

Santa Monica Zoning Ordinance Update



Use Regulation: Issues and Options Paper



City of
Santa Monica

Prepared by:

DYETT & BHATIA
Urban and Regional Planners

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1 Introduction

The 2010 Land Use and Circulation Element (LUCE) articulates the community's vision for Santa Monica's future. The LUCE translates the community's desire to preserve the city's unique character into goals, policies, and programs that carefully limit and control growth, engage the natural beauty of the beach and surrounding environment, and re-create the city's historic settlement patterns along the boulevards.

Zoning, subdivision and other regulations are intended to implement City plans, visions, and goals. A zoning ordinance translates the policies of a general plan into parcel-specific regulations, including land use regulations and development standards. The type and intensity of land uses that are permitted and how they perform will be critical to achieving the LUCE's vision for neighborhood preservation, complete neighborhoods with a mix of uses, a diverse economic base, and pedestrian-oriented development.

The Zoning Ordinance Update project is intended to comprehensively revise the Santa Monica Zoning Ordinance in order to create a concise and user-friendly set of regulations that will implement the recently adopted LUCE and subsequently adopted area and specific plans.

The City of Santa Monica retained Dyett & Bhatia, Urban and Regional Planners, to assist in the update. The current version of the Zoning Ordinance was adopted in 1988. While it has since been amended several times in response to community concerns and to reflect changes in State and federal law, the adoption of the LUCE in 2010 has created both an obligation and an opportunity for another comprehensive update. As one of the first steps in the revision process, City staff and the consultant team have been evaluating the current Zoning Ordinance to identify issues that need to be addressed and changes that should be considered as part of the update.

PURPOSE OF THE PAPER

The focus of this paper is how the zoning update should deal with the classification and regulation of land uses. Land use classifications are building blocks that establish the basis for regulation; while use regulations identify the specific use classifications that are permitted, conditionally permitted, or prohibited in each zoning district. Use regulations may also include special requirements applicable to specific land uses. The regulation of uses ensures that the operation of permitted uses within a district will be consistent with the policies of the General Plan and the purposes of the district. This paper includes a review of applicable LUCE policies, the existing Ordinance, and key issues and recommendations related to use classification and regulation in the revised Santa Monica Zoning Ordinance.

This paper is intended as a guide for discussion and decision-making by City staff and the Planning Commission and to inform other code users and community members of issues and choices related to land use regulation. The comments received will provide direction for implementing the LUCE and other General Plan elements as the process of drafting preliminary regulations commences. The issues and options identified in this paper build upon an evaluation of General Plan policies, specifically those policies in the newly adopted LUCE, related to use regulation, as well as additional policy issues identified by City staff, members of the community who use the existing Ordinance or are interested in zoning, and the consultant team.

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2 LUCE Framework

Santa Monica’s LUCE establishes the overall policy basis for land use and circulation within the city. The Zoning Ordinance then adds detailed regulations about which uses are permitted, which uses are allowed with discretionary permits, and which physical development standards should apply. As part of any zoning update, it is crucial to consider the general plan policies that have implications for zoning.

USE REGULATION

Land use designations in the LUCE outline what is allowed in terms of uses and intensity of development for each area of the city. The LUCE establishes 17 distinct land use designations. It also describes four additional types of areas—neighborhoods, boulevards, activity centers, and districts—and the land use and development patterns envisioned for them. In some cases, it calls out specific land uses that should be promoted or restricted in an area. In addition, citywide policies in the LUCE, particularly the citywide policies related to economic development, call attention to particular land uses that should be promoted in Santa Monica. It is important to ensure that the land use classifications and definitions in the updated Zoning Ordinance are sufficient to carry out these LUCE policies.

Residential

A key focus of the LUCE is preserving existing neighborhoods, maintaining their scale and character. Goal N1 of the LUCE, “Protect, preserve and enhance the residential neighborhoods,” is supplemented by many other policies emphasizing neighborhood conservation. The job of the updated Zoning Ordinance will be to carry forward existing land uses and densities in residential neighborhoods. Rules for protected uses in residential neighborhoods will be reviewed to ensure consistency with State law. Use classifications will be updated and use regulations for the residential areas may be reformatted for ease of use for code users, but will not be subject to substantive changes.

At the same time that the LUCE emphasizes the maintenance of existing neighborhoods, it also promotes convenient access from those neighborhoods to goods and services. For example, Policy N1.2 is to create complete neighborhoods containing an array of local-serving retail and services within walking distance, and foster new local-serving retail and services in areas currently lacking them. Policy N3.1 is to encourage commercial uses that provide goods and services to support daily life within walking distance of neighborhoods.

Some policies go further and encourage small-scale neighborhood-serving commercial uses *within* residential areas. Policy N3.2 is to allow small-scale retail uses in neighborhoods with a land use designation of Low-Density Residential, Medium-Density Residential or High-Density Housing. Policy C8.2 is to allow small, local grocery stores and neighborhood markets to locate in multi-family residential neighborhoods. To some extent, the existing code already embodies this policy, as neighborhood grocery stores up to 3,000 square feet in size are conditionally permitted within the R2, R3, and R4 districts, subject to specified limitations. The ordinance update project can carry forward such regulations and adjust them as necessary to ensure that they reflect relevant LUCE policies.

Commercial and Industrial

For non-residential areas of Santa Monica, LUCE policies call attention to mixed uses, creative and arts space, and emerging industries. The LUCE emphasizes “arts-related industries” and “creative-related industries” in a number of goals and policies, including the following:

- Goal LU14: Encourage arts and culture through land uses that maintain and promote the growth of the city’s creative capital.
- Goal E3: Facilitate the growth of creative-related business uses in the city.
- Policy E3.1: Support creative industries such as film and music production and post-production facilities in the Industrial Conservation and Mixed-Use Creative Districts.
- Policy E3.3: Encourage film production and related uses to locate in a number of designated areas such as Bergamot Transit Village, and the Mixed-Use Creative and Industrial Conservation Districts.

