **Purpose of the Standard**
  - The purpose of the standards is to set guidelines for appropriate driveway apron widths based on the width of the driveways that are consistent with Santa Monica Public Works standards.
- **How the Issue was Identified**
  - Staff identified that the guidelines for the driveway apron widths do not match the standards cited in the Public Works section of the Municipal Code, SMMC 7.04.180 – driveways from public streets onto private property. Additionally, the current guidelines in SMMC Section 9.28.120(B)(9)(b)(i-ii) allow a driveway apron to be narrower than a driveway which would not be functional from an operational standpoint. It is believed the current standard was a typo and included unintentionally.
- **What the Clarifying Language Will Do**
  - Match the guidelines in SMMC Section 9.28.120(B)(9)(b)(i-ii) to the current Public Works standards for driveway aprons.

## #24

### SMMC Section 9.28.140(A) (p. 3.89)

- **Policy Topic:** The current Zoning Ordinance language related to the applicability of Section 9.28.140 (Bicycle Parking) appears to have an inadvertent conjunction connecting the instances of when bicycle parking requirements apply to a project. As currently drafted, bicycle parking is required for projects that involve 1) a new building, 2) a change of use, and 3) enlarge a building by 10% or more. This statement of applicability can be interpreted to mean that all requirements must be satisfied for bike parking to be required.
- **Purpose of the Standard**
  - The purpose of the standard is to increase the availability of bicycle parking when significant investment is made to a property.
- **How the Issue was Identified**
  - An applicant who had trouble locating bicycle parking on-site argued that they did not need to provide bike parking since they were only proposing a change of use. Land use changes have the ability to change the demand for bicycle parking significantly, so the ambiguity in the Code was identified by staff for correction.
- **What the Clarifying Language Will Do**
  - Replaces “and” with “or” so it is clear that bike parking is required for building enlargements, changes of use, and building additions greater than 10 percent in size.

## #25

### SMMC Section 9.28.140(E)(1)(b) (p. 3.91)

- **Policy Topic:** Determine when required bike parking should be allowed on the public right-of-way instead of on private property.
- **Purpose of the Standard**
  - The purpose of the standard is to allow limited off-site short-term bike parking in the public right-of-way in circumstances when no space is available on private property.
- **How the Issue was Identified**
  - Staff identified the issue during the development review and plan check process. Applicants proposed to locate bike parking off-site when constructing a new building rather than locate the bike parking on-site. Additionally, staff has identified challenges associated with allowing private development to place their bike parking on the public right-of-way including: determining operation and maintenance procedures, clarifying liability, and ensuring the parking is in a location that can serve the development when other features like parking meters, bus stops, benches and other street furniture compete for right-of-way space.
- **What the Clarifying Language Will Do**
  - Removes the ability to locate bike parking off-site by requiring it on-site and amends the provision to include only an in-lieu fee as an alternative to physically providing short-term bike parking on-site.
  - Requires bike parking on-site to the extent possible for existing buildings and changes of use.
  - Any required bike parking that cannot be placed on-site may be satisfied with payment of a fee.
  - Clarifies that new buildings are expected to provide all the required bike parking on-site.

## #26

### SMMC Section 9.28.180(F) (p. 3.99)

- **Policy Topic:** Clarify policy intent of bicycle parking in context of reducing required parking.
- **Purpose of the Standard**
  - The Zoning Ordinance update provides a parking reduction strategy that allows non-required bike parking spaces to replace required automobile parking. The provision is located under Reduction of Required Parking and has been largely confused by applicants as a credit which allows an applicant to provide extra bike parking in order to reduce the amount of automobile parking required. City staff has received a number of inquiries from existing commercial tenants who would like to voluntarily have bike parking but have no space available to locate the parking other than area occupied by required automobile parking. This provision is intended to provide an opportunity to install non-required bike parking when space constraints exist. It allows the replacement of one existing required automobile parking stall with five non-required bicycle parking spaces (with limits) provided the bike parking is located inside the automobile parking stall footprint.
- **How the Issue was Identified**
  - City staff have found that applicants have interpreted the provision as a credit rather than a substitution and have sought to reduce automobile parking requirements prior to the parking being physically constructed and available.
- **What the Clarifying Language Will Do**

- Clarifies the provision as a replacement strategy and revises the language to clarify that the automobile parking must be physically present to be removed, i.e. this does not reduce a parking requirement prior to a change of use or building addition.

