

ATTACHMENT 2

§ 12.14.010. Declarations.

The city council declares as follows:

- (a) Views, sunlight, and vegetation that forms hedges contribute to the aesthetic value, quality of life, ambiance and economic value of properties within the city. Similarly, access to sunlight across property lines contributes to the health and well being of community members, enhances property values and provides an opportunity to utilize solar energy. Utilization of passive solar energy reduces air pollution, visual blight and promotes health.
- (b) Views, whether of the Pacific Ocean, islands, the surrounding hillsides and canyons, or other natural and manmade landmarks produce a variety of significant and tangible benefits for both residents and visitors. Views contribute to the aesthetic visual environment of the community by providing scenic vistas and inspiring distinctive architectural design. Views contribute to property values.
- (c) Vegetation that forms hedges that are located in a front, side and/or rear yard may be subject to the maximum allowable fence heights as specified in Section 25.50.012. Hedges can produce a wide variety of significant psychological and tangible benefits for both residents and visitors to the community. Vegetation that forms hedges can provide privacy, modify temperatures, screen winds, replenish oxygen to the atmosphere, maintain soil moisture, mitigate soil erosion and provide wildlife habitat. Vegetation that forms hedges can contribute to the visual environment and aesthetics by blending, buffering and reducing the scale and mass of architecture. Vegetation that forms hedges can create shade and visual screens and provide a buffer between different land uses. Vegetation that forms hedges can contribute to property values.
- (d) The benefits derived from views, sunlight, and vegetation that forms hedges that are located in front, side and/or rear yards may come into conflict. The planting of vegetation that forms hedges that are located in front, side and/or rear yards, and their subsequent growth, particularly when such vegetation is not properly maintained, can produce unintended harmful effects both on the property on which they are planted and/or on neighboring properties.

(Ord. 1547 § 1, 2011)

§ 12.14.020. Intent and purpose.

The intent and purpose of this chapter is to recognize that in the interest of the public health, safety and welfare, every real property owner in the city is entitled to a process to determine whether vegetation located on an abutting property that forms hedges and that are located within the front, side and/or rear yards of the adjoining property create a safety hazard and/or adversely impact views from or sunlight to his or her property, and if so to resolve such conflicts.

(Ord. 1547 § 1, 2011)

§ 12.14.030. Definitions.

For the purpose of this chapter, the meaning and construction of words and phrases hereinafter set forth shall apply:

"Fence" means a barrier of any material or combination of materials placed in a manner so as to enclose or screen areas of land. "Fence" includes hedges, chain link and wire mesh. (See Section 25.08.012.)

"Hedge" means generally dense vegetation so aligned as to form a physical barrier or fence. (See Section 25.08.016.)

"Vegetation" means all types of plants, bushes, hedges and shrubs, including trees.

"View" means a vista of features, including, but not limited to, bodies of water, beaches, coastline, islands, skylines, ridges, hillside terrain, canyons, geologic features and landmarks. The term "view" does not mean an unobstructed panorama of these features. (Ord. 1547 § 1, 2011)

§ 12.14.040. Hedge height claim limitations.

- (a) Subject to the other provisions of this chapter, a real property owner in the city may initiate the claim resolution process as outlined in Section 12.14.060. However, a claim to remedy a safety hazard and/or obstruction of views from or sunlight to neighboring properties may only be made regarding vegetation located on real property, as defined herein, that is within one hundred feet of the complainant's real property boundary, and if a claim pertaining to the same vegetation has not been initiated and acted upon by the city against that real property by the same complainant(s) or a subsequent owner(s) of the complainant's property.
 - (b) Requests for hedge height claim action with regard to any vegetation located on city property, including parks, and for city maintained trees may be initiated only as outlined in Section 12.04.070.
 - (c) Requests for hedge height claim action with regard to any heritage tree not maintained by the city may only be initiated as outlined in Section 12.08.070.
 - (d) Hedges and vegetation that have been authorized as part of an approved landscaping plan for which a maximum height has been established, pursuant to the design review process (Section 25.05.040), shall not be subject to the provisions of this chapter.
- (Ord. 1547 § 1, 2011)

§ 12.14.050. Hedge height claim.

A claim to remedy a safety hazard and/or obstruction of views from or sunlight to a neighboring property from hedges that are located in front, side and/or rear yards shall consist of all of the following:

- (a) Completion and submittal of a hedge height claim form by the owner of the impacted property, including a description of the nature and extent of the alleged

safety hazard, view and/or sunlight obstruction. Evidence may include, but is not limited to, documented and dated photographic prints, negatives, slides and written testimony from residents living in the area. Such evidence must show the extent to which the view and/or sunlight access has been obstructed by trees and/or vegetation.

- (b) Five sets of a dimensioned plot plan that specifies the scale of the drawing and shows the property boundary, adjacent streets and alleys, and the locations of all hedges alleged to cause a safety hazard, view and/or sunlight obstruction, including the address of the property upon which any hedges are located.
- (c) Five sets of photographic prints showing the alleged hedge impacts as photographed from the impacted property.
- (d) Evidence that the complainant has discussed their concerns of safety, or view and/or sunlight obstruction with the property owner of the claimed offending vegetation, and such attempt at resolution has failed. Evidence may include, but is not limited to, written summaries of conversations, copies of letters, and receipts for certified or registered mail correspondence.
- (e) A public hearing noticing list of all property owners within a one hundred foot radius of the vegetation owner's property, including a radius map and addressed, stamped envelopes with the city of Laguna Beach return address. The list must be compiled by a professional listing service, in the format described on the hedge height claim application, and submitted directly to the city prior to filing a hedge height claim.
- (f) A processing fee, as established by city council resolution.
(Ord. 1547 § 1, 2011)

§ 12.14.060. Hedge height claim resolution process.

The complainant shall follow the process established by this chapter in seeking resolution to a hedge height claim.

- (a) First, the complainant shall contact the owner of the claimed offending vegetation to attempt a mutually satisfactory resolution. If such attempt(s) are unsuccessful the complainant may file a hedge height claim with the city requesting a public hearing to resolve the matter.
- (b) After receiving a complete hedge height claim the director of community development, or designee, shall contact the complainant to conduct a site visit to his or her property to observe the alleged safety hazard, view and/or sunlight obstruction. A site visit shall also be conducted at the vegetation owner's property, if requested by the vegetation owner.
- (c) Once a hedge height claim is filed, the vegetation on the site that allegedly forms hedges shall not be modified or altered until the claim is resolved. The director, designee, or the city council on appeal, shall not consider or act on any changes to the vegetation that occur after a hedge height claim is filed.

§ 12.14.060

§ 12.14.080

- (d) After completion of the site visit(s) the director of community development, or designee, shall schedule a public hearing using the same public notice procedure set forth in Section 25.05.020.
 - (e) The person filing the challenge shall have the burden of proof that the hedges constitute a safety hazard and/or obstruct views from or sunlight to the complainant's property.
 - (f) At a noticed public hearing, the director of community development, or designee, shall consider all testimony and evidence, approve or deny the claim, and if approved, shall clearly specify any type of remedial action that includes heights at which the hedge or hedges are to be maintained. Any action requiring hedges to be reduced in height shall in no event be a height below the maximum allowable fence heights set forth in Section 25.50.012(B), unless the offending hedges are determined to be a safety hazard.
 - (g) The determination of the director of community development, or designee, shall be memorialized in writing and shall include a site plan clearly depicting the location of the hedges and maximum heights at which they are to be maintained. Such determination shall be distributed to the complainant, the hedge owner, and placed in both property files at City Hall.
 - (h) Either party may appeal the decision of the director of community development, or designee, to the city council as set forth in Section 25.05.070.
 - (i) In the event that the complainant prevails in the final action, fifty percent of the hedge height claim fee shall be refunded to the complainant.
 - (j) In the event that the complainant prevails, the hedge owner shall have thirty days from the date of the final action to complete the remedial action set forth in the action.
- (Ord. 1547 § 1, 2011)

§ 12.14.070. Hedge height claim evaluation criteria.

In evaluating a hedge height claim, the following criteria shall be considered:

- (a) Whether or not the vegetation that is the subject of the hedge height claim meets the definition of "hedge."
 - (b) Whether or not the hedges that are the subject of the hedge height claim are located within a front, side and/or rear yard of the subject property.
 - (c) Whether or not the hedges that are the subject of the hedge height claim and are located within a front, side and/or rear yard of the subject property create a safety hazard and/or obstruct views from or sunlight to the property of the complainant.
- (Ord. 1547 § 1, 2011)

§ 12.14.080. Enforcement.

In addition to the ordinary remedies available to the city, violations of this chapter may be enforced pursuant to the provisions of Chapter 1.15 and/or Chapter 7.24, including abatement of nonconforming hedge heights and the assessment of costs thereof against the property owner.

- (a) Once a final hedge height claim action is rendered, and thirty days from the final action to remediate the offending hedge heights has expired without completion of the required remediation, the complainant may file a complaint with the city's code enforcement division to enforce the action.
- (b) With regard to all hedge height claim actions in which the subject hedges are determined to create a safety hazard, the owner of the offending hedges shall be given a maximum of thirty days from receipt of any code enforcement notification from the city to comply with the hedge height claim action. In the event that the hedge owner does not remedy the violation within the thirty-day timeframe, fines shall be assessed each day and collected, unless there are exceptional circumstances that prevent the completion of the required remediation, and the city may complete such remediation and assess the hedge owner for its costs.
- (c) With regard to all hedge height claim actions, wherein the subject hedges are determined to obstruct views from or sunlight to the complainant's property, the owner of such hedges shall be given a maximum of ninety days from receipt of any code enforcement notification from the city to comply with the hedge height claim action. In the event that the hedge owner does not remedy the violation within the ninety-day timeframe, fines shall be assessed each day and collected, unless there are exceptional circumstances that prevent the completion of the required remediation, and the city may complete such remediation and assess the hedge owner for its costs.

(Ord. 1547 § 1, 2011)

ARTICLE 1. DEFINITIONS

10-3-100: WORDS DEFINED:

Unless the context otherwise requires, the definitions set forth in this article shall govern the construction of this chapter.

ACCESSORY DWELLING UNIT (ADU): An attached or detached residential dwelling unit which provides complete, independent living facilities for one or more persons including permanent provisions for living, sleeping, eating, cooking, and sanitation, and is located on the same site area as the primary dwelling. An accessory dwelling unit shall not include an accessory structure lawfully constructed prior to September 26, 2003, which provides independent living facilities, provided the use of the accessory structure is restricted by a covenant as described in Section 10-3-403 or 10-3-604 of this chapter or was otherwise lawfully constructed in conformance with the applicable codes in effect at the time of construction.

ACCESSORY STRUCTURE AREA: That portion of a site area included within a front yard, side yard, street side yard or rear yard.

ACCESSORY STRUCTURE OR ACCESSORY BUILDING: A subordinate structure or building, including a private garage, a private stable, a pool house, or a detached guest suite, the use of which is incidental to that of the main building, and which is located on the same site area. Except as otherwise provided in this chapter, accessory structure or accessory building shall not include kitchen facilities.

ALLEY: A public way intersecting a block or portion of a block and designated on the master plan of streets.

ALTERNATIVE PARKING FACILITY: An off street parking facility in which vehicular storage is accomplished with mechanical parking lifts and/or automobile elevators that are operated by a valet or other driver. An alternative parking facility may also be a fully automated parking facility that uses mechanical and/or robotic systems to hoist individual vehicles from receiving areas to separate automobile storage areas without a driver.

AMBULATORY SURGICAL CARE: One or more surgical procedures performed by a licensed medical professional that do not require an overnight stay, and may be performed on an outpatient basis.

ARCHITECTURAL PROJECTIONS: Architectural features which extend beyond a setback line and do not contribute to the floor area of a residential building. Architectural projections include, but are not limited to, balconies, bay windows that do not add to the floor area of a building, columns, and beams. Architectural projections do not include stair shafts, elevator shafts, chimneys, space used for parking, or space used for housing equipment or machinery.

AUTOMOBILE ELEVATOR: An elevator used to move vehicles vertically into and between levels of a parking garage in lieu of the use of ramps.

AVERAGE ROOF HEIGHT: The average height of each noncontiguous segment of a roof.

AVERAGE SLOPE: The average slope of the site as calculated using the following formula:

$I \times L$

$S = \frac{\quad}{\quad}$

[Total square footage of site]

For the purposes of this formula:

S shall mean the average slope of the site;

I shall mean the contour interval in feet as shown on a contour map of the site;

L shall mean the combined length of contour lines in scale feet on the contour map being used to calculate the contour interval.

BEDROOM: Any room, including a den or similar room, capable of being used as sleeping quarters in a customary manner.

BLOCK: That property abutting on one side of a street and lying between the two (2) nearest intersecting or intercepting streets or between the nearest intersecting or intercepting street and its own termination.

BLOCK FACE: One side of a street between two (2) consecutive intersections.

BONA FIDE HOUSEKEEPING UNIT: See definition of single housekeeping unit.

BUILDING: A structure for the support, shelter or enclosure of persons, animals, or property.

BUSINESS OR COMMERCE: A purchase, sale, or other transaction involving the handling or disposition of any article, substance, service, or commodity for profit or livelihood, or the ownership or management of office buildings, offices, recreations, or amusement enterprises.

CABARET: Any establishment that permits live dancing by performers at any time of day. The term "cabaret" shall not include a restaurant that limits dancing by performers to a single dance floor that is contiguous to the dining or bar area and that does not exceed one hundred seventy five (175) square feet or ten percent (10%) of the restaurant's total dining and bar area, whichever is less. Furthermore, in order to maintain this exemption the restaurant must also limit performers and musicians, including those musicians who accompany dancing, to the dance floor.

CENTRAL AREA OF THE CITY OF BEVERLY HILLS: That area of the City of Beverly Hills other than the Hillside Area and Trousdale Estates.

COMMON PROPERTY LINE: Any lot line that separates two (2) parcels of private property.

CONVENIENCE STORE: Any retail business selling general food and drink products not intended for home preparation and consumption with more than half the square footage of the retail sales floor area dedicated to the sale of such foods and drinks, tobacco, magazines, toiletries, or any combination thereof. "Convenience store" does not include a retail business occupying a tenant space whose primary entrance opens into the interior of a commercial building. "Convenience store" does not include newsstands, tobacconists, specialty food stores, or retail stores containing a licensed pharmacy.

CORNER LOT: A site area located at the intersection of two (2) or more streets that intersect at an angle of not more than one hundred thirty five degrees (135°).

COSMETIC SPA: A use that is permitted pursuant to section 10-3-1620 .2 of this chapter and that carries on as its principal business the service of providing exclusively on an outpatient basis, elective, cosmetic services, including beauty consultations, cosmetic and vitamin injectables, laser treatments, micro-needling, oxygen treatments, make-up applications, retail sales of skin care and cosmetic products, and similar services, that are minimally invasive, non-surgical, and non-therapeutic in nature.

Cosmetic spas shall not include beauty shops, nail salons, or spas.

DISABLED; DISABLED PERSON: A person who has a physical or mental impairment that limits or substantially limits one or more major life activities, anyone who is regarded as having such impairment, or anyone who has a record of such impairment, as those terms are defined in the fair housing laws.

DISTRICT: An entire City block, any part thereof, or two (2) or more contiguous blocks.

DRIPLINE: The area located directly under the circumference of a tree's canopy.

DRIVE-UP, DRIVE-IN OR DRIVE- THROUGH FACILITIES: Any commercial facilities in which a service is provided, or goods, food or beverages are sold, to an operator or passengers of a vehicle without the necessity of the operator or passengers disembarking from the vehicle.

DWELLING UNIT: One or more rooms designed, occupied or intended for occupancy as living quarters for one bona fide housekeeping unit.

EFFICIENCY UNIT: A dwelling unit with zero bedrooms.

EMERGENCY SHELTER: A facility that provides immediate and short term housing with minimal support services for people experiencing homelessness or families on a first come, first served basis, and that is limited to occupancy of no more than six (6) months. No individual or household may be denied emergency shelter because of an inability to pay. An emergency shelter may include other interventions including, but not limited to, a navigation center, bridge housing, and respite and recuperative care.

EXERCISE CLUB: A membership facility, or other facility for which usage fees are charged, that includes any one of the following, alone or in combination: a) an exercise, aerobic, gymnasium, martial arts, and/or dance studio area, including, but not limited to, an exercise area designed for young children; b) weight training equipment; or c) game courts. Exercise club does not include private training centers, or any facility that is accessory to a public educational institution or accessory to a private educational institution that is included on the list of private schools prepared pursuant to California Education Code section 33190.

FAIR HOUSING LAWS: The "fair housing act" (42 USC § 3601 et seq.), the "Americans with disabilities act" (42 USC § 12101 et seq.), and the "California fair employment and housing act" , as these statutes now exist or may be amended from time to time, and the implementing regulations for each of these statutes.