These policies highlight the need for use classifications and regulations that capture creative-related businesses.

The LUCE also contains several citywide economic development policies that point to the need for use classifications that reflect modern industries and support an “integrated sustainable business hub” with green businesses:

- Goal E2: Maintain viable industrial areas in the city that respond to the changing character of industrial activities.
- Policy E2.2: Maintain industrial conservation land uses in the same general amount and location in order to preserve existing industrial and commercial services as well as accommodate their transition to serving as sites for research and development activities, green industries and emerging technologies such as biotech industries.
- Policy E2.3: Target new uses in the Bergamot Transit Village and Mixed-Use Creative Commercial areas for creative arts, production and post-production; advanced research and development activities; and emerging technologies.
- Policy CE 3.2: Encourage opportunities for business incubator space throughout the commercial and industrial districts of the city. Consider the creation of an integrated sustainable business hub that allows for a mixture of green local businesses that could range from wholesaling activities to small-scale manufacturing.

A number of LUCE policies encourage locally owned or locally oriented businesses. Goal E5 is to create a “local-business-friendly” environment that supports the retention and growth of locally owned and operated small businesses. Under this goal, Policy E5.2 is to use development agreements and other regulatory mechanisms to encourage the inclusion of affordable commercial space suitable for neighborhood-serving and/or locally owned, independent businesses. Although the updated Ordinance can include provisions such as floor area restrictions that could help to achieve this objective, the most effective mechanisms may fall outside the scope of the Zoning Ordinance.

Retail and Personal Services

Similar to the focus on locally-oriented business and industry is the LUCE's emphasis on retail and personal service uses oriented to the need of local residents, expressed in the following policies:

- Policy E5.3: Support existing and establish local retail areas that can accommodate small-scale retail and personal, professional and business services for the frequently recurring needs of local residents.
- Policy T19.5: Encourage local-serving retail uses within walking distance of housing, particularly in new mixed-use neighborhoods.
- Policy C8.2: Allow small, local grocery stores and neighborhood markets to locate in multi-family residential neighborhoods.

To keep retail and grocery establishments at a small scale, the Ordinance could specify maximum floor areas for retail and service uses in targeted commercial areas. Another way to implement these policies is to continue the existing code's allowances for small grocery stores within multi-family residential areas.

Although there is a focus on local-serving businesses, the LUCE also recognizes the need for businesses oriented to a broader market area and to visitors in goals and policies such as the following:

- Goal E4: Support the retail sector in order to provide for the needs of local residents and visitors and augment sales tax revenues.
- Policy E4.1 is to support small, local retailers while providing opportunities for a variety of shopping experiences that range from neighborhood centers to regional-serving commercial in the Downtown.
- Goal E6: Encourage hotel and other visitor-serving uses in the City that support economic sustainability
- Policy D1.4: Encourage new or expanded hotel and other visitor-serving uses in the Downtown.
- Policy D18.8: Encourage visitor-serving uses consistent with Proposition S in commercial areas west of Ocean Avenue between Colorado Avenue and Pico Boulevard.

As mentioned above, although the Ordinance can establish regulations regarding the type, scale, and performance of land uses, zoning may not be the most effective mechanism for encouraging businesses that offer goods or services that are oriented toward local residents rather than a broader market.

Specific Uses

In addition to these policies for broader categories of commercial and industrial uses, the LUCE names a number of specific land uses that should be promoted or restricted in Santa Monica. For example:

- **Family Daycare.** Several policies address childcare. For example, Policy CE9.1 calls for streamlined processing and permit regulations, integration with the neighborhood, and fee reductions for small and large family daycare.

- **Sidewalk Cafés.** The descriptions of many boulevards and commercial land use designations—Santa Monica Boulevard, Broadway, Colorado Avenue, Olympic Boulevard, Pico Boulevard, Lincoln Boulevard, Main Street, Montana Avenue, the Healthcare District, and the new Expo Light Rail station—encourage sidewalk dining where it meets established criteria.
- **Community Gardens.** Policy 8.4 is to develop new community gardens.
- **Farmer’s Markets.** The LUCE encourages farmers markets. Policy CE8.3 is to continue to encourage farmers markets as a source of healthy, local fruits, vegetables and other foods.
- **Automobile Dealerships.** Standards for auto dealerships are mentioned in several boulevard descriptions as well as citywide policies. Goal E8 is to allow for the expansion and improved performance of automobile dealers in Santa Monica, recognizing their contribution to the local economy and revenue base. Policy E8.1 is to support existing automobile dealerships to ensure that they operate in a manner that is respectful of their surrounding neighbors. Policy E8.3 specifies that automobile dealers be allowed to reasonably expand in their current locations as long as their redevelopment is in the prescribed urban auto dealership format and incorporates mitigations to reduce any negative impacts on the surrounding residential and non-residential uses. The LUCE policies for Wilshire and Santa Monica Boulevards and Colorado Avenue provide further detail about how to regulate this use. In addition, the special requirements for dealerships may incorporate some provisions that are included in the City’s Interim Automobile Dealer Ordinance, in effect since 2006, which identifies and specifies standards for parking and vehicle storage, landscaping, repair and queuing of vehicles, noise control, and a variety of other features and issues.
- **Liquor Stores, Other “Nuisance” Uses.** A few policies address what are sometimes referred to as “nuisance” or problem uses. For example, Policy CE8.4 is to, where possible, avoid a concentration of unhealthy food providers—such as fast food restaurants or liquor stores—within any one neighborhood or near school properties, to the extent permitted by law.