## #27

### SMMC Section 9.31.040(E)(1)(a)(i) (p. 3.117)

- **Policy Topic:** Create consistency between the methodology used for determining lapse of rights for alcohol-related uses and the methodology used for determining lapse of rights for nonconforming uses.
- **Purpose of the Standard**
  - The purpose of the standard is to identify a certain length of time when an alcohol outlet without a Conditional Use Permit (CUP) is considered to have discontinued operations and is thereby required to obtain a CUP.
- **How the Issue was Identified**
  - The issue was identified through staff review. Alcohol-related uses are considered lapsed if operations are not commenced (i.e. open for business) within one year of closure. Nonconforming uses are also considered ceased if the use is abandoned for one year or more; however, a nonconforming use is not required to be in operation within the one year period – specifically, cessation of a nonconforming use due to remodeling is not considered an abandonment so long as building permits remain in effect.
- **What the Clarifying Language Will Do**
  - Makes the language in SMMC Section 9.31.040(E)(1)(a)(i) consistent with SMMC Section 9.27.050(B)(1) in terms of how to calculate the amount of time an alcohol outlet is considered to have discontinued operations.

## #29

### SMMC Section 9.39.020 (p. 4.18)

- **Policy Topic:** Eliminate the requirement for Administrative Approval review for multi-unit residential development in the Ocean Park zoning districts.
- **Purpose of the Standard**
  - The Zoning Ordinance currently requires new multi-unit residential development in the Ocean Park zoning districts to obtain an Administrative Approval prior to submitting for design review and plan check review. Pursuant to SMMC Section 9.39.020, Administrative Approvals are not required for new construction and new additions to existing buildings located in the Multi-Unit Residential Districts (R2,R3,R4) or for any new single-unit dwellings or additions in any zoning district; however, the Ocean Park Neighborhood Districts that allow for multi-unit residential development (OPD, OP2, OP3, OP4) are not technically included within this exemption since they are not a part of the Residential Multi-Unit Districts identified in Section 9.02.010 of the Zoning Ordinance.
- **How the Issue was Identified**
  - The issue was identified through staff implementation of the Zoning Ordinance and inquiries from project applicants.
- **What the Clarifying Language Will Do**
  - Eliminate the Administrative Approval requirement for new multi-unit residential development in Ocean Park zoning districts to make this consistent with the process for new multi-unit residential development in Multi-Unit Residential districts.

#31

**SMMC Section 9.48.010(B) (p. 4.50)**

- **Policy Topic:** Add clarifying language maintaining City's authority to enforcement Development Agreement provisions.
- **Purpose of the Standard**
  - The purpose of the standard is to clarify existing law that the City has enforcement authority over Development Agreements in addition to the Zoning Ordinance.
- **How the Issue was Identified**
  - In monitoring compliance with existing DAs, staff found Section 9.48.010 was unclear as to whether the City could enforce any violations related to DA provisions.
- **What the Clarifying Language Will Do**
  - Adds specific reference to "Development Agreements" to clarify what is already under City enforcement authority.

#32

**SMMC Section 9.51.030(B)(8) (p. 5.12)**

- **Policy Topic:** Consider revising the definition of the Restaurant, Limited-Service and Take-Out land use classification to eliminate language that references 'limited table service' as a component of the use.
- **Purpose of the Standard**
  - The purpose of the standard is to define what types of establishments are considered Limited-Service and Take-Out Restaurants and distinguish them from Full-Service Restaurants.
- **How the Issue was Identified**
  - The issue was identified by staff while reviewing business license applications and public inquiries for eating establishments that predominantly conform to this use definition except for the lack of "limited table service". In many cases for Limited-Service and Take-Out Restaurants, there is no type of limited table service offered. These uses often involve customers ordering food at counters and food being picked up at counters without any table service. Eating establishments are meant to be regulated primarily by size.
- **What the Clarifying Language Will Do**
  - Strikes the "limited table service" phrasing from the definition of Restaurant, Limited-Service and Take-Out as it is a limiting aspect in describing this type of use.
  - Although concerns have been raised that this change would allow fast food restaurants, it should be noted that the existing definition of Restaurant, Limited Service and Take-Out already includes fast-food restaurants.

#34

**SMMC Section 9.31.370(B)(2)(d) (p. 3.169)**

- **Policy Topic:** Revise the number of Business Improvement District (BID) sidewalk sales allowed by Temporary Use Permit (TUP) per year.
- **Purpose of the Standard**
  - The standard ensures that sidewalk sales are of limited duration and frequency as to not permanently alter the character or physically impede the sites where they occur. However, it is not clear why a numerical limitation was placed on BID sidewalk sales as these typically occur in conjunction with community-based events and have not historically been disruptive to areas in which they are located.

BID sidewalk sales can be distinguished from those held by individual businesses as there have been documented code compliance complaints regarding individual businesses and impacts on the public right-of-way due to excessive sidewalk sales.

- ***How the Issue was Identified***
  - Local BIDs and the Santa Monica Chamber of Commerce have indicated that the current limit of 2 sidewalk sales for BIDs annually is too restrictive. This has been particularly problematic as BID participation in City-sponsored events also counts towards this limit.
- ***What the Clarifying Language Will Do***
  - Not limit the number of TUPs for sidewalk sales for BIDs.