FAMILY: One (1) or more persons living together as a single housekeeping unit in a single dwelling unit. Family also means the persons living together in a licensed residential community care facility, as that term is defined in California Health And Safety Code section 1502(a)(1).

FAMILY DAYCARE HOME: A facility that regularly provides care, protection, and supervision for fourteen (14) or fewer children, in the provider's own home, for periods of less than twenty four (24) hours per day, while the parents or guardians are away, and is either a large family daycare home or a small family daycare home, as defined in California Health and Safety Code Section 1596.78.

FENCE: A structure with length measured horizontally in excess of twenty four inches (24") and with height and thickness designed or constructed of nongrowing materials in such a manner as to enclose property or to inhibit passage through or to obscure view.

FILL: Earth material placed by artificial means over natural grade.

FLAG LOT: A site area that is characterized by a strip of land, less than thirty six feet (36') in width, which provides access to the main portion of the site area from a street. Such strip of land shall be referred to as the "pole" of the flag lot.

FLOOR AREA:

A. Nonresidential And Multi-Family Residential Zones: "Floor area" shall mean the area of all floors or levels included within the surrounding walls of a building or structure. Space devoted only to the following shall not be considered in determining the total floor area within a building or structure:

1. Stair shafts;
2. Elevator and escalator shafts and elevator lobbies located in parking areas or on rooftops. The area of each elevator lobby at each floor not located in parking areas or on rooftops shall not exceed one hundred (100) square feet per elevator cab; provided, however, that any elevator lobby area in excess of one hundred (100) square feet per elevator cab shall be considered in determining the total floor area within a building or structure;
3. Courts;
4. Parking spaces below the first floor and access thereto, including void spaces in parking areas below the first floor used exclusively for storage related to operation of the building, including for use by tenants of the building, however, such storage areas that are available for separate rental or use by a third party that is not an occupant of the building shall be included in determining the total floor area within a building or structure. Such void spaces may be enclosed, and shall be exempted for the first two thousand (2,000) square feet on each parking floor or the first five percent (5%) of the floor area of the entire building, whichever is less. After the lesser of either the first two thousand (2,000) square feet on each parking floor or the first five percent (5%) of the floor area of the entire building is exempted, any remaining storage floor area shall be considered in determining the total floor area within a building or structure;
5. Rooms exclusively housing building operating equipment or machinery;
6. Parking spaces at or above the first story and access thereto provided that in commercial zones:
 - a. Not less than the front forty feet (40') of the ground floor shall be devoted to retail sales, offices, or financial uses; notwithstanding such restriction, the Director of Planning and Community Development may reduce the amount of floor area required under this provision by up to ten percent (10%) pursuant to the provisions of article 36 of this chapter regarding minor accommodations if the Director finds that the dimensions of the site do not provide adequate space for internal circulation for parking and such accommodation would not substantially compromise pedestrian activity in the area; and
 - b. At least one full level of parking below grade is provided; or
 - c. Parking is provided in an enclosed alternative parking facility as permitted by section 10-3-2730 .4;
7. Mall areas; and
8. Space used or provided within a building or structure for publicly owned off street parking facilities.

B. Single-family residential zone: "Floor area" shall mean the area of all portions of floors and levels which have a roof or floor level above and are enclosed by exterior walls by more than fifty percent (50%). Further, "floor area" shall include the area of that portion of an upper level not separated from a lower level by a floor/ceiling assembly, but shall not include basements, crawl spaces, up to four hundred (400) square feet of garage area, and the space created below a deck located at the finished first floor level of a residence that extends over a driveway that leads to subterranean parking.

For the purposes of determining floor area in a single-family residential zone, "basement" shall mean any floor level directly below a story or portion thereof, which has a finished floor level that is a maximum of three feet (3') above finished grade at any cross-section cut through the building. Furthermore, a level shall be either entirely basement or entirely floor area, and partial basements shall not be permitted.

Exceptions:

1. Driveways: If a driveway not exceeding sixteen feet (16') in width is located within five feet (5') of a perimeter wall of a building, and the driveway leads to a subterranean garage, then the finished grade, for that portion of the building located adjacent to the driveway, shall be assumed to be at an elevation that is equal to the grade on the opposite side of the retaining wall required to construct such driveway.
2. Light Court: For light courts not exceeding a dimension of fifteen feet (15') measured perpendicular to the adjacent perimeter wall of a building, the finished grade, for that portion of the perimeter wall of the building located within five feet (5') of the light court, shall be assumed to be at an elevation that is equal to the grade on the opposite side of the retaining wall required to construct such light court. The fifteen feet (15') dimensional limitation shall not apply to portions of light courts that are surrounded by three (3) or more structural walls, as long as the total area of the light court does not exceed twenty percent (20%) of the ground floor of the building.
3. Lightwell: For lightwells not exceeding a dimension of four feet (4') as measured perpendicular from the perimeter wall of a building, the finished grade, for that portion of the perimeter wall of the building located within five feet (5') of the lightwell, shall be assumed to be at an elevation that is equal to the grade on the opposite side of the retaining wall required to construct such lightwell.

4. **Pools And Water Features:** If an in-ground pool or other in-ground water feature is located adjacent to a perimeter wall of a building, then the finished grade, for that portion of the building located adjacent to the in-ground pool or in-ground water feature, shall be assumed to be at an elevation that is equal to the waterline of such in-ground pool or in-ground water feature.

5. **Stairs Or Access Ways:** If stairs or access ways not exceeding four feet (4') in width are located adjacent to a perimeter wall of a building, and the stairs or access ways lead to a basement, the finished grade, for that portion of the perimeter wall of the building located adjacent to the stairs or access ways, shall be assumed to be at an elevation that is equal to the grade on the opposite side of the retaining wall required to construct such stairs or access ways. Furthermore, stairs or access ways that lead to a basement shall be deemed to be basement even if the stairs or access ways are greater than three feet (3') above finished grade, and shall not preclude the rest of the floor level from qualifying as a basement.

A basement may extend beyond the perimeter of the building provided that such portion of the basement is below the natural or finished grade, whichever is lower. A basement shall be considered to have extended beyond the perimeter of the building when the area, including any structure or story, above the basement no longer qualifies as "floor area" as defined herein.

FLOOR AREA RATIO (FAR): The ratio of floor area to site area.

FRACTIONAL OWNERSHIP: The shared ownership of real property, entitlement to ownership rights of real property, entitlement to use of real property, or possession of real property through any of the following means:

A. Direct ownership of the property;

B. Indirect ownership of the property through a membership, stake, interest, share, association, or similar device in the owner of the property or a subsidiary or parent of the owner of the property; or

C. A membership, stake, interest, share, association, or similar device in an entity, group, association or similar device which by virtue of such membership, stake, interest, share, association or similar device grants entitlement to ownership rights or the use or possession of the property.

GAME COURT: A structure having a playing surface, paved or unpaved, with or without enclosing fences, designed to be used for playing or practicing tennis, badminton, volleyball, paddle tennis, handball, racquetball, squash, basketball, or similar games.

GARAGE: A building or portion of a building designed or used for the parking or storage of motor vehicles.

GRADE: For the purpose of measuring the height of walls and fences, the elevation of the natural or finished surface of the ground, whichever is lower.

GRADE, FINISHED: The lowest point of elevation of the finished surface of the ground, paving, or sidewalk within the area between the building and the property line or, when the property line is more than five feet (5') from the building, between the building and a line five feet (5') from the building.

GRADE, NATURAL: Grade as it existed five (5) years prior to the date on which an application is submitted to the City for redevelopment or grading activities on a given site.

HEDGE: A growth of vegetation, cultivated in such a manner as to produce a barrier to inhibit passage or to obscure view, which is more than twelve inches (12") in height. Where there are interruptions of growth by vertical space having a horizontal distance of more than twenty four inches (24") in every four feet (4'), such growth shall not be considered a hedge. This definition is not intended to include individual shrubs, plants, or trees.

HEIGHT OF BUILDING:

A. **Nonresidential Zones:** Except as otherwise provided for walls and fences, in nonresidential zones, "height" shall mean the distance from the highest point of the natural ground level at the perimeter of a building or structure or from the highest point of the public sidewalk adjoining the lot or parcel upon which the building or structure is to be erected, whichever is higher, to the highest element of the building or structure. The following elements of a building or structure shall not be considered when determining its height pursuant to this subsection A:

1. Vent pipes that are not higher than required by law.

2. On buildings with a sloped roof, chimneys extending a maximum of three feet (3') higher than any portion of the building within a horizontal distance of ten feet (10') from the chimney. On buildings with a flat roof, chimneys extending a maximum of three feet (3') above the roof deck. The maximum horizontal dimension of a chimney shall not exceed four feet (4') on any side.

3. Structures enclosing elevator equipment and/or elevator lobbies if such structures are not higher than twenty feet (20') above the adjacent roof deck and are not larger than the shaft of the elevator or elevators and their respective lobby areas, provided such lobby areas comply with the provisions of subsection A.2. of the definition of Floor Area, and if such structure is used for no purpose other than providing the minimum space required for the elevators and their equipment and such lobby areas.

4. Structures enclosing stairs required by law to be carried to the roof if such enclosing structure is used for no other purpose than enclosing the stairs and is no larger than the stair shaft below and if such enclosure is not more than fifteen

feet (15') in height as measured from the adjacent roof deck.

5. Penthouse structures used exclusively for mechanical equipment for the building or structure if such penthouse structure is not more than fifteen feet (15') in height as measured from the adjacent roof deck.

6. Structures enclosing alternative parking facilities if such structure is not more than fifteen feet (15') in height above the adjacent roof deck and approved in accordance with 10-3-2730 .4 of this chapter.

7. Parapets or handrails not more than forty five inches (45") in height as measured from the roof or floor which they surround.

8. Unoccupied architectural features, such as skylights and clerestories, not more than fifteen feet (15') in height as measured from the adjacent roof deck if such features do not exceed thirty three percent (33%) of the roof area upon which they are located, and no such feature exceeds or intersects a line projecting from the perimeter of the roof upward at an angle of forty five degrees (45°) from the horizontal.

9. Antennas, other than satellite dish antennas, that do not exceed fifteen feet (15') in height as measured from the surface on which the antennas are mounted and do not exceed fifteen feet (15') above the applicable zoning height limit unless a minor accommodation permit and a building permit are obtained in accordance with the provisions of section 10-3-4506 of this chapter. If an antenna is mounted on a legally nonconforming structure that exceeds the applicable zoning height limit, then the antenna may also exceed the applicable zoning height limit, to a maximum of fifteen feet (15') above the height of that nonconforming structure.

10. Satellite dish antennas that do not exceed fifteen feet (15') in height as measured from the surface on which the antennas are mounted and do not exceed fifteen feet (15') above the applicable zoning height limit unless a minor accommodation permit and a building permit are obtained in accordance with the provisions of sections 10-3-4506 and 10-3-4504 , respectively, of this chapter. If an antenna is mounted on a legally nonconforming structure that exceeds the applicable zoning height limit, then the antenna may also exceed the applicable zoning height limit, to a maximum of fifteen feet (15') above the height of that nonconforming structure.

B. Multiple-Family Residential Zones: Except as otherwise provided for walls and fences, in multiple-family residential zones, "height" shall mean the distance from the highest point of the natural ground level at the perimeter of a building or structure or from the highest point of the public sidewalk adjoining the lot or parcel upon which the building or structure is to be erected, whichever is higher, to the highest element of the building or structure. The following elements of a building or structure shall not be considered when determining its height pursuant to this subsection:

1. Vent pipes that are not higher than required by law.

2. On buildings with a sloped roof, chimneys extending a maximum of three feet (3') higher than any portion of the building within a horizontal distance of ten feet (10') from the chimney. On buildings with a flat roof, chimneys extending a maximum of three feet (3') above the roof deck. The maximum horizontal dimension of a chimney shall not exceed four feet (4') on any side.

3. Structures enclosing elevator equipment and/or elevator lobbies if such structures are not higher than fifteen feet (15') above the adjacent roof deck and are not larger than the shaft of the elevator or elevators and their respective lobby areas, provided such lobby areas comply with the provisions of subsection A2 of the definition of Floor Area, and if such structure is used for no purpose other than providing the minimum space required for the elevators and their equipment and such lobby areas.

4. Structures enclosing stairs required by law to be carried to the roof if such enclosing structure is used for no other purpose than enclosing the stairs and is no larger than the stair shaft below and if such enclosure is not more than twelve feet (12') in height as measured from the adjacent roof deck.

5. Penthouse structures used exclusively for mechanical equipment for the building or structure if such penthouse structure is not more than ten feet (10') in height as measured from the adjacent roof deck.

6. Parapets or handrails not more than forty five inches (45") in height as measured from the roof or floor which they surround.

7. Unoccupied architectural features, such as skylights and clerestories, and rooftop structures such as shade structures and trellises, not more than ten feet (10') in height as measured from the adjacent roof deck if such features do not exceed thirty three percent (33%) of the roof area upon which they are located, and no such feature exceeds or intersects a line projecting from the perimeter of the roof upward at an angle of forty five degrees (45°) from the horizontal.

8. Antennas, other than satellite dish antennas, that do not exceed fifteen feet (15') in height as measured from the surface on which the antennas are mounted and do not exceed fifteen feet (15') above the applicable zoning height limit unless a minor accommodation permit and a building permit are obtained in accordance with the provisions of section 10-3-4506 of this chapter. If an antenna is mounted on a legally nonconforming structure that exceeds the applicable zoning height limit, then the antenna may also exceed the applicable zoning height limit, to a maximum of fifteen feet (15') above the height of that nonconforming structure.

9. Satellite dish antennas that do not exceed twelve feet (12') in height as measured from the surface on which the antennas are mounted and do not exceed twelve feet (12') above the applicable zoning height limit unless a minor accommodation permit and a building permit are obtained in accordance with the provisions of sections 10-3-4506 and 10-3-

4504 , respectively, of this chapter. If an antenna is mounted on a legally nonconforming structure that exceeds the applicable zoning height limit, then the antenna may also exceed the applicable zoning height limit, to a maximum of twelve feet (12') above the height of that nonconforming structure.

10. The addition of rooftop decking materials up to a height of twelve inches (12"), as measured from the adjacent roof deck, and an equivalent increase in the height of the parapet wall, on the rooftop of an existing multiple-family residential building.

11. Rooftop Noise Barrier: A transparent or clear barrier placed on the rooftop of a building not exceeding six feet (6') in height, measured from the finished floor surface of the adjacent rooftop deck.

C. Single-Family Residential Zones In The Central Area Of The City: Except as otherwise provided for walls and fences, in single-family residential zones located in the Central Area of the city, "height" shall mean the distance between the highest element of a building or structure and the highest point of ground level at the perimeter of the building or structure. Such ground level shall be established by survey or grading plan prior to any demolition, grading, or other alteration of the lot or parcel to accommodate the building or structure to be erected. However, if more than fifty percent (50%) of the perimeter of the building or structure is below the highest point of such ground level, then the height shall be measured from the average of such ground level at the perimeter of the building or structure. The following structures shall not be subject to the height limits set forth in this subsection:

1. The extension of vent pipes to the extent permitted by title 9 of this Code. On buildings with a sloped roof or sloped roof with ridgeline, chimneys extending a maximum of three feet (3') higher than any portion of the building within a horizontal distance of ten feet (10') from the chimney. On buildings with a flat roof, chimneys extending a maximum of three feet (3') above the roof deck. The maximum horizontal dimension of a chimney shall not exceed four feet (4') on any side.

2. Antennas, other than satellite dish antennas, that do not exceed fifteen feet (15') in height as measured from the surface on which the antennas are mounted and do not exceed fifteen feet (15') above the applicable zoning height limit unless a minor accommodation permit and a building permit are obtained in accordance with the provisions of section 10-3-4506 of this chapter. If an antenna is mounted on a legally nonconforming structure that exceeds the applicable zoning height limit, then the antenna may also exceed the applicable zoning height limit, to a maximum of fifteen feet (15') above the height of that nonconforming structure.

3. Satellite dish antennas that do not exceed twelve feet (12') in height as measured from the surface on which they are mounted unless a minor accommodation permit and a building permit are obtained in accordance with the provisions of sections 10-3-4506 and 10-3-4504 , respectively, of this chapter.

D. Single-Family Residential Zones In The Hillside Area Of The City: Except as otherwise provided for walls and fences, in single-family residential zones located in the Hillside Area of the City, "height" of a building or structure at any point shall mean the vertical distance between that point and the point below it on a plane defined by the finished grade at all points along the building or structure perimeter.

However, the following exceptions to this definition shall apply:

1. Driveways: If a driveway not exceeding sixteen feet (16') in width is located within five feet (5') of a perimeter wall of a building, and the driveway leads to a subterranean garage, then the finished grade, for that portion of the building located adjacent to the driveway, shall be assumed to be at an elevation that is equal to the grade on the opposite side of the retaining wall required to construct such driveway.