In crafting the Zoning Ordinance Update, it is important to ensure that the use classifications capture and adequately define these uses, and that the land use regulations carry out the LUCE policies for where the uses should be allowed and how they should be developed.

NONCONFORMING USES

The 2010 LUCE is a conservation plan that provides for maintenance of existing land use and development patterns. It maintains the scale and character of residential neighborhoods, which comprise more than two-thirds of the city’s area. For commercial areas and corridors, the LUCE proposes a shift from regional- to local-serving commercial establishments but also emphasizes the preservation of features that comprise the desirable distinctive character of different areas. The new Ordinance needs to reflect the emphasis on conservation, making it possible to preserve and maintain uses and structures that may not conform to all of the applicable provisions of the new Ordinance but are defining features integral to the city’s unique character and, in some cases, critical economic resources as well. Although the Ordinance can affect the desired shift to local-serving businesses through use regulations, size limitations, and other restrictions, such regulatory changes may also affect the viability of existing legally established regional-serving commercial uses that help to sustain the local economy and meet needs of residents. Two important examples of land uses that significantly contribute to the local economy and will be particularly affected by how the code deals with nonconforming situations are auto dealerships and hotels and motels.

Several LUCE policies address specific existing nonconforming land uses and whether they should be allowed to continue and expand. For example, Policy D27.4 states that existing schools and non-profit community uses are allowed to continue and expand in the Industrial Conservation District, subject to Industrial Conservation Tier 2 discretionary process. LUCE Policy D18.9 provides direction for dealing with one of the most critical and difficult issues that these provisions will need to address, the replacement of nonconforming hotel uses and buildings, most of which exceed the height limits in the LUCE and may also not comply with policies regarding floor area ratio (FAR).

LUCE Policy D18.9 encourages the remodel and upgrade of existing hotels and motels within the Proposition S Beach Overlay area to assure their long-term economic viability. The policy allows for replacement of existing hotels and motels in this area, to the extent consistent with Proposition S, provided that the replacement hotels and motels are not expanded and are subject to discretionary review. Proposition S is codified as Part 9.04.08.46 of the Zoning Ordinance. The measure prohibits new hotels and motels of any size and restaurants more than 2,000 square feet in floor area or one story in height in the area seaward of Ocean Avenue, excluding the Santa Monica Pier. This measure has the effect of making all existing hotels within the Beach Overlay District into legal nonconforming uses.

In a February 2, 2012, City Council Information Item, the City Attorney discussed the rights of a beach hotel owner to rebuild following a natural disaster that damaged or destroyed the hotel. While Proposition S expressly prohibits new hotels, it does not address the reconstruction of a pre-existing hotel damaged or destroyed in this way. Given this, the City Attorney looked to the generally applicable Municipal Code provisions governing rebuilding after a disaster. Under the current Zoning Ordinance, whether or not a hotel owner could reconstruct a hotel in the Beach Overlay District that was damaged by a natural disaster would depend on the extent of the damage. Section 9.04.18.020(e) provides that a damaged structure can be restored so long as the extent of the damage is less than one-half of the replacement cost; otherwise, it may not be restored (unless the building has specified historic status). The City Attorney also advised the Council that it could modify the City's nonconforming provisions to alter when beach hotel owners (or other owners of nonconforming uses) could rebuild after a natural disaster since there was no indication that the voters intended to deprive Council of this authority. However, given hotels' status as a prohibited use, Proposition S would not allow rebuilding in circumstances other than following a disaster.

As mentioned above, LUCE Policy E8.3 specifies that automobile dealers be allowed to reasonably expand in their current locations as long as their redevelopment is in the prescribed urban auto dealership format and incorporates mitigations to reduce any negative impacts on the surrounding residential and non-residential uses. The LUCE policies for Wilshire and Santa Monica Boulevards and Colorado Avenue provide further detail about how to regulate this use. Although the LUCE policies are intended to provide incentives for existing dealerships to make changes that would bring them into closer compliance with regulations in the updated Ordinance, some nonconforming situations are likely to remain. These include some dealerships on Santa Monica Boulevard that include adjacent residentially-zoned parcels.

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3 Existing Regulations

This section describes Santa Monica’s existing regulations and identifies problems or issues they raise for implementation of LUCE policies or administration, use of the Ordinance itself, or compliance with State and federal law. It also discusses some issues regarding existing use classifications, use regulations, standards for specific uses, and nonconforming uses.

USE LISTS

Santa Monica’s existing Ordinance does not utilize a unified use classification scheme. Rather, for each of the current 29 base zoning districts, as well as three of its six overlay districts, the Ordinance provides long lists of uses that are permitted by right, conditionally permitted, permitted with performance standards review, and prohibited. The regulation of uses through use lists—a common characteristic of older zoning ordinances—can lead to a variety of related problems, including:

- **Excessive Number of Uses.** The existing Ordinance refers to more than 300 distinctly phrased uses. The lists of permitted and conditionally permitted uses for individual zoning districts often focus on specific types of businesses rather than general categories of similar land uses, making these lists excessively long. For example, the Ordinance lists at least 20 different types of retail stores, including arts and craft shops, department stores, drugstores, camera shops, florists, gift or souvenir shops, stationery stores, and variety stores. With the exception of certain “problem” retail uses, such as firearms sales, which may generate undesirable impacts, or stores of a different character and scale, such as superstores, which the City may choose to regulate differently, other types of stores could be classified into a single retail sales category, reflecting their common functional characteristics, and accommodating future trends.
- **Difficult Integration of New Uses.** Another common concern with the use lists approach is the integration of new uses. In the example cited above, the specificity of types of retail stores in the current Ordinance does not account for continued changes in the popularity of different consumer goods. Without a unified classification scheme, it becomes difficult to assign new uses to the existing use lists.
- **Inconsistent Terms.** The regulation of uses through use lists can lead to confusing, overlapping, and inconsistent regulation. In Santa Monica’s existing Ordinance, there is a lack of consistency in the way that the same or very similar uses are listed in different districts. For example, “cleaners” is the term used for dry-cleaning establishments in most commercial districts, yet “dry cleaners” appears in places. The Ordinance has variable listings of “service station” and “automobile service station.” When slightly different wording is used, it can be unclear to code users whether the choice of terms is inadvertent or meant to convey nuanced differences in allowed uses.
- **No Grouping of Similar Uses.** The regulations for individual zoning districts do not present uses in a logical sequence, such as grouped by broader categories of uses (e.g., residential, public and semi-public, commercial, industrial), which would simplify the process of comparing how similar uses are regulated within a zone or in different zones.