2. Light Court: For light courts not exceeding a dimension of fifteen feet (15') measured perpendicular to the adjacent perimeter wall of a building, the finished grade, for that portion of the perimeter wall of the building located within five feet (5') of the light court, shall be assumed to be at an elevation that is equal to the grade on the opposite side of the retaining wall required to construct such light court. The fifteen foot (15') dimensional limitation shall not apply to portions of light courts that are surrounded by three (3) or more structural walls, as long as the total area of the light court does not exceed twenty percent (20%) of the ground floor of the building.

3. Lightwell: For lightwells not exceeding a dimension of four feet (4') as measured perpendicular from the perimeter wall of a building, the finished grade, for that portion of the perimeter wall of the building located within five feet (5') of the lightwell, shall be assumed to be at an elevation that is equal to the grade on the opposite side of the retaining wall required to construct such lightwell.

4. Pools And Water Features: If an in-ground pool or other in-ground water feature is located adjacent to a perimeter wall of a building, then the finished grade, for that portion of the building located adjacent to the in-ground pool or in-ground water feature, shall be assumed to be at an elevation that is equal to the waterline of such in-ground pool or in-ground water feature.

5. Stairs Or Access Ways: If stairs or access ways not exceeding four feet (4') in width are located adjacent to a perimeter wall of a building, and the stairs or access ways lead to a basement, the finished grade, for that portion of the perimeter wall of the building located adjacent to the stairs or access ways, shall be assumed to be at an elevation that is equal to the grade on the opposite side of the retaining wall required to construct such stairs or access ways. Furthermore, stairs or access ways that lead to a basement shall be deemed to be basement even if the stairs or access ways are greater than three feet (3') above finished grade, and shall not preclude the rest of the floor level from qualifying as a basement.

Those elements of a building excluded from the measurement of height as set forth in subsection C of this definition shall also be excluded from the measurement of height as set forth in this subsection D.

E. Single-Family Residential Zones In The Trousdale Estates Area Of The City: Except as otherwise provided for walls and fences, in single-family residential zones located in Trousdale Estates, "height" shall mean the distance between the highest point of grade at the perimeter of a building or structure and the highest element of the building or structure. However, if more than fifty percent (50%) of the perimeter of the building or structure at grade is below such highest grade point, then the height shall be measured from the average grade level at the perimeter of the building or structure. The following structures shall not be subject to the height limits set forth in this subsection:

1. The extension of vent pipes to the extent permitted by title 9 of this Code. On buildings with a sloped roof, chimneys extending a maximum of three feet (3') higher than any portion of the building within a horizontal distance of ten feet (10') from the chimney. On buildings with a flat roof, chimneys extending a maximum of three feet (3') above the roof deck. The maximum horizontal dimension of a chimney shall not exceed four feet (4') on any side.

2. Antennas, other than satellite dish antennas, which do not exceed fifteen feet (15') in height as measured from the surface on which they are mounted and which do not exceed the zoning height limit by more than fifteen feet (15'). If an antenna is mounted on a legally nonconforming building that exceeds the applicable height limits set forth in this definition, then the antenna may exceed the height limits otherwise set forth in this chapter to a maximum height of fifteen feet (15') above the height of the nonconforming building.

3. Satellite dish antennas that do not exceed twelve feet (12') in height as measured from the surface on which they are mounted.

HEIGHT OF WALL, FENCE OR HEDGE: The vertical distance above grade to the highest element of the wall, fence, or hedge, including, but not limited to, columns, pillars, pilasters, and gates, measured on the side of the wall, fence, or hedge located closest to the property line. Grades shall not be adjusted for the purpose of circumventing the maximum height allowances set forth in this chapter.

HIGHEST ELEMENT OF A BUILDING: The highest element of a building other than those elements excluded from the measurement of height as set forth in this article.

HILLSIDE AREA: That area of the City of Beverly Hills generally located north of Sunset Boulevard other than Trousdale Estates. The boundaries of the Hillside Area are the boundaries of the "Hillside District" as shown on diagram 13-1, adopted by the City Council, and on file in the Department of Building and Safety, excluding those areas south of Sunset Boulevard and Trousdale Estates.

HOME OCCUPATION: Any occupation, activity, enterprise, profession, trade, or undertaking of any nature conducted or engaged in, or ordinarily conducted or engaged in, with the object of gain, benefit or advantage to any person or entity, whether direct or indirect, and which is conducted in a residential zone in the City. The term shall include the operation of a subsidiary, independent entity or any other activity conducted for the benefit of others and at no profit to those engaged in the operation or activity, including nonprofit businesses and trade associations. However, "home occupation" shall not include the delivery of goods or services to a residential site by an entity or individual with a principal place of business outside of any residential zone in the City and which conducts no administrative or processing function within a residential zone in the City, such as a plumber, gardener, or caterer based in a nonresidential zone. A "home occupation" shall also not include the operation of a family daycare home licensed pursuant to state law and as defined in this section 10-3-100 (Words Defined). A person shall not be deemed to be engaged in a home occupation solely by reason of receipt of dividend or interest income from passive investments or solely by reason of receipt of royalties or residuals for work that does not constitute a home occupation.

HOTEL: Any building, or portion thereof designed or used for lodging persons for a period of less than thirty (30) consecutive days. Hotels shall include, without limitation, any establishment held out to the public as a hostel, inn, time share project, tourist court, or motel, but shall not include hospitals or governmental buildings where persons are detained under legal restraint, such as jails or prisons.

INTERIOR SIDE LOT LINE: A side lot line that abuts another site area.

INTERIOR SIDE SETBACK: A side setback that is measured from an interior side lot line.

JUNIOR ACCESSORY DWELLING UNIT (JADU): A residential unit that is no more than 500 square feet in size and is contained entirely within an existing or proposed single-family dwelling. An enclosed use within the dwelling, such as an attached garage, is considered to be a part of and contained within the single-family dwelling:

LEVEL PAD: That portion of a site containing level finished grade. No portion of a site with a slope that is greater than five percent (5%) shall be considered to be part of a level pad. Furthermore, for the purposes of calculating floor area ratio, no portion of a level finished surface which is the longest pole of a flag lot shall be considered to be part of a level pad.

LIGHT COURT: An excavated area adjacent to a building that extends more than four feet (4') from the building perimeter, as measured perpendicular from the building perimeter, that is enclosed on four (4) sides, that is open at the top, and that allows light into a below grade level of a building.

LIGHTWELL: An excavated area adjacent to a building that extends no more than four feet (4') from the building perimeter, as measured perpendicular from the building perimeter, that is enclosed on four (4) sides, that is open at the top, and that allows light into a below grade level of a building.

LOT: A parcel of land abutting on at least one street or alley and refers to those subdivisions of lands designated as lots and numbered consecutively upon the recorded subdivision maps of the City.

LOT DEPTH: The average horizontal distance between the front and rear lot lines measured in the mean direction of the side lot line(s). However, for the purposes of measuring the depth of a flag lot, the calculation shall not include the pole of the flag lot.

LOT LINE: A line of record bounding a lot which divides one lot from another lot or from a public or private street or any other public space.

LOT LINE, FRONT: The lot line that separates a site area from a street. Provided, however, that in the case of a corner lot, the front lot line shall be the shortest lot line which separates a site area from a street.

LOT LINE, REAR: The lot line which is most opposite from the front lot line as determined by the Director of Building and Safety. Provided, however:

A. If a site area has only one lot line that does not separate the site area from a street, then that one line shall be considered a "rear lot line".

B. If a site area is triangular or otherwise tapered, and is not within the scope of subsection A of this definition, then the rear lot line shall be a ten foot (10') line located within the property that is approximately parallel to, and most distant from, the front lot line.

C. If a site area not within the scope of subsection A of this definition is triangular or otherwise tapered, and the front lot line is curved, then the rear lot line shall be a ten foot (10') line within the property which is approximately parallel to, and most distant from, a ten foot (10') chord through the front lot line which is most distant from the intersection of lot lines that are not front lot lines.

D. Through lots that do not fall within the scope of subsection A of this definition shall have no rear lot line.

LOT LINE, SIDE: Any lot line which is not a front lot line or a rear lot line.

LOT LINE, STREET SIDE: A side lot line of a corner lot that separates the corner lot from a street.

LOT WIDTH: The average horizontal distance between opposite side lot lines measured in the mean direction of the front lot line. Provided, however, that for lots with only one side lot line, the lot width shall mean the average distance between the front lot line and the side lot line. Also, for the purposes of measuring the width of a flag lot, the calculation shall not include the pole of the flag lot.

MAJOR LIFE ACTIVITY: Physical, mental, and social activities, such as the operation of major bodily functions, seeing, hearing, eating, sleeping, walking, standing, sitting, reaching, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, interacting with others, and working.

MALL AREA: The main pedestrian area having common access to a number of tenants and occupancies which are predominantly for retail stores, drinking and dining establishments, and other similar uses of a retail and service nature within one site area. "Mall area" shall not be construed to include or mean a secondary required means of exit for an occupancy, nor to include or mean a street, alley, or other publicly owned space.

MAXIMUM POTENTIAL FACADE: A plane located at the front setback line which is bounded by the maximum height allowed for a building at the front setback line, and bounded by the side and/or rear setback lines intersecting the front setback line. For the purposes of calculating the maximum potential facade, the setback lines established by the applicable provisions of this title shall be used. No reduction in any setback line, whether or not authorized by any procedure set forth in this title, shall be considered in calculating the maximum potential facade, and the maximum potential facade shall not be increased as the result of a reduction in the required side or rear setback lines.

MAXIMUM POTENTIAL SIDE FACADE: A plane located at a side setback line which is bounded by the maximum height allowed for a building at that side setback line, and bounded by the front, rear and/or side setback lines intersecting the side setback line at which the facade is located.

MECHANICAL PARKING LIFT: An elevating device that enables the positioning of a vehicle above or below another parking space in a stacked (vertical tandem) fashion.

MEDICAL LABORATORY: Any facility providing medical or dental services for the purpose of diagnosing or treating medical or dental conditions that does not receive patrons on site.

MEDICAL OFFICE: Any facility providing health service and/or medical, surgical, or dental care. "Medical office" shall include, but not be limited to, a health center, health clinic, doctor's office, chiropractor's office, dentist's office, or any office offering therapeutic service or care. "Medical office" shall not include a "medical laboratory" as defined in this section or a "cosmetic spa" permitted pursuant to section 10-3-1620 .2 of this chapter and as defined in this section.

MEDICAL USE(S): Uses including medical office, medical laboratory, or any combination thereof, or a "cosmetic spa" permitted pursuant to section 10-3-1620 .2 of this chapter and as defined in this section.

MINI-SHOPPING CENTER: Any development which is developed for multiple uses of retail, personal services, or restaurants, or a combination thereof, with the structure or structures located in close proximity to the rear property line and/or a common property line and with surface parking situated between the structure or structures and the street.

MIXED USE OR MIXED USE DEVELOPMENT: The development of a site with two (2) or more different land uses, such as, but not limited to, a combination of residential, office or retail uses in a single or physically integrated group of structures or

the development of a combination of different land use in a single zone.

MOTION PICTURE PLANT: A place where motion pictures are regularly made or where successions of photographs upon motion picture film are regularly taken, whether or not such film is there developed, printed, or reproduced, or a place equipped for making or taking such motion pictures or photographs, or which is equipped with the appliances and machinery necessary and proper for the developing and printing or manufacture of motion picture film.

MULTI-FAMILY (MULTIPLE-FAMILY) HOUSING DEVELOPMENT: A housing development that includes more than one dwelling unit on a property. Accessory dwelling units (ADUs) constructed pursuant to state law or article 50 of this chapter shall not be considered a multi-family housing project.

MULTI-FAMILY TRANSIENT USE: Rental, lease, sublease, or similar agreement for habitation or exclusive or shared use of a multi-family dwelling unit or any portion thereof, or accessory dwelling unit(s), for a period of less than twelve (12) consecutive months; or the rental of an accessory structure, or any other feature or portion of multi-family residential property including but not limited to pools, game courts, and yards. The initial minimum lease term shall not preclude a lease from reverting to a month-to-month lease after the initial term has concluded. Multi-family transient uses do not include in home caretakers occupying a multi-family residence in conjunction with providing care giving services to the primary occupants of that residence.

MULTIPLE-FAMILY DWELLING: A building which contains more than one dwelling unit.

MULTIPLE-FAMILY RESIDENTIAL ZONE: Any zone possessing any of the following zone designations: R-3, R-4, R-4X1, R-4X2, or R-4-P.

NEW CAR DEALER: Any business engaged principally in selling or dealing in new automobiles, which may include dealing in used automobiles only as an incident to the new car business providing such used automobiles are restricted to those acquired as trade-ins on new or used cars as part payment on new or used cars sold by such dealer at its place of business in the City.

NIGHTCLUB: Any establishment that permits dancing by patrons at any time of day. A nightclub may be restricted to members or may be open to the public. The term "nightclub" shall not include the following:

A. A restaurant that limits dancing by patrons to a single dance floor that is contiguous to the dining or bar area and that does not exceed one hundred seventy five (175) square feet or ten percent (10%) of the restaurant's total dining and bar area, whichever is less. Furthermore, in order to maintain this exemption, the restaurant must also limit musicians and performers, including those musicians who accompany dancing, to the dance floor;

B. An establishment that is located in a hotel;

C. A fixed seat theater that does not permit food or drink consumption in the seating area and that has no tables in the seating area.

NONCONFORMING BUILDINGS: A building that was lawfully constructed in compliance with the development standards of the City at the time of its construction, however, due to the adoption or amendment of a Zoning Ordinance or other land development regulation, the building no longer complies with the current requirements of this title.

NONCONFORMING USE: A use of property that was permitted at the time that it was lawfully established, but is presently prohibited or presently requires a conditional use permit, or other use permit, and no such permit has been issued for the use.

NONRESIDENTIAL ZONE: Any zone which is not a Residential Zone, including, but not limited to, any of the following zone designations: C-3, C-3A, C-3B, C-3T-1, C-3T-2, C-3T-3, C-5, C-R, C-R-PD, or T-1.

OBJECTIVE DESIGN STANDARD: A standard as defined by Government Code §66300(a)(7) as it may be amended from time to time. For the purposes of this title, such a standard (i) involves no personal judgement, (ii) is uniformly verifiable by reference to external and objective benchmarks, and (iii) may be applied ministerially.

ONE-FAMILY OR SINGLE-FAMILY RESIDENCE OR DWELLING: "One-family residence or dwelling" shall mean a building, together with any accessory buildings, which is designed or used by only one single housekeeping unit (as defined in this section 10-3-100), including supportive and transitional housing providing accommodations for six or fewer employees pursuant to California Health and Safety Code Section 17021.5. "Single-family residence or dwelling" shall have the same meaning as "one-family residence or dwelling".

OPEN AIR DINING: The serving and/or consumption of food and/or drink outside of a residential zone if: a) such consumption takes place in an area that is not fully enclosed within a permanent building by walls and a roof, but is located immediately adjacent to a restaurant use that is so enclosed, or b) such consumption takes place in an area fully enclosed within a permanent building, such building has windows that can be opened, and such windows are located on a wall that is oriented, at an angle of ninety degrees (90°) or less, toward residentially zoned properties adjacent to the building or separated from the building by a public right of way.

OPEN TO PUBLIC VIEW: For any ten foot (10') length of wall, fence, or hedge, the total area of all opaque materials used shall be a maximum of thirty percent (30%) of the area of that ten foot (10') length of wall, fence, or hedge, and the width or position of each opaque element shall not block more than fifty percent (50%) of the open view of the appropriate setback area when viewed perpendicularly to the front plane of the wall, fence, or hedge or through a forty five degree (45°) sweep on any side of the perpendicular. Tree foliage which is located more than eight feet (8') above grade shall be considered

open to public view.

OVERLAY ZONE: A zoning district which governs the same territory as an underlying zone, but provides alternative development standards for a specified type of development or use.

PARKING SPACE: An area that is designed and used for parking automobiles and meets the standards set forth in the city's "minimum parking standards" on file in the department of building and safety.

PARKLET: A structure or installation within which public street parking is converted into an outdoor dining area that serve an adjacent restaurant business. A parklet is typically located directly adjacent to vehicular traffic lanes on one side and the sidewalk or parkway areas on the other side.

PAVING: A ground covering of concrete, stone, brick, tile, or similar substance. Provided, however, that an area shall be not considered "paved" for the purposes of this chapter unless one-third ($\frac{1}{3}$) or more of that area contains paving and the paving is reasonably distributed throughout that area.

PET BOARDING FACILITY: A commercial or nonprofit facility that is fully enclosed within a building and provides day and/or night boarding for four (4) or more adult dogs, cats, or any combination thereof, for persons other than the occupant of the facility including the boarding or keeping of animals for the purposes of training, grooming, boarding, or socializing, and is ancillary to a principally permitted retail business for pet related merchandise. This does not include the keeping of animals for receiving or recovering from medical services.

PHYSICAL OR MENTAL IMPAIRMENT: Any physiological disorder or condition and any mental or psychological disorder, including, but not limited to, orthopedic, visual, speech and hearing impairments, cosmetic disfigurement, anatomical loss, cerebral palsy, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, intellectual disabilities (formerly termed "mental retardation"), emotional or mental illness, learning disabilities, HIV disease (whether symptomatic or asymptomatic), tuberculosis, and alcoholism and drug addiction (but not including current use of illegal drugs). A temporary condition, such as a broken leg, pregnancy, use of crutches, etc., does not qualify as a physical or mental impairment.

PLATE HEIGHT: The height to the topmost element of the structural support of a building's roof framing members.

PORTE-COCHERE: A roofed structure covering a driveway which is located between the public street and at least one required parking space. A porte-cochere shall be no more than twenty feet (20') in length, no more than fourteen feet (14') in height, shall be attached to a residence or dwelling, shall be adjacent to an exterior building wall on one side, and shall be completely open on the remaining three (3) sides except for necessary structural column and other permitted side yard fences and walls.

PRINCIPAL BUILDING AREA: That portion of a site area not included within a front yard, side yard, street side yard or rear yard.

PRIVATE TRAINING CENTER: A facility used for individual or small group exercise or training activities, in which students and instructor(s) engage in exercise or training activities. Private training centers may include, but are not limited to: facilities that host group exercise classes for a limited number of attendees such as yoga, pilates, spinning, or personal training, and shall comply with the regulations of this chapter. "Private training center" does not include any facility that is accessory to a public educational institution or accessory to a private educational institution that is included on the list of private schools prepared pursuant to Education Code section 33190.

PUBLIC NOTICE GUIDELINES: Guidelines approved by the director of community development and on file in the department of community development describing implementation of the requirements for public noticing of planning applications set forth in article 2.5 of this chapter.

PUBLIC STREET: The land dedicated or condemned for use as a public highway or established as such by the use for public purposes.

PUBLIC UTILITY: Any private corporation or other person that owns, operates, controls, or manages a line, pipeline and appurtenances, plant, technological network or system for the transportation of people or property, the transmission of telephone or telegraph messages, or the production, generation, transmission, or furnishing of heat, light, natural gas, water, power, storage, or wharfage, directly or indirectly to or for the public, and common carriers. Public utilities shall also mean any additional class of private corporations or other persons that are designated by the California state legislature or the California Constitution as public utilities.

REASONABLE ACCOMMODATION: Any deviation requested and/or granted from the city's zoning and land use laws, rules, regulations, policies, procedures, practices, or any combination thereof, that may be reasonable and necessary for a disabled person to have an equal opportunity to use and enjoy a dwelling.

RELIGIOUS INSTITUTION: Any church, synagogue, mosque, temple or building which is used primarily for religious worship and related religious activities.

RESIDENTIAL COMMUNITY CARE FACILITY, LARGE: Any State licensed facility, including a family home, or group care facility or similar facility that provides living accommodations and 24-hour nonmedical residential care, day treatment, adult daycare, or foster agency services such as personal services, supervision or assistance essential for sustaining the activities of daily living or the protection of the individual, for seven (7) or more adults, children, or adults and children, as defined in California Health and Safety Code section 1502.

RESIDENTIAL COMMUNITY CARE FACILITY, SMALL: Any State licensed facility, including a family home, or group care facility or similar facility that provides living accommodations and 24-hour nonmedical residential care for persons in need of day treatment, adult daycare, or foster agency services, such as personal services, supervision or assistance essential for sustaining the activities of daily living or the protection of the individual, for six (6) or fewer adults, children, or adults and children, as defined in California Health and Safety Code section 1502.

RESIDENTIAL ZONE: A single-family residential zone or multiple-family residential zone.

RETAIL BUSINESS: A business that carries on as its principal business the selling of tangible commodities, goods, merchandise or wares. Retail business also includes beauty shops, nail salons, and spas. A retail business may include an optometrist use that is ancillary to the retail business. A retail business may only include ancillary space for the purpose of consultation with an optometrist if that space does not exceed the lesser of five percent (5%) of the total floor area of the business or two hundred (200) square feet and that space is located at least thirty feet (30') behind the storefront of the retail business facing a street.

RETAINING WALL: A wall or terraced combination of walls used to retain more than eighteen inches (18") of material and not used to support, provide a foundation for, or provide a wall for a building or structure.

ROOF, FLAT: A roof shall be considered to be a flat roof if it is neither a sloped roof nor a sloped roof with ridgeline as defined in this section.

ROOF, SLOPED: A roof shall be considered to be a sloped roof if ninety five percent (95%) or more of the roof has a slope of ten percent (10%) or more and the roof is not a sloped roof with ridgeline as defined in this section.

ROOF, SLOPED WITH RIDGELINE: A roof shall be considered to be a sloped roof with ridgeline if ninety five percent (95%) or more of the roof has a slope of fifteen percent (15%) or more and the roof has one or more linear horizontal ridgelines formed by the juncture of two (2) roof planes where both planes extend upward from the exterior facade of a perimeter wall of the building to the horizontal ridgeline. The roof planes may be intersected by other roof planes that meet this definition, as well as architectural features such as dormers and chimneys that are otherwise allowed pursuant to this chapter.

ROOFTOP DINING USE: A use that is permitted pursuant to section 10-3-3107 .5., and that includes rooftop open air dining, and/or enclosed indoor dining on the rooftop of a building. A rooftop dining use consists of the serving and consumption of food and drink, and shall be limited to bona fide restaurant establishments that primarily sell food and may provide accompanying drink service. Rooftop dining uses shall not include establishments that provide drink service without contemporaneous food service, but may include bars as an ancillary component of the rooftop dining use.

ROOFTOP OPEN AIR DINING: The serving and/or consumption of food and drink on a rooftop of a building in any rooftop area that is not fully enclosed within a permanent building by walls and a roof, but includes an enclosed component in which business transactions may be conducted.

SATELLITE DISH ANTENNA: Any device incorporating a reflective surface that is solid, open mesh, or bar configured and is in the shape of a shallow dish, cone, horn, cornucopia, or flat plate. Such device receives or transmits radio or electromagnetic waves between terrestrially and/or orbitally based units. This definition is meant to include, but not be limited to, what is commonly referred to as satellite earth stations, satellite receivers, satellite disks, direct broadcast systems (DBSs), television reception only systems (TVROs), and satellite microwave antennas.

SERVICED RESIDENCE: A multi-family transient use where each dwelling unit includes a full kitchen, laundry facilities and bathroom, no dwelling unit is leased or occupied by any person for less than seven (7) consecutive days, all residents jointly occupy the dwelling unit under a single written lease, and each dwelling unit is maintained and offered services at a luxury standard. By way of illustration, at the time of adoption hereof, a "luxury standard" includes a twenty four (24) hour resident service team, high tech fitness center, full service business center with executive boardroom and complimentary high speed internet access, a lounge, en suite dining, same day valet dry cleaning and laundry service, and full time, on site management and maintenance. All dwelling units include fully accessorized kitchens, contemporary furnishings, well appointed bathrooms, premium cable television and Wi-Fi access.

SETBACK, FRONT: The required minimum distance measured between a front lot line and the closest element of a building or structure on that site area.

SETBACK LINE, FRONT: A line within a site area parallel to the front lot line and located at a distance from the front lot line equal to the front setback.

SETBACK LINE, REAR: A line within a site area parallel to the rear lot line and located at a distance from the rear lot line equal to the rear setback.

SETBACK LINE, SIDE: A line within a site area parallel to a side lot line and located at a distance from the side lot line equal to the side setback.

SETBACK LINE, STREET SIDE: A line within a site area parallel to a street side lot line and located at a distance from the street side lot line equal to the street side setback.

SETBACK, REAR: The required minimum distance between a rear lot line and the closest element of a building or structure on that site area.

SETBACK, SIDE: The required minimum distance between a side lot line and the closest element of a building or structure on that site area.

SETBACK, STREET SIDE: The required minimum distance between a street side lot line and the closest element of a building or structure on that site area.

SIDE STREET: That portion of a street abutting a side lot line of a corner lot.

SINGLE-FAMILY RESIDENCE: See definition of One-Family Or Single-Family Residence Or Dwelling.

SINGLE-FAMILY RESIDENTIAL ZONE: Any zone possessing any of the following zone designations: R-1, R-1.X, R-1.5, R-1.5X, R-1.5X2, R-1.6X, R-1.7X, or R-1.8X.

SINGLE-FAMILY TRANSIENT USE: Rental, lease, sublease, or similar agreement for habitation or exclusive or shared use of a single-family residence, or accessory dwelling unit(s) of a single-family residence for a period of less than twelve (12) consecutive months; or the rental of an accessory structure, or any other feature or portion of single-family residential property including but not limited to pools, game courts, and yards. The initial minimum lease term shall not preclude a lease from reverting to a month-to-month lease after the initial term has concluded. Single-family transient uses do not include home occupation activities authorized pursuant to section 10-3-4302, filming and photography activities permitted pursuant to section 4-3-101 et seq, or in home caretakers occupying a single-family residence in conjunction with providing care giving services to the primary occupants of the residence.

SINGLE HOUSEKEEPING UNIT: One or more persons jointly occupying a single dwelling unit, and living together as a functional equivalent of a family as evidenced by any combination of the following: where the adult residents share expenses for food or rent; the residents share household responsibilities and activities, which may include, expenses, chores, eating evening meals together; the residents participate in recreational activities; the residents have close social, economic and psychological commitments to each other.

SINGLE ROOM OCCUPANCY HOUSING (SRO): A residential facility where individual secure rooms are rented to a one or two (2) person household. Rooms are generally one hundred fifty (150) to three hundred seventy five (375) square feet in size and include a sink, closet and toilet, with shower and kitchen facilities typically shared.

SRO units are rented on a weekly or monthly basis.

SITE OR SITE AREA: All of that area (whether 1 or more lots) legally assembled into one building site by means of covenant, subdivision, or otherwise. When such area consists of more than one lot or parcel of ground, such lots or parcels of ground shall be contiguous or separated only by an alley.

SLOPE: That portion of the site other than the level pad.

SPECIALTY FOOD STORE: Any retail business dedicated to the sale of specialized types or classes of food and drink products, including, but not limited to, import food stores, bakeries, and chocolatiers.

STORY:

A. Nonresidential zones: "Story" shall mean that portion of a building included between the surface of any floor and the surface of the next floor above it or, if there is no floor above it, the space between the floor and the ceiling next above it. For the purposes of this chapter, "story" shall include mezzanines, excepting mezzanines that meet the requirements of subsection A5 of this definition, and penthouses, but shall not include:

1. Basements and cellars which are less than eight feet (8') above grade as defined in the building code;
2. Floors devoted exclusively to mechanical equipment for the building and for rooftop elevator lobbies. The area of each such elevator lobby shall not exceed one hundred (100) square feet per elevator cab;
3. Floors devoted exclusively to parking and access thereto; provided, however, when any parking spaces are located more than two (2) floors above grade, this exception shall not apply;
4. Floors devoted to a combination of uses described in subsections A2 and A3 of this definition.
5. Mezzanines in buildings, provided:
 - a. The floor area ratio (FAR) on the site area, inclusive of the mezzanine, does not exceed 2.0;
 - b. The height of the building in which the mezzanine is located does not exceed forty five feet (45') in height, measured as set forth in this chapter, or three (3) stories, whichever is less; and
 - c. The mezzanine complies with the construction standards set forth in the building code that a mezzanine is required to meet in order not to be counted as a story under the building code.

B. Residential zones: "Story" shall mean that portion of a building included between the surface of any floor and the surface of the next floor above it or, if there is no floor above it, then the space between the floor and the ceiling next above it. For the purposes of this chapter, "story" shall include mezzanines and penthouses, but shall not include penthouses that are used exclusively for mechanical equipment, rooftop bathrooms that meet the requirements of subsection 10-3-2804 B of this chapter, or a floor devoted exclusively to parking and/or mechanical equipment where the finished floor level of the floor above it is no more than three feet (3') above the adjacent finished grade at any point.

STREET: As defined in title 1 of this code except that "street" shall not include alleys.

STREET LINE: The lot line between a street and abutting property.

SUPPORTIVE HOUSING: Housing with no limit on length of stay, that is occupied by the target population as identified in state law, and that is linked to on site or off site services that assist the supportive housing residents in retaining the housing, improving their health status, and maximizing their ability to live and, when possible, work in the community 1.

SUPPORTIVE SERVICES: Services would include, but are not limited to, a combination of subsidized, permanent housing, intensive case management, medical and mental health care, substance abuse treatment, employment services, and benefits advocacy.

SYNTHETIC TURF: Synthetic manmade material that simulates the appearance of live sod, grass or lawn. Synthetic turf shall not mean painted natural grass or sod.

TARGET POPULATION: Target population has the same meaning as set forth in Government Code Section 65582(j), as amended from time to time 2.

THROUGH LOT: A site area having frontage on two (2) streets, but not located at the intersection of those streets.

TOBACCONIST: Any retail business with at least ninety percent (90%) of its retail floor area dedicated to the sale of tobacco products such as cigarettes, tobacco, and pipes.

TRANSITIONAL HOUSING: Buildings configured as rental housing developments but operated under program requirements that require the termination of assistance and recirculating of the assisted unit to another eligible program recipient at a predetermined future point in time, which shall be no less than six (6) months from the beginning of the assistance.

TROUSDALE ESTATES: All property located north of Doheny Road and east of Schuyler Road, except that land zoned R-1.X, and that portion of lot A of the Doheny Ranch tract northwesterly of tract numbers 24485 and 24486, commonly referred to as the Greystone Mansion property.

UNDERLYING ZONE: The primary zone designation which would govern development of a particular site if such development were not otherwise governed by an overlay zone.

USE: The purpose for which a building is designed, arranged, or intended or for which it is or may be occupied or maintained.

USED CAR DEALER: Any business engaged in buying, selling, and dealing in used automobiles other than a new car dealer.

VEHICLE SALES, SERVICE OR FUEL STATIONS: Any business which involves sales, including long term leasing; rental; maintenance; repair; refueling; painting; servicing, including tire or alarm sales and installation; or emissions testing of automobiles or any other motorized vehicles. Vehicle sales, service or fuel stations shall not include a business limited to the sale of vehicle accessories, if such accessories are not installed as part of that business and the business does not otherwise qualify as a vehicle sales, service or fuel station.

WALL: A structure with length measured horizontally in excess of twenty four inches (24") and with height and thickness designed or constructed of nongrowing materials in such a manner as to enclose property or to inhibit passage through or to obscure view.

YARD, FRONT: That portion of a site area located between the front setback line and the front lot line.

YARD, REAR: That portion of a site area located between the rear setback line and the rear lot line.

YARD, SIDE: That portion of a site area located between a side setback line and a side lot line.

YARD, STREET SIDE: That portion of a site area located between a street side setback line and a street side lot line.