- **Industrial Classification by Product.** The existing Ordinance includes long lists of manufactured goods that may be produced in the industrial districts. For example, the M1 District regulations list as permitted the manufacture of 30 different products, including such specific items as “aircraft parts other than engines,” “diecut paper and paperboard,” “electric lighting and wiring equipment,” “luggage,” “musical instruments and parts,” “pens, pencils and other office and artists’ materials,” and “wooden crates.” These lists of products are not only extensive and overly specific but they also fail to reflect the types of goods most commonly produced in U. S. cities today. Furthermore, by regulating industrial activities based primarily on the finished product rather than the means of production, the Ordinance does not get at the characteristics that most significantly affect how industrial activities perform and their compatibility with surrounding land uses.
- **Undefined “Similar” Uses.** Many of the lists of permitted uses for individual districts contain the following item: “Other uses determined by the Zoning Administrator to be similar to those listed above which are consistent and not more disruptive or disturbing than permitted uses.” This type of language may create uncertainty for code users. As presented in the existing Ordinance, it also does not specify the procedure by which the Zoning Administrator would exercise such discretion and determine the impacts of a proposed use.

Many jurisdictions have adopted a flexible system for use regulation to accommodate new development and minimize the need for code amendments to accommodate new and changing uses. Typically, this strategy includes the formulation of “use groups” that classify all land uses and activities according to common characteristics.

USES NOT DEFINED

Closely related to the lack of a unified land use classification scheme is the fact that the existing Ordinance does not provide an adequate set of definitions for the land uses it regulates.

- **Incomplete Set of Definitions.** While the district use regulations in the existing Ordinance include over 300 distinctly phrased land uses or business types, only 76 of these are defined. Within Section 9.04.02.030, Definitions, land use classifications are not distinguished from other terms, making them harder to locate. Further, because all the terms in Section 9.04.02.030 are in alphabetical order within the section, similar but distinct land uses (e.g., “child day care facility” vs. “family day care home;” “congregate housing” vs. “supportive housing;” “hotel” vs. “motel”) are in disparate locations, making comparisons between related uses difficult.
- **Unnecessary Definitions.** There are some uses defined in Section 9.04.02.030, Definitions, that don’t appear elsewhere in the ordinance. For example, “rest home” appears in the definitions but not in any list of permitted or conditionally permitted uses. The only other place “rest home” appears is the parking requirements table. “Residential care facility for the elderly” appears in the definitions but nowhere else in the ordinance.
- **Overlapping Definitions.** In other cases, there is overlap between the uses defined. For example, the definition of “community care facility” encompasses both “residential facility” and “adult day care.” The former term is defined, while the latter is not defined but is listed in one district as a permitted use. “Residential facility” in turn, encompasses the term “residential care facility for the elderly.” It can be appropriate to have subclassifications of uses, but they should be organized and formatted in a way that makes it clear they are subclassifications.

- **Inconsistency between Definitions Chapter and Use Lists.** In some cases, the way that a use is listed in Section 9.04.02.030, Definitions, is different, or broader, than how it is listed in the district use regulation lists. For example, Section 9.04.02.030 defines “office, specialty” as uses intended to provide a service without requiring an appointment, such as travel agencies, real estate offices, and insurance agencies. “Specialty office” is then included in some lists of permitted uses; in other districts, the more specific “real estate office” is listed instead, leaving a code user to wonder whether the other types of specialty offices are permitted.

The lack of clearly defined uses makes it difficult for an applicant to determine the scope of a use regulated under the Ordinance. It also makes it difficult to classify and regulate new uses.

EMBEDDED POLICIES IN DEFINITIONS

Some use definitions in the existing Ordinance include limitations and requirements on the use. Although limitations may be appropriate for certain types of uses, embedding policies and standards within the use definitions complicates administration and makes it difficult for applicants to find the development standards that apply to a particular proposal.

Compared to many older zoning ordinances, the Santa Monica Zoning Ordinance has a fairly clean set of definitions, with a limited number of embedded policies. However, revisions appear warranted in a few cases where the definitions do contain embedded policies. For example:

- **Neighborhood Grocery Store.** The “grocery store, neighborhood” definition includes a 3,000-square-foot threshold. The 3,000-square-foot threshold could be appropriate to include as a way to distinguish neighborhood grocery stores from full-service grocery stores. However, the definition also states that this threshold may be exceeded if a larger floor area is authorized pursuant to Section 9.04.14.080(m). The referenced section, in turn, specifies that the Planning Commission may modify standards, including the size limit, through a conditional use permit, and provides findings for approval of such a use permit. This represents too many regulations and administrative provisions within a definition.
- **Incidental Food Service.** This definition contains development standards such as the provision of fixed barriers to define the seating area of an incidental food service. It also states that the consumption area of incidental food service may not exceed 33 percent of the floor area of the permitted primary on-site use. This type of standard is better located in a chapter on standards for specific uses than in the definitions.
- **Farmer’s Markets.** The definition of “open air farmers market” states: “An open air farmers market may only be operated by a local government agency.” This is an example of a policy that could better be located in a chapter on standards for specific uses and may need revision to provide additional flexibility.
- **Antique Markets.** The definition of “outdoor antique markets” states that they are subject to the performance standards of Section 9.04.12.150 and Section 9.04.20.08. Instead of being embedded in the definition of antique markets, this reference to additional applicable standards could be located in the district use regulations.