(1962 Code § 10-101; amd. Ord. 1179, eff. 1-2-1964; Ord. 1197, eff. 3-18-1965; Ord. 1248, eff. 8-18-1966; Ord. 1260, eff. 1-19-1967; Ord. 67-O-1274, eff. 6-15-1967; Ord. 68-O-1311, eff. 6-20-1968; Ord. 69-O-1349, eff. 7-1-1969; Ord. 69-O-1357, eff. 10-16-1969, retroactive to 10-1-1969; Ord. 70-O-1375, eff. 2-19-1970; Ord. 72-O-1435, eff. 3-16-1972; Ord. 73-O-1475, eff. 7-19-1973; Ord. 73-O-1491, eff. 10-18-1973; Ord. 77-O-1652, eff. 6-2-1977; Ord. 79-O-1734, eff. 5-31-1979; Ord. 80-O-1771, eff. 10-16-1980; Ord. 82-O-1859, eff. 10-7-1982; Ord. 85-O-1953, eff. 7-4-1985; Ord. 87-O-2009, eff. 11-19-1987; Ord. 87-O-2013, eff. 1-14-1988; Ord. 89-O-2056, eff. 4-20-1989; Ord. 89-O-2063, eff. 7-6-1989; Ord. 89-O-2072, eff. 10-19-1989; Ord. 89-O-2081, eff. 12-7-1989; Ord. 90-O-2090, eff. 3-8-1990; Ord. 90-O-2107, eff. 12-21-1990; Ord. 90-O-2109, eff. 12-21-1990; Ord. 91-O-2114, eff. 4-19-1991; Ord. 91-O-2133, eff. 12-5-1991; Ord. 92-O-2147, eff. 9-4-1992; Ord. 94-O-2205, eff. 8-5-1994; Ord. 94-O-2220, eff. 12-23-1994; Ord. 95-O-2239, eff. 7-7-1995; Ord. 96-O-2256, eff. 4-5-1996; Ord. 96-O-2266, eff. 10-18-1996; Ord. 96-O-2270, eff. 11-27-1996; Ord. 96-O-2272, eff. 1-9-1997; Ord. 97-O-2285, eff. 12-5-1997; Ord. 98-O-2295, eff. 5-1-1998; Ord. 99-O-2333, eff. 10-15-1999; Ord. 99-O-2335, eff. 11-4-1999; Ord. 99-O-2338, eff. 12-17-1999; Ord. 00-O-2351, eff. 10-20-2000; Ord. 01-O-2383, eff. 11-2-2001; Ord. 01-O-2389, eff. 1-10-2002; Ord. 02-O-2399, eff. 6-20-2002; Ord. 02-O-2403, eff. 9-6-2002; Ord. 02-O-2409, eff. 11-8-2002; Ord. 02-O-2417, eff. 1-3-2003; Ord. 02-O-2422, eff. 3-7-2003; Ord. 03-O-2427, eff. 9-26-2003; Ord. 05-O-2461, eff. 3-18-2005; Ord. 10-O-2585, eff. 7-22-2010; Ord. 10-O-2586, eff. 8-31-2010; Ord. 11-O-2602, eff. 2-11-2011; Ord. 11-O-2606, eff. 4-1-2011; Ord. 12-O-2625, eff. 8-3-2012; Ord. 12-O-2633, eff. 11-23-2012; Ord. 12-O-2634, eff. 1-4-2013; Ord. 14-O-2654, eff. 3-21-2014; Ord. 14-O-2661, eff. 6-20-2014; Ord. 14-O-2669, eff. 12-5-2014; Ord. 15-O-2691, eff. 11-6-2015; Ord. 16-O-2712, eff. 12-22-2016; Ord. 16-O-2715, eff. 1-7-2017; Ord. 16-O-2718, eff. 1-20-2017; Ord. 16-O-2720, eff. 1-20-2017; Ord. 17-O-2724, eff. 2-10-2017; Ord. 17-O-2734, eff. 9-8-2017; Ord. 18-O-2751, eff. 4-6-2018; Ord. 19-O-2786, eff. 8-16-2019; Ord. 19-O-2795, 12-10-2019; Ord. 21-O-2843, eff. 10-15-2021; Ord. 22-O-2858, eff. 3-18-2022; Ord. 22-O-2860, eff. 6-10-2022; Ord. 22-O-2864, eff. 10-21-2022; Ord. 23-O-2877, eff. 7-7-2023; Ord. 23-O-2882, eff. 11-17-2023; Ord. 24-O-2885, 2-11-2024; Ord. 24-O-2892, eff.

4-18-2024; Ord. 24-O-2894, eff. 6-7-2024; Ord. 24-O-2904, eff. 1-3-2025; Ord. 25-O-2918, eff. 9-5-2025 ; Ord. 25-O-2925, eff. 11-28-2025; Ord. 26-O-2931, eff. 7-1-2026)

Notes

1. GOV § 12900 et seq.
1. GOV § 65582.
2. HSC § 50675.14(b)(3).

10-3-2616: WALLS, FENCES AND HEDGES:

In addition to any requirements imposed pursuant to title 9 of this code, a building permit shall be required for any wall or fence greater than six feet (6') in height and shall also be required for any wall or fence, regardless of its height, that is located in a front yard.

A. Thickness: No wall or fence shall exceed two feet (2') in thickness. Cavities or spaces within a wall or fence shall not be used for the support, storage, shelter, or enclosure of persons, animals, or personal property.

B. Finish: A wall or fence located within five feet (5') of a property line and approximately parallel to that property line shall have a finished appearance in a similar manner on both sides. Acceptable finish treatments include colored stucco, wood stain, natural or polished stone, slumpstone, split-faced concrete block, prefabricated finish texture, color coated tubular steel or wrought iron, or a combination thereof. Plain or colored concrete block masonry shall be permitted only if coated with colored stucco or other coating finish approved by the Director of Building and Safety.

If the construction of a wall or fence along shared property lines requires access on a neighboring property in order to provide an equivalent finish on the side of the wall or fence facing the neighboring property, and access is not granted by the neighboring property owner, documentation to this effect shall be provided to the Director of Community Development, or his or her designee. This documentation shall be satisfactory to the Director of Community Development to relieve the requestor of the above requirement regarding the finish of the wall or fence on that side, and may include a written letter stating that access has not been granted, or proof that a request for access has been sent but no response has been provided.

C. Supporting Elements: No column, pillar, post, or other supporting element of a wall or fence shall be more than twenty four inches (24") in width.

D. Front Yards: The maximum allowable height of a wall, fence, or hedge located within the first twenty percent (20%) of the front yard, measured from the front lot line shall be three feet (3').

The maximum allowable height of a wall, fence, or hedge located within the front yard at a distance from the front lot line of more than twenty percent (20%) of the front setback shall be six feet (6'); provided, however, any portion of such wall, fence, or hedge that exceeds three feet (3') in height shall be open to public view.

E. Side Yards: The maximum allowable height for that portion of a wall, fence, or hedge located in both a side yard and a front yard shall be six feet (6'); provided, however, that any portion of such wall, fence, or hedge that exceeds three feet (3') in height shall be open to public view.

The maximum allowable height for that portion of a wall, fence, or hedge located in a side yard, but not in a front yard, shall be seven feet (7'), except that the maximum allowable height shall be eight feet (8') for such a wall, fence, or hedge located within five feet (5') of a rear lot line and parallel to such rear lot line.

Notwithstanding the provisions of this subsection, in no event shall a hedge exceed the maximum height permitted pursuant to subsection F of this section.

F. Rear Yards: The maximum allowable height for a fence, wall or hedge located in a rear yard shall be eight feet (8').

Notwithstanding the provisions of this subsection, in no event shall a hedge exceed the maximum height permitted pursuant to subsection F of this section.

G. Height Limit For Fences And Hedges Meeting Certain Criteria:

1. Fences: New fences on a slope of a downslope property shall not in any event extend above a point thirty six inches (36") above the finished grade of the level pad on the adjacent upslope property in any area where the fence is located in a line of sight from the upslope property to the Los Angeles area basin. The fence shall be "open to public view", as defined in article 1 of this chapter. Notwithstanding sections 10-3-2759 and 10-3-2603 of this chapter, any existing fence subject to this subsection G that was constructed in accordance with applicable ordinances and regulations at the time of construction shall be deemed a nonconforming structure, and may be maintained in its existing configuration unless more than fifty percent (50%) of the area of the fence measured from the outer perimeter of the fence without deductions for open spaces in the fencing, is replaced or reconstructed in any five (5) year period. If more than fifty percent (50%) of the area of the fence is replaced or reconstructed, then the replacement structure shall be treated as new for the purposes of this subsection and shall be constructed so that the entire structure conforms with the development standards of this subsection.

2. Hedges: Except as permitted by an agreement between adjacent downslope and upslope neighbors, hedges planted outside of the front yard setback on a slope between adjacent downslope and upslope properties where the upslope property faces the Los Angeles area basin shall not extend above the higher of:

- a. The finished grade of the level pad on the upslope property; or
- b. Fourteen feet (14') from the level pad of the downslope property.

For purposes of this subsection G, downslope and upslope properties separated by a public street shall be deemed to be adjacent.

If the city determines that two (2) or more plants have become a hedge and violated the provisions of this section on three (3) separate occasions within a two (2) year period, then the plants shall be removed by the foliage owner.

3. Definitions: As used in this subsection G:

HEDGE:	Growth of vegetation taller than twelve inches (12"), consisting of two (2) or more individual plants, including, without limitation, trees, that are cultivated or maintained in such a manner so that the horizontal distance between the nearest points of two (2) plants is less than eight feet (8').
LOCATED IN A LINE OF SIGHT FROM THE UPSLOPE PROPERTY TO THE LOS ANGELES AREA BASIN:	The plane established by the fence or hedge, either at the height of the fence or hedge or if extended upward, would intersect a sightline from the upslope property to the Los Angeles area basin. (Ord. 11-O-2611, eff. 9-16-2011; amd. Ord. 13-O-2640, eff. 5-3-2013; Ord. 22-O-2860, eff. 6-10-2022)

§ 28.87.170. Fences, Screens, Walls and Hedges.

- A. Definitions. As used in this section, the following terms and phrases shall have the indicated meanings:

Arbor. An open structure typically constructed of latticework or metal that often provides partial shade or support for climbing plants, sometimes referred to as a trellis or pergola. An arbor is not considered an accessory building.

Fence. An upright structure serving as an enclosure, barrier, or boundary or that visually divides or conceals a parcel, usually made of posts, boards, wire, or rails.

Hedge. A row of closely planted shrubs, bushes, or any other kind of plant material that forms a boundary or substantially continuous visual barrier.

Parkway. An area between the curb and sidewalk in a fully improved right-of-way, typically landscaped.

Screen. Vegetation, including, but not limited to, trees, shrubs, bushes, and other plantings, that visually divides or conceals a parcel.

Wall. An upright structure of masonry, wood, plaster, or other building material serving to enclose, divide, or protect an area.

- B. General rules. The following guidelines and standards apply in any zone within the City:

1. Guidelines. The Fences, Screens, Walls and Hedges Guidelines, as adopted by resolution of the City Council, shall provide direction and guidance to decision makers and City staff in connection with applications reviewed pursuant to this section.
2. Required Reduction for Safety. If the height of any fence, screen, wall or hedge obstructs the sightlines required for the safe operation of motor vehicles, the Public Works Director (or Director's designee) may declare the fence, screen, wall or hedge to be a public nuisance and require the reduction of the height of the fence, screen, wall or hedge in order to provide for the safe operation of motor vehicles.
3. Height Measurement. The height of a fence, screen, wall or hedge shall be measured in a vertical line from the lowest point of contact with the ground directly adjacent to either side of the fence, screen, wall or hedge to the highest point of the fence, screen, wall or hedge along said vertical line.
4. Separation. Unless there is a horizontal separation of at least five feet between a fence, screen, wall or hedge, the combined height of a fence, screen, wall or hedge and any adjacent fence, screen, wall or hedge shall be measured from the lowest point of the lowest such fence, screen, wall or hedge to the highest point of other fences, screens, walls or hedges.
5. Schools. A chain link or open mesh type fence of any height necessary to enclose an elementary or high school site may be located and maintained in

any required yard.

6. Barbed Wire, Concertina Wire, Sharp Wire or Points. No barbed wire or concertina wire shall be used or maintained in or about the construction of a fence, screen, wall or hedge along the front or interior lot lines of any lot, or within three feet of said lot lines. No sharp wire or points shall project at the top of any fence or wall less than six feet in height.
- C. Rules applicable to fences and walls on residentially-zoned parcels. On parcels zoned A-1, A-2, A-3, E-1, E-2, E-3, R-1, R-2, R-3, or R-4, the following standards apply to fences and walls:
1. Required Setbacks. Except as otherwise provided in this section, no fence or wall located in the required setbacks shall exceed a height of eight feet.
 2. Front Lot Lines. Except as otherwise provided in this section, no fence or wall located within 10 feet of a front lot line shall exceed a height of three and one-half feet.
 3. Driveways. Except as otherwise provided in this section, no fence or wall exceeding a height of three and one-half feet shall be located within a triangular area on either side of a driveway as follows:
 - a. When a driveway directly abuts a portion of a street improved with a sidewalk and a parkway, the triangle is measured on two sides by a distance of 10 feet from the side of a driveway and 10 feet back from the front lot line.
 - b. When a driveway directly abuts a portion of a street without a sidewalk or parkway, the triangle is measured on two sides by a distance of 20 feet from the side of a driveway and 10 feet back from the front lot line.
 4. Corner Lots. Within the required "Intersection Sight Distance," as depicted in the Fences, Screens, Walls and Hedges Guidelines, no fence or wall may obstruct the sightlines required for the safe operation of motor vehicles. This paragraph does not apply to parcels located adjacent to intersections controlled by an all-way stop.
 5. Guardrails. A guardrail may extend above the maximum height limit for a fence or wall without requiring an exception or modification, only to the minimum extent required for safety by the California Building Code, and only if the guardrail is predominately transparent.
 6. Decorative Elements. Notwithstanding the above provisions, decorative elements not wider than nine inches by nine inches, such as pilaster caps, finials, posts, lighting fixtures, or similar decorative features as determined by the Community Development Director (or the Director's designee), may exceed the maximum height of any fence or wall by not more than 12 inches, provided such features are spaced not less than six feet apart, measured on-center.

7. Entryway Arbors. Notwithstanding the above provisions, one entryway arbor, substantially open (no solid walls or roof) and not exceeding a maximum of 18 square feet in area and eight feet in height, is permitted in any front yard. The square footage of the arbor shall be determined by the area located within the rectangle formed around the posts of the arbor or the roof portion of the arbor, whichever dimension is larger. This exception shall only apply to an entryway arbor used in combination with and attached to a fence or wall. No arbor shall be located on a street corner in conflict with the provisions of Section 28.87.170.C.4.
- D. Rules applicable to screens and hedges on residentially-zoned parcels. On parcels zoned A-1, A-2, A-3, E-1, E-2, E-3, R-1, R-2, R-3, or R-4, the following standards apply to screens and hedges:
1. Required Setbacks. Except as otherwise provided in this section, no screen or hedge located in the required setbacks shall exceed a height of eight feet.
 2. Front Lot Lines. Except as otherwise provided in this section, no screen or hedge located within 10 feet of a front lot line shall exceed a height of eight feet.
 3. Driveways. Except as otherwise provided in this section, no screen or hedge exceeding a height of three and one-half feet shall be located within a triangular area on either side of a driveway as follows:
 - a. When a driveway directly abuts a portion of a street improved with a sidewalk and a parkway, the triangle is measured on two sides by a distance of 10 feet from the side of a driveway and 10 feet back from the front lot line.
 - b. When a driveway directly abuts a portion of a street without a sidewalk or parkway, the triangle is measured on two sides by a distance of 20 feet from the side of a driveway and 10 feet back from the front lot line.
 4. Corner Lots. Within the required "Intersection Sight Distance," as depicted in the Fences, Screens, Walls and Hedges Guidelines, no screen or hedge may obstruct the sightlines required for the safe operation of motor vehicles. This paragraph does not apply to parcels located adjacent to intersections controlled by an all-way stop.
- E. Administrative review and approval of minor exceptions.
1. Exceptions to the Fence and Wall Standards by the Community Development Director. The Community Development Director (or the Director's designee) may grant minor exceptions, as specified in the Fences, Screens, Walls and Hedges Guidelines, to paragraphs C.1, C.2, C.5, C.6, and C.7 above, if the Community Development Director finds that:
 - a. If the subject fence or wall is located on, or within the required setback of, an interior property line, the adjacent property owner(s) that share a

- common property line nearest to the fence or wall have agreed to the requested exception;
- b. The granting of such exception will not create or exacerbate an encroachment into the necessary sightlines for safe operation of motor vehicles;
 - c. As applicable, the subject fence or wall will be compatible with other similarly situated and approved structures in the neighborhood; and
 - d. The granting of such exception will not be detrimental to the use and enjoyment of other properties in the neighborhood.
2. Exceptions to the Screen and Hedge Standards by the Community Development Director. The Community Development Director (or the Director's designee) may grant minor exceptions, as specified in the Fences, Screens, Walls and Hedges Guidelines, to paragraphs D.1 and D.2 above, if the Community Development Director finds that:
- a. If the subject screen or hedge is located on, or within the required setback of, an interior property line, the adjacent property owner(s) that share a common property line nearest to the screen or hedge have agreed to the requested exception;
 - b. The granting of such exception will not create or exacerbate an encroachment into the necessary sightlines for safe operation of motor vehicles;
 - c. The screen or hedge will be compatible with the character of the neighborhood (the Community Development Director may seek advice from the appropriate design review body when considering this finding);
 - d. The proposed height of the screen or hedge will respect the height limitation applicable to structures for the protection of solar access as specified in Section 28.11.020 of this code; and
 - e. The granting of such exception will not be detrimental to the use and enjoyment of other properties in the neighborhood.
3. Exceptions to Corner Lot and Driveway Sightline Standards by the Public Works Director. The Public Works Director (or the Director's designee) may grant minor exceptions, as specified in the Fences, Screens, Walls and Hedges Guidelines, to paragraphs C.3, C.4, D.3 and D.4 above, if the Public Works Director finds that:
- a. The granting of such exception will not create or exacerbate an encroachment into the necessary sightlines for safe operation of motor vehicles; and
 - b. The granting of such exception will not be detrimental to the use and enjoyment of the other properties in the neighborhood.