- **Restaurant.** The definition of “restaurant” contains a lengthy discussion of the standards that apply to live entertainment. It even contains standards for existing nonconforming live entertainment venues. Instead of embedding standards for live entertainment in the “restaurant” definition, “live entertainment” can be listed as its own accessory use (or subcategory) to other food and beverage sales uses, and standards for live entertainment can be included in the chapter on standards for specific uses.
- **Hospice.** The definition of “hospice” includes a statement that hospice is a permitted use in all residential districts. This permission would be more appropriately stated with other use regulations instead of in the definitions.

One of the main problems with embedding such policies within the definitions is that code users may not notice them there. Such policies should instead be addressed in other sections of the Ordinance where they are more visible and adequately discussed.

EMBEDDED STANDARDS IN USE LISTS

Many of the lists of permitted and conditionally permitted uses in the zoning districts include size or other limitations as part of the listing of the use itself. The listings specify features such as the maximum square footage of a use; maximum size of an accessory use in proportion to a primary use; location of a use within buildings (e.g., ground floor or upper floor); location of a use on the lot (e.g., within rear 75 feet); location relative to adjacent residential zoning district; frontage on particular streets; maximum number of seats (in a restaurant or theater); maximum number of beds (in a homeless shelter); and operations confined to enclosed buildings.

While the current thresholds and other limitations may be appropriate, a better approach would be to include these limits among the additional requirements applicable to particular uses or to include them as limitations in the use regulation schedules for different districts. Omitting these details from the use lists will contribute to making the new Ordinance more concise and internally consistent by reducing the proliferation of distinct use listings in the Ordinance. For example, restaurants are listed in a multitude of ways, as Table 1 illustrates.

TABLE 1: LIST OF RESTAURANTS WITH DIFFERENT LIMITATIONS IN EXISTING ORDINANCE
Restaurants.
Restaurants and/or food service facilities of more than two thousand square feet and/or exceeding one story in height.
Restaurants of fifty seats or less and at which no alcohol is served or consumed.
Restaurants of fifty seats or less at which alcohol is served or consumed.
Restaurants of fifty seats or less.
Restaurants of more than fifty seats, with or without alcohol service or consumption, if located on parcels adjacent to Ocean Park Boulevard between Twenty-Fifth Street and Centinela Avenue.
Restaurants over fifty seats.
Restaurants where entertainment and dancing occurs.
Restaurants with five hundred square feet of floor area or less.
Restaurants with forty-nine or less seats.
Restaurants with over five hundred square feet of floor area.
Restaurants, subject to the limitations contained in Section 9.04.08.15.080.

MIXING OF USE REGULATIONS AND SITE DEVELOPMENT STANDARDS

The existing Ordinance lists as permitted, conditionally permitted, or prohibited uses some items that don't really function as primary uses, but rather are site features or development standards.

For example, many commercial districts list "rooftop parking" as a prohibited use while others list "rooftop parking on parcels directly abutting, or separated by an alley from, a residential district" as prohibited land uses. Rooftop parking is not typically characterized as a land use distinct from the structure or facility with which it is associated. Parking itself may be the primary use of a site or an accessory use that is accommodated within or above a structure or in an uncovered area. It may be more logical for the Ordinance to establish a prohibition on rooftop parking as a development standard for applicable districts rather than a land use regulation.

The updated Ordinance needs to distinguish and classify primary and accessory uses and facilities so they can be consistently and appropriately regulated. Where necessary, the Ordinance will specify standards for regulating facilities such as automatic ice dispensing machines, automated teller machines, reverse vending machines, and donation collection facilities, which most ordinances allow only if they are accessory to a permitted commercial, public, or semi-public use.

PROHIBITED USES

The current Ordinance contains lists of both "permitted" and "prohibited" uses for individual districts but also includes a provision in most of the district regulations stipulating that any use not specifically authorized in the district in which the parcel is located is prohibited. This can create confusion when certain uses are specifically called out as prohibited while others are simply not listed as permitted (but are also intended to be prohibited). A preferable approach is to only list permitted uses and to adopt a general requirement that would appear in the Ordinance's introductory provisions stating that any use not specifically authorized is prohibited.

STANDARDS FOR SPECIFIC USES

The regulations applicable to specific land uses found in the existing Ordinance include development standards, performance standards, and administrative procedures. These special standards are spread throughout a number of different chapters of the Ordinance, including Part 9.04.10.02, General Requirements; Part 9.04.10.18, Alcohol Outlets; Subchapter 9.04.12, Performance Standards; Subchapter 9.04.13, Use Permit Special Standards; Subchapter 9.04.14, Special Conditions for Conditional Uses; and Part 9.04.20.04, Home Occupations. Regulations for a single land use are often found in two or more different sections. The fact that these regulations pertaining to particular uses are scattered throughout the Ordinance makes it hard for users to find them and determine which special regulations apply to a particular project.

In some cases, the regulations for a particular land use in different parts of the Ordinance are similar or identical. For example, Section 9.04.12.130, Service Stations, within Subchapter 9.04.12, Performance Standards, and Section 9.04.14.040, Service Stations, within Subchapter 9.04.14, Special Conditions for Conditional Uses, both contain standards for gas stations. The standards themselves are identical and address minimum lot size, minimum street frontage, setbacks, screening, paving, landscaping, parking and circulation, restrooms, and other aspects of development. The only difference is that the former section applies to districts where service stations require a performance standards permit, while the latter applies to districts where they require a conditional use permit. This duplication is unnecessary and contributes to the length of the Ordinance.

In other cases, the regulations for a particular land use in different parts of the code are inconsistent. For example, Section 9.04.10.02.061, Homeless Shelters and Section 9.04.12.140, Shelter for the Homeless, contain varied regulations for shelters. The two sections have identical standards for laundry facilities, lighting, and refuse areas. They have similar standards for common facilities within shelters, though one set of regulations allows a greater range of facilities and services. In other aspects, they are contradictory: Section 9.04.10.02.061 states that temporary shelter shall be available to residents for no more than six months, while Section 9.04.12.140 states that temporary shelter shall be available for no more than 60 days with extensions up to 180 possible if no alternative housing is available. The former section relates the maximum number of beds to the maximum unit density in the underlying zoning district, while the latter section includes a fixed maximum number of beds for any shelter. It also includes a maximum concentration standard (i.e., minimum distance between shelters), not included in the former section. The revised Ordinance needs to clarify these possibly contradictory regulations.

As part of the zoning update, it will be worth not only consolidating and rectifying the existing standards for specific land uses, but reviewing which ones are still necessary and if new uses need to be addressed. For example, the existing Ordinance has a section devoted to game arcades, but this land use is now uncommon. At the same time, the Ordinance does not include special standards for live-work units, a more common contemporary use.

PROTECTED USES

California law grants cities and counties relatively broad discretion in the regulation of land uses and development, and the federal courts and United States Congress have, for the most part, left land use and environmental regulation up to state and local government. There are, however, some important exceptions to this approach. If local regulations conflict with federal law, pursuant to the Supremacy Clause of the United State Constitution, then local laws are preempted. In some cases, both Congress and the State of California have identified matters of critical concern that limit the authority of California cities. Although

some State and federal court decisions may ultimately be reversed on appeal, in the interim, case law may also affect local regulation of some of these uses. These uses and the applicable laws include:

- Telecommunications (Federal Communications Act of 1996, California Gov. Code Section 65850.6, 65964).
- Religious uses (Federal Religious Land Use and Institutionalized Persons Act of 2000, California Gov. Code Sec. 25373 and 37361).
- Housing for persons with disabilities (Federal Fair Housing Act Amendments of 1998, Americans with Disabilities Act as incorporated into California Gov. Code Section 11935 and Civil Code Section 54.1).
- Affordable housing (California Gov. Code Sections 65589.5 and 65915).
- Transitional and supportive uses (SB 2, California Gov. Code Sections 65585, 65583, and 65589.5).
- Second units (California Gov. Code Section 65852.2).
- Massage establishments (SB 731, California Business Code Section 4600 et seq.).
- Tattoo parlors (*Anderson v. City of Hermosa Beach* (2010) 621 F. 3d 1051, U. S. Court of Appeals, 9th Circuit).

Santa Monica's Zoning Ordinance appears to be generally consistent with federal and State laws. However, because the Ordinance contains overlapping definitions for certain transitional and supportive uses, some revision may be needed to clarify how these uses are classified and which zoning regulations are applicable to them. The overlapping definitions, combined with the way they are listed in the district regulations, appear to create some minor inconsistencies. In the case of second units, the City does not enforce those provisions that conflict with State law. An important objective of the zoning update will be to ensure that the Ordinance is an accurate statement of City requirements, which means that these and other uncodified regulations need to be incorporated.

Transitional and Supportive Housing

Transitional housing is intended to provide temporary housing for people transitioning between being homeless and occupying more permanent housing. Transitional housing facilities may be configured as apartments, individual shared units, or dormitory facilities. State law requires that local ordinances regulate transitional facilities based on the type of residential use (e.g., single family, multi-family, group residential) rather than the characteristics of the occupants.

Supportive housing, on the other hand, is permanent housing that is occupied by low-income adults who have one or more disabilities and that is linked to on- or off-site services that help the residents in retaining the housing, improving their health status, and maximizing their ability to live and, when possible, work in the community. The population targeted by supportive housing programs may include families with children, elderly persons, and young adults aging out of the foster care system, individuals exiting from institutional settings, veterans, or homeless people. As a result of the amendments enacted by SB 2, which went into effect in 2008, cities and counties must classify both supportive and transitional housing as a residential use subject only to the restrictions applicable to dwellings of the same development type in the same zone.

To ensure compliance with State and federal fair housing requirements, transitional and supportive facilities that are structured as group living accommodations should be regulated in the same manner as other group living arrangements (e.g., convents, school dormitories, etc.). In addition, based on statutory and case law, groups of individuals living together as a household, including any persons providing support services, are subject only to those regulations applicable to other single-family households.

Santa Monica's existing Ordinance defines and includes provisions applicable to several types of supportive and transitional housing, including community care facility, congregate housing, hospice, residential care facility for the elderly, residential facility, residential housing and educational facility for young adults emancipated from foster care, and transitional housing. Transitional housing is defined as a multi-family residential facility in an individual dwelling unit format restricted to a maximum occupancy of three years while congregate housing is defined as a multi-family residential facility with shared kitchen facilities that has no maximum stay specified. The Ordinance permits "transitional housing" and "congregate housing" in all multiple family residential districts (Table 9.04-1) and other districts where it permits multi-family dwelling units, but does not list either type of housing among the uses permitted in R1 (Single Family), R2R (Low Density Duplex), OP-1 (Ocean Park Single Family) or OP-Duplex districts, where multi-family dwelling units are listed as a permitted use, but transitional and congregate housing are not mentioned.