- F. Nonconforming. Any fence, screen, wall or hedge which is nonconforming to the provisions of this section and which existed lawfully on January 10, 1957 (the effective date of the ordinance adopting the provisions of this section), may be continued and maintained, provided there is no physical change other than necessary maintenance and repair in such fence or wall, except as permitted in other sections of this title. A hedge shall be determined to be nonconforming by the Community Development Director upon receipt of sufficient evidence indicating that the hedge existed in its present location on January 10, 1957. Notwithstanding the foregoing, no more than 10% of the length of a nonconforming fence or wall may be replaced within any 12-month period, unless: (1) such fence or wall is a significant structure or feature associated with a designated City Landmark or Structure of Merit and the extent of repair or maintenance occurs pursuant to Section 22.22.070; or (2) such fence or wall is necessary to retain or support soil in a vertical or near vertical slope of earth. If a nonconforming fence, screen, wall or hedge has been determined to be a safety hazard by the Public Works Director, the Public Works Director (or Director's designee) may declare the fence, screen, wall or hedge to be a public nuisance and require the reduction of the height of the fence, screen, wall or hedge in order to provide for the safe operation of motor vehicles.
- G. Relationship with the view dispute resolution process. The fact that a hedge or screen does not violate the standards set forth in this section 28.87.170 or the fact that a property owner has received an administrative exception or modification from the standards set forth in this section for a hedge or screen shall not preclude another property owner from alleging an unreasonable obstruction of a view and availing him or herself of the protections and procedures of the City's View Dispute Resolution Process found in Chapter 22.76 of this code.
- (Ord. 2346, 1951; Ord. 2585, 1957; Ord. 3234, 1967; Ord. 3513, 1972; Ord. 4162, 1982; Ord. 5459, 2008; Ord. 5650, 2014)

§ 9.52.020. Definitions.

The following words or phrases as used in this Article shall have the following meanings:

30% income household. A household whose gross income does not exceed the 30% income limits applicable to the Los Angeles-Long Beach Primary Metropolitan Statistical Area, adjusted for household size, as published and periodically updated by HUD.

50% income household. A household whose gross income does not exceed 50% of the area median income, adjusted for household size, as published and periodically updated by HUD. 50% income households include 30% income households.

60% income household. A household whose gross income does not exceed 60% of the area median income, adjusted for household size, as published and periodically updated by HUD. 60% income households include 50% income households.

80% income household. A household whose gross income does not exceed 80% of the area median income, adjusted for household size, as published and periodically updated by HUD. 80% income households include 60% income households.

100% affordable housing project. Housing projects with a minimum of 25% of the units deed restricted or restricted by an agreement approved by the City for occupancy by 60% Income Households or less and the remainder of the housing units are deed restricted or restricted by an agreement approved by the City for occupancy by 80% Income Households or less. Such projects may include nonresidential uses not to exceed 33% of the project's total floor area.

Abandoned, abandonment. When, for a continuous period of one year or more, a nonconforming building, parcel, or use ceases. Resumption of a use after abandonment is a change of use. See Division 3, Section 9.27.050(B), Nonconforming Uses, Structures, and Parcels, for additional regulations.

Abutting, adjoining, or adjacent. Having a common property line or district line or separated only by an alley, path, private street, or easement.

Access. The place, or way through which pedestrians and/or vehicles shall have safe, adequate and usable ingress and egress to a property or use as required by this Article.

Accessory building. See Building, Accessory.

Accessory dwelling unit. An attached or detached residential dwelling unit that provides complete independent living facilities for one or more persons and that is located on a parcel with a proposed or existing primary single-unit or multi-unit dwelling. See Division 3, Section 9.31.025, Accessory Dwelling Units and Junior Accessory Dwelling Units, for further details.

Accessory food service. Establishments where food is located on the same parcel as or within a primary permitted use and is clearly incidental to the primary permitted use that is not an eating and drinking establishment. Food service that is more extensive than these provisions will cause this use to be considered an eating and drinking establishment subject to all of the applicable regulations. See Division 3, Section

9.31.030, Accessory Food Service, for further details.

Accessory structure. See Structure, Accessory.

Accessory use. See Use, Accessory.

Act of nature. A natural occurrence such as an earthquake, flood, tidal wave, hurricane, superstorm, meteor, or tornado which causes substantial damage to buildings or property.

Affordable rent. Affordable rent shall mean the following:

- ~~A. 52.020F0000~~ 30% income households, the product of 30% times 30% of the area median income adjusted for household size appropriate for the unit.
- B. For 50% income households, the product of 30% times 50% of the area median income adjusted for household size appropriate for the unit.
- C. For 80% income households whose gross incomes exceed the maximum incomes for 50% income households, the product of 30% times 60% of the area median income adjusted for household size appropriate for the unit.
- D. For moderate income households, the product of 30% times 110% of the area median income adjusted for household size appropriate for the unit.

For purposes herein, affordable rent shall be adjusted as necessary to be consistent with pertinent Federal or State statutes and regulations governing Federal or State assisted housing.

Alley. A public way permanently reserved for access to the rear or side of properties otherwise abutting on a street.

Alteration. Any change, addition or modification that changes the exterior architectural appearance or materials of a structure or object. Alteration includes changes in exterior surfaces, changes in materials, additions, remodels, demolitions, and relocation of buildings or structures, but excludes ordinary maintenance and repairs.

Arcade. A public passageway or colonnade open along at least one side, except for structural supports, usually covered by a canopy or permanent roofing.

Area median income (AMI). The median family income published from time to time by HUD for the Los Angeles-Long Beach Metropolitan Statistical Area.

Artist. An individual who is recognized by critics and peers; has verifiable training, credentials, and/or reputation in the field; and works in one or more of the following areas:

- ~~A. 52.020A0001~~ A person who works in or is skilled in any of the fine arts, including, but not limited to, painting, drawing, sculpture, book arts, and print making;
- B. A person who creates imaginative works of aesthetic value, including, but not limited to, literature, poetry, play writing, film, video, digital media works, literature, costume design, photography, architecture, music composition, and conceptual art;
- C. A person who creates functional art, including, but not limited to, jewelry, rugs, decorative screens and grates, furniture, pottery, toys, and quilts;

- D. A performer, including, but not limited to, singers, musicians, dancers, actors, and performance artists.

Attic. The area less than 7 feet in height, located above the ceiling of the top story and below the roof that is not usable as habitable or commercial space and is not accessible via a permanent access structure. An attic shall not be considered a story. City-designated landmarks may adapt attics to be habitable so long as they are within the historic building envelope and result in no change to the roofline. Such an adoption will also not be considered a story.

Awning. An architectural projection that provides weather protection, identity or decoration and is wholly supported by the building to which it is attached. An awning is typically constructed of non-rigid materials on a supporting framework which projects from and is supported by the exterior wall of a building.

Balcony. A platform that projects from the wall of a building 30 inches or more above grade that is accessible from the building's interior, is not accessible from the ground and is not enclosed by walls on more than 2 sides. See also Deck.

Base district. See Zoning District.

Base height. The maximum height to which a building or structure may be built by right pursuant to the Land Use and Circulation Element (LUCE) of the General Plan. This is also called the Tier 1 height.

Basement. The level(s) of a structure located below Average Natural Grade, Segmented Average Natural Grade, or Theoretical Grade, in which no portion of the level directly below Average Natural Grade, Segmented Average Natural Grade, or Theoretical Grade projects more than 3 feet above Average Natural Grade, Segmented Average Natural Grade, or Theoretical Grade. Up to 4 wall surfaces of the level directly below Average Natural Grade, Segmented Average Natural Grade, or Theoretical Grade may be exposed above Finished Grade, so long as this exposure does not exceed 40% of each of these wall surface areas. Each wall surface area is calculated by multiplying the height by the length of the wall. In addition, the visible wall surface height of these walls shall not exceed 3 feet above Finished Grade, except for an entrance to a garage, which must be designed to the minimum feasible width and not exceed the maximum size requirements set forth in Chapter 9.28, or for any light well or emergency egress as required by the Building Code. A basement shall not be considered a story.

Bathroom. A room containing a sink, a toilet, and a shower and/or bathtub.

Bay window. An angular or curved window that projects from the building surface.

Bedroom. Any habitable space in a dwelling unit or accessory structure other than a kitchen or living room that is intended for or capable of being used for sleeping, is at least 70 square feet in area, is separated from other rooms by a door, and is accessible to a bathroom without crossing another bedroom.

Block. Property bounded on all sides by a public right-of-way.

Building. Any structure having a roof supported by columns or walls and intended for the shelter, housing or enclosure of any individual, animal, process, equipment, goods or materials.

Building, accessory. A detached building located on the same parcel as the principal building, which is incidental and subordinate to the principal building in terms of both size and use. A building will be considered part of the principal building if located less than 6 feet from the principal building or if connected to it by fully enclosed space.

Building, principal. A building in which the principal use of the parcel on which it is located is conducted.

Building Code. Any ordinance of the City governing the type and method of construction of buildings, signs, and sign structures and any amendments thereto and any substitute therefor, including, but not limited to, the California Building Code, the State Historic Building Code, other state-adopted uniform codes and the Minimum Building Security Standards Ordinance.

Building face. The general outer surface of the structure or walls of a building. Where bay windows or pillars project beyond the walls, the outer surface of the windows or pillars shall be considered to be the face of the building.

Building envelope. The aggregate of building mass and building bulk permitted on a parcel which is defined by height regulations, setbacks and other property development standards.

Building footprint. See Footprint.

Building height. See Height.

Building site. A parcel or parcels of land occupied or to be occupied, by a main building and accessory buildings together with such open spaces as are required by the terms of this title and having its principal frontage on a street, road, highway, or waterway.

Build-to line. A line parallel to the parcel line where the facade of the building is required to be located.

Buffer, buffering. An area on a parcel which is designed to separate structures and uses from the general public and/or adjacent properties to reduce negative impacts. It may include landscaping, fences, and walls.

California Department of Alcoholic Beverage Control (ABC). The California State agency that regulates the permitting of alcohol beverage sales, including the sale of beer, wine, and distilled spirits.

California Environmental Quality Act (CEQA). Public Resources Code Section 21000 et seq., or any successor statute and associated guidelines (California Code of Regulations Section 15000 et seq.) that require public agencies to document and consider the environmental effects of a proposed action before a decision.

Canopy. A roofed shelter projecting over a sidewalk, driveway, entry, window, or similar area that may be wholly supported by a building or may be wholly or partially supported by columns, poles, or braces extending from the ground.

Car sharing. A formal or informal membership organization that owns a variety of motor vehicles that are parked in a number of different areas. Members use the motor vehicles under the terms of their membership.

Carport. A permanently roofed structure providing space for parking or temporary storage of vehicles. It may or may not include sides, but will be considered a garage if all 4 sides are enclosed.

Change of use. A discontinuance of an existing use and the substitution therefor of a use such that the new use represents a different use group (as defined in Chapter 9.51, Use Classifications) or is otherwise differently regulated by the zoning ordinance compared to the prior use. A change of ownership alone does not constitute a change of use. Resumption of a use after abandonment is a change of use.

Clerestory. A window or row of windows which typically run horizontally and are located at the upper portion of a wall to allow additional light and air into a room. A clerestory is not a skylight.

City. The City of Santa Monica.

City Council. The City Council of the City of Santa Monica.

City Engineer. The City Engineer of the City of Santa Monica.

City-designated contributing building or structure. A building or structure designated by the City as contributing to the designation of an area as a historic district pursuant to Section 9.56.130.

City-designated historic resource. Any existing property or structure that is designated by the City as a Landmark, Structure of Merit, or a Contributor to a Designated Historic District.

City-designated landmark. An improvement designated by the City as appropriate for historic preservation pursuant to Section 9.56.120.

City-designated structure of merit. An improvement designated by the City as appropriate for official recognition pursuant to Section 9.56.090.

Commercial boulevard. Commercial boulevards shall include the following:

- ~~9.52.020~~ **Wilshire Boulevard** between the eastern City limits and Ocean Avenue;
- B. Santa Monica Boulevard between the eastern City limits and Lincoln Boulevard;
 - C. Broadway between the eastern City limits and Lincoln Boulevard;
 - D. Colorado Avenue between the eastern City limits and Lincoln Boulevard;
 - E. Olympic Boulevard between the eastern City limits and Lincoln Boulevard;
 - F. Ocean Park Boulevard between the eastern City limits and Lincoln Boulevard;
 - G. Pico Boulevard between the eastern City limits and Main Street; and
 - H. Lincoln Boulevard between the southern City limits and Wilshire Boulevard.

Conditionally permitted. Permitted subject to approval of a Conditional Use Permit or Minor Use Permit.

Construction. Construction, erection, enlargement, alteration, conversion or movement of any building, structures, or land together with any scientific surveys associated therewith.

Corner build-to area. Area of a corner parcel where the facade of the building is required

to be located.

County. County of Los Angeles.

Courtyard. An unroofed area that is completely or mostly enclosed by walls of a building.

Cripple wall. The short wood stud walls that enclose a crawl space under the first floor used to support a dwelling between the concrete foundation and the ground floor of a building. It elevates the dwelling above ground to allow access to the utility lines or to level a dwelling built on a slope.

Curb cut. A break in a curb allowing vehicle access from the roadway to a legal parking area within the parcel.

Daylight plane. A setback or series of setbacks on new buildings which allows the flow of light and air to adjacent residential buildings and properties.

Deck. A platform, either freestanding or attached to a building that is used for outdoor space. It typically extends from the facade of a building and is supported by pillars or posts but may be located on a flat portion of a building, such as a roof or setback. It is distinct from a patio. See also Balcony.

Demising wall. A partition wall that separates one tenant or owner's space from another or from the building hallway or other common area.

Demolition. The destruction, dismantling, or removal of a building or structure or substantial portion of a building or structure so that it constitutes demolition pursuant to the provisions of Section 9.25.030, Demolition Defined.

Development. Any manmade change to improved or unimproved real estate, including, but not limited to, the division of a parcel of land into 2 or more parcels; the construction, reconstruction, conversion, structural alteration, relocation, expansion, or enlargement of any structure; any mining, excavation, landfill or land disturbance; and any use or extension of the use of land.

Development agreement. An agreement between the City and any person having a legal or equitable interest in real property for the development of such property and which complies with the applicable provisions of the Government Code Section 65864 et seq., and local law for such development agreements pursuant to Chapter 9.60, Development Agreements.

Director. The Director of the Community Development Department of the City of Santa Monica or designee.

Disability. A mental disability or a physical disability as defined by Government Code Sections 12926(j) and (m).

Discretionary permit. A Development Review Permit, Major Modification, Variance, Minor Use Permit, or Conditional Use Permit, or any other appealable permit that requires findings to be made.

District. See Zoning District.

Domestic violence shelter. A residential facility that provides temporary

accommodations to persons or families who have been the victims of domestic violence. Such a facility may also provide meals, counseling, and other services, as well as common areas for the residents of the facility.

Driveway. An accessway that provides vehicular access between a street and the parking or loading facilities located on an adjacent property.

Dwelling. A structure or portion thereof that is used principally for residential occupancy.

Dwelling unit. One or more rooms designed, occupied or intended for occupancy as separate living quarters, with full cooking, sleeping and bathroom facilities for the exclusive use of a single household. A dwelling unit shall exceed 375 square feet in size.

Easement. A portion of land created by grant or agreement for specific purpose; an easement is the right, privilege, or interest which one party has in the land of another.

Effective date. The date on which a permit or other approval becomes enforceable or otherwise takes effect, rather than the date it was signed or circulated.

Emergency. A sudden unexpected occurrence demanding immediate action to prevent or mitigate loss or damage to life, health, property or essential public services.

Entrance. An opening, such as a door, passage, or gate, that allows access to a place.

Environmental review. An evaluation process pursuant to CEQA to determine whether a proposed project may have a significant impact on the environment.

Environmental Impact Report (EIR). An Environmental Impact Report as required under the California Environmental Quality Act.

Erect. To build, construct, attach, hang, place, suspend, or affix to or upon any surface.

Excavation. The removal of soils or other materials below grade to install habitable space, parking, utilities, or landscaping.

Facade. The face of the exterior wall of a building exposed to public view or that wall viewed by persons not within the building. The portion of any exterior elevation of a building extending vertically from the grade to the top of a parapet wall or eave and horizontally across the entire width of the building elevation.

Facade, street-facing. Any building facade whose exterior wall faces or is within 45 degrees of parallel to an adjacent street, right-of-way, or public park, plaza, or open space.

Feasible. Capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social and technological factors.

Fee. A payment to the City for the processing of a permit or license application by a City Agency or Department.

Fence. An artificially-constructed barrier of any material or combination of materials erected to enclose or screen an area of land. Fences may also be walls, hedges and screen planting.

Floor area. See Division 1, Section 9.04.080, Determining Floor Area, for rules for calculating floor area.

Floor area ratio. The ratio of the total floor area of all buildings on a parcel to the total area of the parcel. See Division 1, Section 9.04.090, Determining Floor Area Ratio, for rules for calculating floor area ratio.

Footprint. The horizontal area, as seen in plan view, of a building or structure, measured from the outside of exterior walls and supporting columns, and excluding eaves and subterranean and semi-subterranean levels.

Frontage, street. That portion of a parcel that borders a public street. "Street frontage" shall be measured along the common parcel line separating said parcel or parcel of land from the public street, highway, or parkway.

Garage. A building or portion thereof, containing accessible and usable enclosed space designed, constructed and maintained for the parking or storage of one or more motor vehicles.

Semi-Subterranean garage. A structure located partly underground used for parking and storage of vehicles.