Second Dwelling Units

Government Code Section 65852.2 requires local agencies to ministerially consider second-unit applications. They may adopt a second-unit ordinance to establish standards for second units, or, in the absence of such a local second-unit ordinance, must ministerially approve second units according to the State standards contained in Section 65852.2 itself.

The City of Santa Monica is authorized to adopt an ordinance governing the ministerial approval of second units in single-family and multifamily residential zones, and to designate the areas within the jurisdiction where second units may be permitted. These areas may be designated based on factors such as adequacy of services and impact on traffic. Additionally, the City may impose development standards such as height, setback, lot coverage, maximum size and architectural review on second dwelling units, as well as require that an applicant for a second unit permit be an owner-occupant. The City cannot adopt an ordinance that totally precludes second units within single-family or multifamily-zoned areas unless very specific findings are made.

Santa Monica's existing Ordinance includes some apparent inconsistencies with the State law because second units are not identified as a permitted use on residentially zoned lots with a single-family dwelling. Second units are listed only in the R1 and OP-1 districts, and in those districts are subject to a use permit. The standards in Section 9.04.13.040 of the Ordinance, which was last updated in 1999, also stipulate that second units must be occupied by a resident property owner or the owner's dependent or caregiver, rather than allowing rental of second units. Further, it requires that all parking spaces must be individually accessible, while State law allows parking to be provided in tandem absent specific findings that tandem parking is not feasible based on specific site or regional topographical or fire and life safety conditions, or that it is not permitted anywhere else in the jurisdiction (Government Code Section 65852.2 (e)).

In order to comply with State law, the City has not been enforcing these provisions. As stated above, the updated Ordinance will reflect the City's existing practice, which is to administer second unit applications according to State requirements. There may, however, be some parts of the City that have substandard lot sizes and street widths where modifying parking requirements could create a threat to public safety by interfering with emergency access. In such instances, State law enables the City to establish a two-tiered

In order to comply with State law, the City has not been enforcing these provisions. As stated above, the updated Ordinance will reflect the City's existing practice, which is to administer second unit applications according to State requirements. There may, however, be some parts of the City that have substandard lot sizes and street widths where modifying parking requirements could create a threat to public safety by interfering with emergency access. In such instances, State law enables the City to establish a two-tiered process, allowing units under a certain size by right and requiring discretionary review for larger units or units on substandard lots.

NONCONFORMING USES

A legal nonconforming use is one that was legally established but does not comply with all of the standards of the current Ordinance. Uses may become nonconforming through adoption of a new zoning ordinance or amendments to the ordinance. Examples of aspects of development that may be nonconforming include location of a use, lot size, density, floor area, height, yard, usable open space, buffering, or the lack of an approved use permit or other currently required authorization.

The City's current regulations for nonconforming uses (Subchapter 9.04.18, Nonconforming Buildings and Uses) promote the "orderly termination" of nonconforming buildings and uses and deem nonconforming uses detrimental, providing for their elimination "as rapidly as possible without infringing upon the constitutional rights of the owners of nonconforming properties." As mentioned above, this emphasis may conflict with the LUCE's emphasis on conservation, suggesting that revisions to allow greater flexibility may be warranted.

This chapter appropriately distinguishes between legal, nonconforming buildings and legal, nonconforming uses but in both cases requires discontinuation, removal, or alteration within time limits that vary based on the type of use and location. The City has modified the termination requirements, as well as other regulations in this subchapter, several times since the current version of the code was enacted. The current comprehensive revision provides an opportunity to consider some alternative approaches that may be more in line with the LUCE's directives.

One option would be a tiered system that distinguishes between those nonconforming uses that are relatively benign and those that are detrimental to surrounding owners and residents. This approach would provide more flexibility than the current requirements. The code would be changed to make it easier to upgrade those nonconforming properties that do not substantially conflict with LUCE policies and eliminate those activities and structures that are clearly incompatible with and detrimental to surrounding uses. A tiered system could include a procedure for licensing nonconforming uses that grants property owners the privilege of continuing nonconforming activities subject to certain requirements. Another alternative would be modification of the existing termination program in Section 9.04.18.040 to only apply to certain types of nonconforming uses.

This type of strategy for dealing with nonconforming situations recognizes that nonconforming uses and structures are not all the same. Some are the type of "nasty but necessary" activities, such as auto repair shops that generate noise, odors, dust, and traffic or require the use of potentially hazardous materials or procedures. Other nonconforming situations, such as billboards and adult businesses, may have little or no value to the community but may be shielded by statutes and case law. Another category is made up of buildings and uses that help to define the distinctive character of a neighborhood or district—a long-time commercial use in a residential neighborhood or older homes that have substandard yards or inadequate parking. This category may also include nonconforming multiple dwelling structures that are an important community resource because they provide affordable housing and have some protections under State law.

The current Ordinance allows for conversion of a nonconforming use to a conforming use, and states that if such conversion occurs, the nonconforming use may not be resumed. A system that distinguishes between different types of nonconforming uses could allow the substitution of a less intensive but still nonconforming use. The various exceptions to the current provisions for termination of nonconforming buildings and uses already employ this approach for some specific uses. Section 9.04.18.040 establishes amortization schedules for nonconforming uses in certain districts (e.g., commercial or industrial uses in the residential and Ocean Park districts) but allows some specific land uses such as vehicle sales, service and storage and repair uses; automobile storage lots; parking lots on residentially zoned parcels; and office uses to continue subject to specific standards. Some of these regulations seem overly restrictive. In particular, subsection (f) states that existing commercial or industrial uses in residential districts with valid conditional use permits that do not contain time limits are only allowed to remain for five years or up to ten years with Planning Commission approval.