Subterranean garage. A structure entirely underground, except for openings for ingress and egress.

Garage sales. The sale or offering for sale to the general public of over 5 items of personal property on a portion of a parcel in a residentially zoned district, whether inside or outside any building.

General Plan. The City of Santa Monica General Plan.

Glare. The effect produced by a light source within the visual field that is sufficiently brighter than the level to which the eyes are adapted, such as to cause annoyance, discomfort or loss of visual performance and ability.

Government Code. The Government Code of the State of California.

Grade. The location of the ground surface.

Average natural grade. See Division 1, Section 9.04.050(A)(1).

Existing grade. The elevation of the ground at any point on a parcel as shown on the required survey submitted in conjunction with an application for a building permit or grading permit. Existing grade also may be referred to as natural grade.

Finished grade. The finished surface of the ground, paving, lawn, or other improved surface between the building and the parcel line.

Segmented average natural grade. See Division 1, Section 9.04.050(A)(2).

Theoretical grade. See Division 1, Section 9.04.050(A)(3).

Ground floor. The lowest floor of a building other than a basement that is closest to finished grade.

Ground floor street frontage. The first level of a building, other than a basement, that borders a public street.

Habitation. Regular and exclusive use of a space or structure for shelter and other residential purposes in a manner that is private and separate from another residence on the same parcel.

Hazardous materials. Any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

Height. The vertical distance from a point on the ground below a structure to a point directly above. See also Division 1, Section 9.04.050, Measuring Height.

Historic resource. Any existing property or structure that is designated as a City Landmark, Structure of Merit, or a Contributor to a Designated Historic District, or is listed on either the California Register of Historical Resources or the National Register of Historic Places.

Historic Resources Inventory (HRI). A database containing building descriptions and evaluations of properties that exhibit potential historic, architectural, or cultural significance in Santa Monica. Each property listed on the HRI has been evaluated by professionals using nationwide standards and criteria. The HRI is used to identify properties of potential historic significance, and properties on the HRI are eligible to apply the State Historical Building Code.

Home occupation. A commercial use conducted on residential property by the inhabitants of the subject residence, which is incidental and secondary to the residential use of the dwelling. See Section 9.31.160, Home Occupation.

Household. One or more persons living together in a single dwelling unit, with access to and use of all common living and eating areas and all common areas and facilities for the preparation and storage of food.

Housing project. A use consistent with the definition of "Housing Development Project" for purposes of the Housing Accountability Act, Government Code Section 65589.5, as may be amended, consisting of any of the following:

A. 52.020-0001 Residential units only;

B. Mixed-use developments consisting of residential and nonresidential uses that meet any of the following conditions:

1. At least two-thirds of the new or converted square footage is designated for residential use.
2. At least 50% of the new or converted square footage is designated for residential use and the project meets both of the following:
 - a. The project includes at least 500 net new residential units.
 - b. No portion of the project is designated for use as a hotel, motel, bed and breakfast inn, or other transient lodging, except a portion of the project may be designated for use as a residential hotel, as defined in Section 50519 of the Health and Safety Code.
3. At least 50% of the net new or converted square footage is designated for residential use and the project meets all of the following:

- a. The project includes at least 500 net new residential units.
 - b. The project involves the demolition or conversion of at least 100,000 square feet of nonresidential use.
 - c. The project demolishes at least 50% of the existing nonresidential uses on the site.
 - d. No portion of the project is designated for use as a hotel, motel, bed and breakfast inn, or other transient lodging, except a portion of the project may be designated for use as a residential hotel, as defined in Section 50519 of the Health and Safety Code.
- C. Transitional or supportive housing.
- D. Farmworker housing, as defined in subdivision (h) of Section 50199.7 of the Health and Safety Code.

Illegal use. Any use of land or building that does not have the currently required permits and was originally constructed and/or established without permits or approvals required for the use at the time it was brought into existence.

Intensity of use. The extent to which a particular use or the use in combination with other uses affects the natural and built environment in which it is located, the demand for services, and persons who live, work, and visit the area. Measures of intensity include, but are not limited to, requirements for water, gas, electricity, or public services; number of automobile trips generated by a use; parking demand; number of employees on a site; hours of operation; the amount of noise, light or glare generated; the number of persons attracted to the site, or, in eating establishments, the number of seats.

Interactive process. A good faith dialogue to exchange information to identify, evaluate, and implement an accommodation or modification that allows person with a disability equal opportunity to use and enjoy a dwelling.

Intersection, street. The area common to 2 or more intersecting streets.

Junior accessory dwelling unit. A dwelling unit that is no more than 500 square feet in size and is contained entirely within an existing or proposed single-unit dwelling. See Division 3, Section 9.31.025, Accessory Dwelling Units and Junior Accessory Dwelling Units, for further details.

Kitchen. A room or space within a building with appliances used for cooking or preparing food that includes at a minimum, but is not limited to, a sink, refrigerator, and built-in stove top or range.

Landscape. The following terms are related to Division 3, Chapter 9.26, Landscaping.

Automatic controller. An automatic timing device used to remotely control valves that operate an irrigation system.

Backflow prevention device. A safety device used to prevent pollution or contamination of the water supply due to the reverse flow of water from the irrigation system.

Groundcover. A low growing woody or herbaceous plant with low, compact growth habits which normally crawls or spreads, and which forms a solid mat or dense cover over the ground within 2 years of installation. Mature heights of groundcover will usually range from 3 inches to 3 feet.

Hedge. A boundary or barrier of plant material formed by a row or series of shrubs, bushes, trees, or other similar vegetation that enclose, divide, or protect an area or that prevent a person from passing between any combination of individual shrubs, bushes, trees, or other similar vegetation.

Irrigation system. Any system, excluding water features, for distribution of water through a pressurized system within the landscape area, including, but not limited to, any system in which any portion is installed below grade or affixed to any structure.

Landscaping. The planting, configuration and maintenance of trees, ground cover, shrubbery and other plant material, decorative natural and structural features (walls, fences, hedges, trellises, fountains, sculptures), earth patterning and bedding materials, and other similar site improvements that serve an aesthetic or functional purpose. See Section 9.26.060.

Moisture sensing device. A device that measures the amount of water in the soil. The device may also suspend or initiate an irrigation event.

Mulch. Any organic material such as leaves, bark, straw, compost, or inorganic mineral materials such as rocks, gravel, and decomposed granite left loose and applied to the soil surface for the beneficial purposes of reducing evaporation, suppressing weeds, moderating soil temperature, and preventing soil erosion.

Plant area. The portion of a parcel that is dedicated to the installation of landscaping.

Lighting. The following terms are related to Section 9.21.080, Lighting.

Foot-candle. A quantitative unit of measure for luminance. One foot-candle is equal to the amount of light generated by one candle shining on 1 square foot surface located 1 foot away. Equal to one lumen uniformly distributed over an area of one square foot.

Light fixture. The assembly that holds a lamp and may include an assembly housing, a mounting bracket or pole socket, a lamp holder, a ballast, a reflector or mirrors, and a refractor or lens.

Shielded fixture. Outdoor light fixtures shielded or constructed so that light rays emitted by the lamp are projected below the horizontal plane passing through the lowest point on the fixture from which light is emitted.

Lightwell. The portion of buildable area that is reserved as open space for light and air, usually enclosed by building walls on the subject property or adjacent property and extends for one or more floors.

Living quarters. A structure or portion thereof that is used principally for human habitation.

Loading space. An off-street space or berth on the same parcel with a building for the temporary parking of a vehicle while loading or unloading of goods.

Loft. See Mezzanine.

Lot. See Parcel.

Maintenance and repair. The repair or replacement of nonbearing walls, fixtures, wiring, roof or plumbing that restores the character, scope, size or design of a structure to its

previously existing, authorized, and undamaged condition.

Major transit stop. Major transit stop as defined in Public Resources Code Section 21064.3.

Manufactured housing. A structure as defined by Health and Safety Code Section 18007, or any successor thereto.

Mezzanine. An intermediate floor within a building interior without walls, partitions, closets, screens or other complete enclosing interior walls or partitions that is open to the floor below and has a floor area that is no greater than one-third of the total area of the overlooked room below. When the total floor area of a mezzanine exceeds one-third of the total area of the overlooked room below it constitutes an additional story and is no longer considered a mezzanine. See Story.

Mixed-use development. The development of a parcel or building with 2 or more different land uses such as, but not limited to, a combination of residential, office, manufacturing, retail, public or entertainment in a single or physically integrated group of structures.

Mobile home park. Any area or tract of land where 2 or more lots are rented or leased, or held out for rent or lease, to accommodate mobile homes used for human habitation in accordance with Health and Safety Code Section 18214, or any successor thereto.

Natural disaster. See Act of Nature.

Nonconforming building. See Nonconforming Structure.

Nonconforming structure. A building or structure that was erected in compliance with the standards and requirements in effect when it was constructed but does not comply with all of the applicable provisions of this Article including, but not limited to, density, floor area, height, setback, usable open space, and other development standards. See Chapter 9.27, Nonconforming Uses and Structures.

Nonconforming use. An occupancy or activity that was established in compliance with the standards and requirements in effect at the time it commenced and has not been abandoned within the same structure or on the same parcel since that date but does not comply with all of the applicable provisions of this Article, including, but not limited to, permitted use, location, intensity, operational characteristics, performance standards or hours of operation. See Chapter 9.27, Nonconforming Uses and Structures.

Open space.

Open space, common. Any outdoor area, not dedicated for public use, which is designed and intended for the common use and enjoyment of the residents and guests of more than one dwelling unit.

Open space, private. Open areas for outdoor living and recreation that are adjacent and directly accessible to a single dwelling unit, reserved for the exclusive use of residents of the dwelling unit and their guests.

Open space, usable. Outdoor areas that provide for outdoor living and/or recreation for the use of residents.

Outdoor sales, temporary and seasonal. The sale or offering for sale to the general public of merchandise outside of a permanent structure on property owned or leased by the person, firm, or corporation. These sales are of a limited duration and conducted on an occasional basis, and are secondary or incidental to the principal permitted use or structure existing on the property.

Outdoor storage. The keeping, in an unroofed area, of any goods, junk, material, merchandise or vehicles in the same place for more than 72 hours except for the keeping of building materials reasonably required for construction work on the premises pursuant to a valid and current Building Permit issued by the City.

Overlay district. A zoning designation specifically delineated on the Districting Map establishing land use requirements that govern in addition to the standards set forth in the underlying base district.

Parapet. A low wall or railing extending above the roof and along its perimeter.

Parcel. A single unit of land separated from other units of land by legal description, the boundaries of which are shown on a parcel map or final map, described in a deed, or for which a certificate of compliance has been issued pursuant to the Subdivision Map Act. [Parcel shall also include 2 or more parcels where the owner(s) have recorded a covenant with the Office of the County Recorder that states the intention of the owner(s) to combine and use the parcels as a single unit of land in compliance with City regulations.]

Parcel, corner. A parcel of land abutting 2 or more streets at their intersection, or upon 2 parts of the same street forming an interior angle of less than 135 degrees.

Parcel, flag. A parcel not fronting on or abutting a public road and where access is from a public road by a narrow right-of-way or driveway.

Parcel, key. The first interior parcel to the rear of a reversed corner parcel and not separated therefrom by an alley.

Parcel, reversed corner. A corner parcel, the side street line of which is substantially a continuation of the front parcel line of the first parcel to its rear.

Parcel, through. A parcel which fronts on 2 parallel streets or which fronts upon 2 streets which do not intersect at the boundaries of the parcel.

Parcel area. The total area within the property lines of a parcel, excluding any street or alley right-of-way.

Parcel depth. The longest perpendicular length between a front and rear parcel line or an imaginary extension of a rear parcel line as necessary for non-rectilinear parcels.

Parcel frontage. The width of the front parcel line measured at the street right-of-way.

Parcel line. A line of record bounding a parcel that divides one parcel from another parcel or from a public or private street or any other public space.

Parcel line, front. The parcel line separating a parcel from a street right-of-way. In the case of a corner parcel, the line separating the narrowest street frontage of the parcel from the street shall be considered the front. For corner parcels with equal street frontage dimensions, the front of the parcel is the street frontage that is consistent with the

prevailing street frontage orientations along the block where the corner parcel is located. For parcels between a walk street and an alley, the front of the parcel is considered along the walk street. For through parcels between a walk street and a street with vehicular access, the front of the parcel is considered along the street with vehicular access.

Parcel line, rear. The parcel line opposite and most distant from the front parcel line; or in the case of triangular or otherwise irregularly shaped parcel, a line 10 feet in length entirely within the parcel, parallel to, and at a maximum distance from the front parcel line.

Parcel line, side. Any parcel line other than a front or rear parcel line.

Parcel width. For rectilinear parcels, the distance between the side parcel lines determined by the length of a straight line drawn at right angles to the side parcel lines and parallel with both the front and rear parcel lines. For non-rectilinear parcels, a series of measurements based on the location of the side parcel lines shall be required to determine varying parcel widths at any given locations on the parcel.

Parking facility. An area of a parcel, structure, or any other area, including driveways, which is designed for and the primary purpose of which is to provide for the temporary storage of operable motor vehicles.

Accessory parking. An area of a parcel, structure, or any other area, which is designed, reserved for, and the primary purpose of which is to provide off-street parking to serve a building or use that is the primary or main use of the parcel.

Long-term parking. An area designed for employee or parking when a vehicle is not normally moved during the period of an employee's work shift, as opposed to customer or visitor parking.

Parking, bicycle. A covered or uncovered area equipped with a rack or other device designed and useable for the secure, temporary storage of bicycles.

Long-term bicycle parking. Bicycle parking that is designed to serve employees, students, residents, commuters, and others who generally stay at a site for 3 hours or longer.

Short-term bicycle parking. Bicycle parking that is designed to serve shoppers, customers, messengers, guests, and other visitors to a site who generally stay for a period of less than 4 hours.

Parking space, off-street. An area, covered or uncovered, designed and usable for the temporary storage of a vehicle, which is paved and accessible by an automobile without permanent obstruction.

Accessible parking Parking spaces that are designed and reserved for a vehicle(s) that is dedicated to persons with disabilities.

Automated parking system. Off-street parking facility where vehicular storage and retrieval within such facility is accomplished entirely through a mechanical conveyance system. A parking facility with parking lift systems that require an attendant to maneuver a vehicle that is to be parked shall not be considered an automated parking facility.

Car share parking. Parking spaces that are dedicated for a vehicle(s) provided by

a certified car-share organization for the purpose of providing a car-share-service to occupants of a building or the general public.

Independently-accessible parking. Parking spaces that allow a vehicle to be accessed without having to move another vehicle under its own power. They shall include spaces accessed by automated garages, or car elevators, lifts or other space-efficient parking provided that no more than one car needs to be moved under its own power to access any one space.

Shared parking. The management of parking spaces so that they can be used by multiple users. This allows for the more efficient use of parking facilities. Parking may be shared between multiple users on the same parcel, between multiple users on different parcels, or in dedicated shared parking facilities such as public parking lots.

Stacked parking. Space-efficient parking in which vehicles are stored and accessed by mechanical stackers or lifts or other space-efficient means.

Tandem parking. Parking spaces that are placed one behind another and where a vehicle needs to be moved to access the desired parking space.

Unbundled parking. The practice of selling or leasing parking spaces separate from the purchase or lease of the commercial or residential use.

Valet parking. Stacked or valet parking is allowed if an attendant is present or an automated system is in place to move vehicles. The automated system may or may not be managed by an attendant.

Parking structure. A structure used for parking and storage of vehicles.

Semi-subterranean. A parking structure located partially underground.

Subterranean. A parking structure located entirely underground, except for openings for ingress and egress.

Patio. An outdoor area, often paved, adjoining a building that is used for outdoor open space. It is not fully enclosed by walls and typically is located at grade or supported by minimal footings.

Paving. A type of material used over areas of a parcel such as driveways, parking spaces and areas, pathways, patios, and front setbacks used for access by vehicles and pedestrians.

Permit. Any Zoning Conformance, Conditional Use Permit, Minor Use Permit, Temporary Use Permit, Development Review Permit, Administrative Approval, Home Occupation, Building Permit, license, certificate, approval, or other entitlement for development and/or use of property as required by any public agency.

Permitted use. Any use or structure that is allowed in a zoning district without a requirement for approval of a Use Permit, but subject to any restrictions applicable to that zoning district.

Person. Any natural person or other entity recognized by California law as such, including a firm, association, organization, partnership, business trust, company, or corporation.

Person with a disability. A person who has a physical or mental impairment that limits one or more major life activities; anyone who is regarded as having that type of impairment; or anyone who has a record of that type of impairment.

Planning commission. The Planning Commission of the City of Santa Monica.

Plaza. An outdoor space set aside for gathering or congregating and commercial activities, typically surrounded by building frontages.

Podium. A building beneath a taller multi-story building of smaller area.

Porte cochere. A roofed structure through which a vehicle can pass, extending from the entrance of a building over an adjacent driveway, the purpose of which is to shelter persons entering and exiting a building.

Pre-existing. In existence prior to the effective date of this Article.

Primary use. See Use, Primary.

Private tennis court. A tennis court which is used for noncommercial purposes by the owner(s) of the property or guests.

Project. Any proposal for a new or changed use or for new construction, alteration, or enlargement of any structure, that is subject to the provisions of the ordinance/codified in this Section. This term includes, but is not limited to, any action that qualifies as a "project" as defined by the California Environmental Quality Act.

Public land. Any government-owned land, including, but not limited to, public parks, beaches, playgrounds, trails, paths, schools, public buildings, and other recreational areas or public open spaces.

Public Resources Code. The Public Resources Code of the State of California.

Qualified applicant. The property owner, the owner's agent, or any person or other legal entity that has a legal or equitable interest in land that is the subject of a development proposal or is the holder of an option or contract to purchase such land or otherwise has an enforceable proprietary interest in such land.

Ramp. An access driveway leading from one parking level to another, or an access driveway from an entrance leading to parking at a different level.

Reasonable accommodation. A type of discretionary permit that, if approved, would provide a person with a disability equal access to housing under the California Fair Employment and Housing Act, the Unruh Civil Rights Act, the Federal Fair Housing Act, and the Americans with Disabilities Act (ADA) in the application of building and zoning laws and other land use policies, procedures, laws, rules, and regulations.

Reasonable modification. An alteration or modification to a building or structure, at the applicant's expense, that, if approved, would provide a person with a disability equal access to housing under the California Fair Employment and Housing Act, the Unruh Civil Rights Act, the Federal Fair Housing Act, and the Americans with Disabilities Act (ADA).

Residential use. One or more rooms designed, occupied or intended for occupancy as primary living quarters in a building or portion thereof.

Review authority. Body responsible for making decisions on zoning and related applications.

Right-of-way. A strip of land acquired by reservation, dedication, forced dedication, prescription or condemnation and intended to be occupied or occupied by a road, railroad, electric transmission lines, oil or gas pipeline, water line, sanitary storm sewer or other similar use.

Roof. That portion of a building or structure above walls or columns that shelters the floor area or the structure below.

Barrel roof. An arched roof with a semi-circular, half-cylindrical shape.

Gambrel roof. A roof with 2 slopes on each of its 2 sides of which the lower is steeper than the upper slope.

Hip roof. A 4-sided roof with sloping ends and sides.

Mansard roof. A roof with 2 sloping planes of different pitch on each of the 4 sides.

Pitched roof. A roof with 2 sides that have at least 1 foot of vertical rise for every 3 feet of horizontal run.

Shed roof. A roof with a single slope.

Roof deck. A platform located on the flat portion of a roof or setback of a building that is used for outdoor space. It is distinct from a patio.

Screening. Buffering of a building or activity from neighboring areas or from the street with a wall, fence, hedge, informal planting, or berm.

Security grate or grilles. A metal grate that rolls up over, or slides across, a window or door to provide protection against unwanted entry. It also can be a fixed metal fixture over window openings.

Senior citizen. An individual 62 years of age or older unless otherwise expressly stated in this Article.

Setback. The distance between the parcel line and a building, not including permitted projections, that must be kept clear or open, See also Section 9.04.040, Measuring Distances, Section 9.04.130, Determining Setbacks, and Section 9.21.110, Projections from Buildings into Minimum Setbacks and Daylight Plane.

Setback, front. A space extending the full width of the parcel between any building and the front parcel line, and measured perpendicularly to the building at the closest point to the front parcel line.

Setback, rear. A space extending the full width of the parcel between the principal building and the rear parcel line measured perpendicularly from the rear parcel line to the closest point of the principal building. When a rear parcel line abuts an alley or walkstreet, the rear setback shall be measured from the center line of the alley or walkstreet.

Setback, side. A space extending the full depth of the parcel between the principal building and the side parcel line measured perpendicularly from the side parcel line to the closest point of the principal building. For non-rectilinear parcels, a space extending

the full depth of the parcel between the principal building and the side parcel line(s) measured using a series of measurements parallel to the front parcel line to determine varying parcel widths at any given locations on the parcel.

Setback, street side. A space extending the full depth of the parcel between the principal building and the side parcel line adjacent to a public street right-of-way measured perpendicularly from the side parcel line to the closest point of the principal building. For non-rectilinear parcels, a space extending the full depth of the parcel between the principal building and the side parcel line(s) adjacent to a public street right-of-way measured using a series of measurements parallel to the front parcel line to determine varying parcel widths at any given locations on the parcel.

Sexually-oriented business. See Chapter 9.59, Sexually-Oriented Businesses, for details.

Shrub. A plant with a compact growth habit and branches coming from the base of the plant. Mature heights of shrubs may vary from 1 foot to 15 feet depending on their species and landscape application.

Sidewalk. A paved, surfaced, or leveled area, paralleling and usually separated from the street, used as a pedestrian walkway.

Sidewalk cafe. Any outdoor dining area located in or adjacent to any public sidewalk or right-of-way which is associated with a restaurant or other eating and drinking establishment on a contiguous adjacent parcel.

Sign-related definitions. All terms relating to signage are defined in Chapter 9.61, Signs.

Site. A parcel, or group of contiguous parcels, that is proposed for development in accordance with the provisions of this Article and is in a single ownership or under unified control.

Skylight. That portion of a roof which is glazed to admit light, and the mechanical fastening required to hold the glazing, including a curb not exceeding 10 inches in height, to provide a weatherproofing barrier.

Solar energy system. Any solar collector or other solar energy device, certified pursuant to State law, along with its ancillary equipment, whose primary purpose is to provide for the collection, storage, and distribution of solar energy for space heating, space cooling, electric generation, or water heating, or any structural design feature of a building, whose primary purpose is to provide for the collection, storage, and distribution of solar energy for electricity generation, space heating or cooling, or for water heating.

State Historical Building Code. California Code of Regulations, Title 24, Part 8, or any successor thereto, which constitutes a special Stateadopted building code for historic buildings allowing flexible approaches to their construction problems. This Code was developed to accommodate changes necessary for the continued use of historic buildings, while preserving their historic character and significant architectural features. Applicants may elect to use the State Historic Building Code as an alternative to standard construction codes such as the City's Building Code or Electrical Code.

Story. That portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the

upper surface of the roof above. A mezzanine with a floor area that exceeds one-third of the floor area of the overlooking room of the floor below constitutes a story. An attic and basement shall not be considered stories.

Street. A public or private thoroughfare which affords the access to a block and to abutting property. "Street" includes avenue, place, way, drive, boulevard, highway, road, and any other thoroughfare, except an alley as defined herein.

Street tree. Trees that are located in the public right-of-way.

Street wall. A wall or portion of a wall of a building facing a street.

Structural alterations. Any physical change to or the removal of the supporting members of a structure or building, such as bearing walls, columns, beams, or girders including the creation, enlargement, or removal of doors or windows and changes to a roofline or roof shape.

Structure. Anything constructed or erected, which requires a fixed location on the ground, or is attached to a building or other structure having a fixed location on the ground.

Structure, accessory. A detached subordinate structure, used only as incidental to the main structure on the same parcel.

Structure, main. A structure housing the principal use of a site or functioning as the principal use.

Structure, subterranean. A structure located entirely underground, except for openings for ingress and egress.

Structure, temporary. A structure without any foundation or footings and which is intended to be removed when the designated time period, activity, or use for which the temporary structure was erected has ceased.

Subdivision. See Chapter 9.54, Land Divisions, for all subdivision definitions.

Swimming pool. A pool, pond, or open tank capable of containing a large and deep enough body of water for people to use to swim.

Temporary structure. See Structure, Temporary.

Third street promenade area. The area including the Third Street Promenade and parcels located in that portion of the BC (2nd & 4th Streets) District bounded by 2nd Street to the west, Broadway to the south, 4th Street to the east, and Wilshire Boulevard to the north.

Tower. A building or structure with a height exceeding 90 feet. A tower may be constructed above a podium or at grade.

Trailer. A vehicle without motor power, designed to be drawn by a motor vehicle and to be used for human habitation or for carrying persons or property, including a mobile home, trailer coach or house trailer.

Trash screen/enclosure. A permanent, immobile structure, designed for the storage of a mobile resource recovery, recycling, or compost bin or container.

Unit. See Dwelling Unit.

Use. The purpose for which land or the premises of a building, structure, or facility thereon is designed, arranged, or intended, or for which it is or may be occupied or maintained.

Use, accessory. A use that is customarily associated with, and is incidental and subordinate to, the primary use and located on the same parcel as the primary use.

Use, primary. A primary, principal or dominant use established, or proposed to be established, on a parcel. In a mixed-use building, there may be more than one primary use.

Use classification. A system of classifying uses into a limited number of use types on the basis of common functional, product, or compatibility characteristics. All use types are grouped into the following categories: residential; public and semi-public; commercial; industrial; and transportation, communication, and utilities. See Chapter 9.51, Use Classifications.

Use permit. A discretionary permit, such as a Minor Use Permit or Conditional Use Permit, which may be granted by the appropriate City authority to provide for the accommodation of land uses with special site or design requirements, operating characteristics, or potential adverse effects on surroundings, which are not permitted as of right but which may be approved upon completion of a review process and, where necessary, the imposition of special conditions of approval by the permit granting authority. See Chapter 9.41, Minor Use Permits and Conditional Use Permits.

Use type. A category which classifies similar uses based on common functional, product, or compatibility characteristics.

Utilities. Equipment and associated features related to the mechanical functions of a building(s) and services such as water, electrical, telecommunications, and waste.

Vibration. A periodic motion of the particles of an elastic body or medium in alternately opposite directions from the position of equilibrium.

View corridor. An area where there is a view of all or a portion of a panoramic subject, scene, or area.

Wall. Any exterior surface of building or any part thereof, including windows.

Window. An opening in a wall of a building that may be filled with glass or other material in a frame. They typically allow light and air into the interior of a building but also serve as vehicles for viewing merchandise in commercial properties.

Primary room window. A glazed surface whose area is larger than any other glazed surface in a living room, dining room, family room, library, or similar such activity room in a dwelling unit.

Secondary room window. A glazed surface serving a bedroom, bathroom, kitchen, stairway, corridor, or storage area in a dwelling unit, or a non-primary window in a primary space.

Yard. See Setback.

Zoning Administrator. The Director of the Community Development Department, or designee.

Zoning district. A specifically delineated area or district in the City within which regulations and requirements uniformly govern the use, placement, spacing, and size of land and buildings.

(Added by Ord. No. 2486CCS §§ 1, 2, adopted June 23, 2015; amended by Ord. No. 2576CCS § 15, adopted June 12, 2018; Ord. No. 2649CCS § 36, adopted September 8, 2020; Ord. No. 2726CCS § 17, adopted October 25, 2022; Ord. No. 2742CCS § 2, adopted April 11, 2023; Ord. No. 2792CCS, 10/8/2024; Ord. No. 2814CCS, 5/27/2025)

Hazardous Visual Obstructions

Santa Monica Municipal Code Section 9.21.180

Frequently Asked Questions

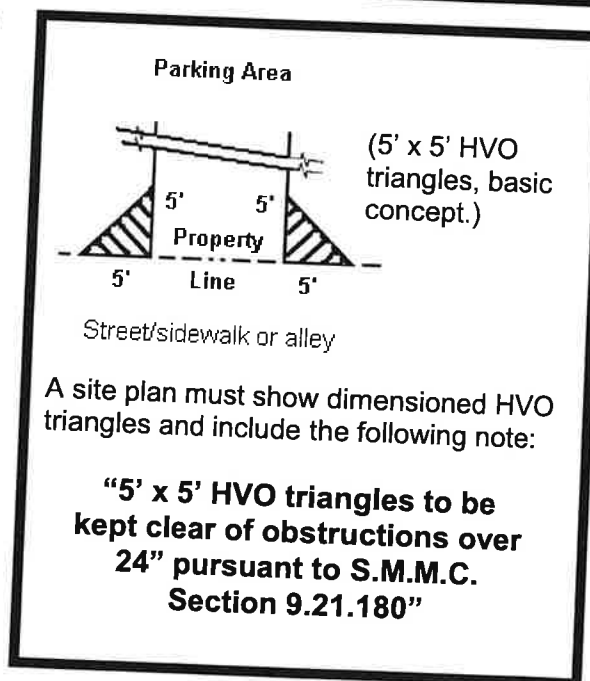
1. What is a Hazardous Visual Obstruction?

A Hazardous Visual Obstruction (HVO) is an object, such as a wall, fence, or landscaping that blocks the view of a motorist. The City requires a clear line of sight on private property where such an object might pose a danger to the public. This line of sight is usually described as a 5' x 5' HVO triangle. The exact shape and dimensions depend on the lot configuration and the angle at which a driveway meets a property line.

2. When and where is an HVO triangle required?

HVO triangles are required where a driveway, garage, parking space or loading zone intersects with the public right-of-way at the alley, sidewalk, street or parkway. HVO triangles for driveways, garages, parking spaces or loading zones within five feet of your property line must also be shown. Triangles are also required where an alley intersects a sidewalk, street or alley. Compliance with the City's HVO ordinance is determined during staff review of a site plan submitted by an applicant seeking a building permit, regardless of the amount of work proposed.

3. What if my property is not in compliance, and we're only undertaking a minor addition or renovation? The applicant should improve substandard conditions where possible, and definitely cannot make them worse. Existing obstructions will be reviewed on a case-by-case basis: generally, any landscaping may need to be removed but structures may remain.



4. Is landscaping or are short objects allowed in the HVO triangle? Any object, such as a wall, fence, or plant must not exceed 24" in height. All landscaping should be maintained so as not to exceed 24" in height.

5. Where exactly is the intersection between my driveway and the property line if I have a garage off the alley? The clearance can begin straight out from the inside of the garage door, at the intersection with the alley. It doesn't necessarily have to begin at the outside of the garage wall.

6. Can I draw an HVO triangle on my plans if it goes over the side property line into my neighbor's yard? Absolutely. The required sight distance can include clearance on the neighbor's property. However, if a neighbor's fence, landscaping, or other existing feature, such as a building wall constitutes an obstruction, you might have to shift your garage or driveway away from the obstruction.



Santa Monica's Hazardous Visual Obstruction Ordinance

A. Visibility. Notwithstanding the provisions of Section 9.21.050, Fences, Walls, and Hedges, no person shall permit any obstruction, including, but not limited to, any fence, wall, hedge, tree, or landscape planting to obscure or block the visibility of vehicles entering or exiting an alley, driveway, parking lot, street intersection, or other vehicle right-of-way or to constitute an unreasonable and unnecessary hazard to persons lawfully using an adjacent pedestrian or vehicle right-of-way. In addition, no obstruction shall be located less than 5 feet from the intersection of the street-facing parcel line with a driveway or garage door, or the intersection of parcel lines adjacent to street or alley intersections unless the obstruction is either less than 24 inches above the adjacent vehicle right-of-way or is authorized pursuant to subsection (B). In addition, unless authorized pursuant to subsection (B), no obstruction shall be located less than 5 feet from the intersection of the alley-facing parcel line with a driveway or garage door, and this area must be paved in accordance with Section 9.28.120(I).

B. No development shall be allowed if it would otherwise cause an existing obstruction to be in violation of this subsection unless:

1. The obstruction is less than 24 inches above the adjacent vehicle right-of-way; or
2. The obstruction or development is authorized pursuant to subsection (B) or (C) of this Section.

C. Allowable Encroachments. The Director may approve encroachments into the 5 foot hazardous visual area in addition to those specified in subsection (A) of this Section when the parcel owner submits a written request and satisfactory evidence that:

1. Characteristics applicable to the parcel, including size, shape, topography, location, or surroundings, that do not apply to other properties in the vicinity which unreasonably restricts an owner's ability to comply with subsection (A); and
2. The proposed encroachment will be designed to maintain adequate sight view and/or provide other design elements, such as the use of mirrors and will not constitute a hazard to persons lawfully using an adjacent sidewalk, alley, street or other right-of-way;
3. The strict application of the provisions of this Section would result in practical difficulties or unnecessary hardships, not including economic difficulties or economic hardships, or would result in unreasonable deprivation of the use or enjoyment of the parcel; and
4. The granting of the encroachment will not be contrary to or in conflict with the general purposes and intent of this Section, nor to the goals, objectives, and policies of the General Plan.

D. Detached Garages and Non-Required Parking in R1 Districts. The Director may approve a detached garage and non-required parking on a parcel in a R1 District with alley access even if the parking would cause an existing obstruction to be located in the hazardous visual obstruction area if the parking will be designed to maintain adequate sight view and/or provide other design elements, such as the use of mirrors, and will not constitute a hazard to persons lawfully using an adjacent sidewalk, alley, street, or other right-of-way. (Added by Ord. No. 2486CCS §§ 1, 2, adopted June 23, 2015; amended by Ord. No. 2536CCS § 7, adopted February 28, 2017)