Administration of the existing regulations applicable to nonconforming situations is complicated by the fact that some requirements for nonconforming uses are located within the lists of permitted and conditionally uses for individual zoning districts and apply to specific land uses when located in the respective districts. Examples are listed in Table 2 below.

TABLE 2: REGULATIONS FOR NONCONFORMING USES IN SPECIFIC ZONING DISTRICTS	
<i>District</i>	<i>Regulation</i>
RVC	Permitted: "Residential uses existing at the time of adoption of this Chapter."
C3	Conditionally permitted: "Replacement of fast-food restaurants in existence as of May 13, 2003."
C5	Permitted: "Public or private schools existing prior to adoption of this Chapter."
C5	Permitted: "Trailer courts or mobilehome parks existing prior to adoption of this Chapter."
C6	Conditionally permitted: "Automobile dealerships in existence on October 1, 1996, provided that such dealerships may not resume operations if converted to another use."
LMSD	Permitted: "Public or private schools existing prior to September, 1988."
LMSD	Permitted: "General office uses existing as of June 26, 1993, and general office uses in buildings which were granted a planning permit specifically for general office uses between December 1, 1992 and June 26, 1993 and which obtained a Certificate of Occupancy prior to the adoption of this Part, shall be permitted provided that such uses may not expand by more than ten percent in floor area."
M1	Permitted: "Public or private schools existing prior to adoption of this Chapter."
M1	"Existing nonconforming office uses may expand by no more than one parcel with development review."

The approach to nonconforming situations in the current Ordinance is rather inflexible because it makes no difference between benign nonconforming uses and potentially harmful or detrimental nonconforming uses. Benign uses such as those that became nonconforming in an inadvertent manner, or properties that do not substantially conflict with General Plan, should be allowed to continue. Owners of these properties should not be discouraged from investing and maintaining them if they can benefit the community. On the other hand, certain nonconforming situations, such as billboards and adult businesses, may have little or no value to the community but may be shielded by statutes and case law.

4 Recommendations

The use regulations in Santa Monica's existing Zoning Ordinance are lengthy, unclear, and overly complicated, making the Ordinance difficult to administer and enforce on a day-to-day basis. In turn, this can result in delayed permit applications, the appearance of ever-changing requirements throughout the review process, inconsistent zoning decisions, problematic integration of new uses into the existing framework, and inadequate tools to address development and design impacts. These concerns can largely be addressed by reorganizing the existing use regulations into a more logical and systematic framework. A strong framework will make the regulations more thorough, straightforward, and less complicated, resulting in an ordinance that is easier to understand and apply.

RECOMMENDATION 1: ADOPT A UNIFIED CLASSIFICATION SYSTEM TO REPLACE THE EXISTING USE LISTS

The Zoning Ordinance should be updated to consolidate specific use and business types into a clearly defined modern classification system that places land uses and activities into groups based on common functional, product, or physical characteristics. There are many advantages to this type of use classification system. Listing use groups instead of specific types of businesses helps streamline the parts of the Ordinance dedicated to use regulations. Use groups can be defined broadly enough to allow classification of new, unanticipated uses, so that the City does not need to amend these sections as frequently as is currently necessary. This system can still allow for standards for problematic uses, such as firearms sales, tattoo parlors, or auto repair to be in separate classifications.

Under this system, all use classifications would be defined in a single chapter of the Ordinance. Within this chapter, the use groups would further be organized into the broader categories of residential; public and semi-public; commercial; industrial; and transportation, communication, and utilities uses. This way, similar uses are found near one another for comparison when a classification question arises. The official names of each use group would be utilized throughout the Ordinance in a consistent manner, with the definitions chapter serving as a reference.

A unified classification scheme would not only address the concerns resulting from the City's use lists approach, but would also resolve several issues related to use definitions and terminology, including missing use definitions, overlapping definitions, outdated terminology, the inclusion of embedded policies in the use descriptions, and unclear formatting.

By grouping uses that are subject to the same regulations, the updated Ordinance will also make it easier to comply with certain federal and State anti-discrimination statutes. These include laws that protect housing for persons with disabilities and transitional and supportive housing, which must be regulated in the same manner as comparable residential uses.

The proposed use classifications for the new Zoning Ordinance are presented in Appendix A. A correspondence table that relates proposed use classifications to existing uses is included in Appendix B.

RECOMMENDATION 2: REGULATE INDUSTRIAL USES BASED ON CHARACTERISTICS RATHER THAN PRODUCT

In order to ensure consistency and appropriate reference to terms throughout the code, the new Zoning Ordinance should use the North American Industrial Classification System (NAICS) for reference instead of the outdated Standard Industrial Classification (SIC) manual that the current code identifies as a basis for classifying uses that are not specifically listed or classified (Section 9.04.06.050). This will help ensure that industrial and manufacturing activities are classified by the means of production and the potential off-site impacts, and not by the products themselves. By defining industrial uses as either general (products manufactured from extracted or raw materials), or limited (products manufactured from prepared materials), the impacts of production activities can be better regulated, and it will be easier to distinguish those uses that will fit into particular districts.

An updated classification scheme would also accommodate emerging industries called for in the LUCE, such as biotechnology, research and development, green industry, and creative uses. Appendix A includes draft definitions for modern industries that the City desires to accommodate such as creative offices, research and development, and media production.

RECOMMENDATION 3: ELIMINATE EMBEDDED POLICIES FROM USE DEFINITIONS

Some current use definitions include limitations and requirements on the use. Although some limitations may be appropriate to restrict certain types of uses, embedding policies and standards within the use descriptions complicates administration and makes it difficult for applicants to determine which development standards apply to a particular proposal. These regulations should be addressed in separate sections of the Ordinance where the limitations are visible and adequately discussed. For example, they may be located in a chapter dedicated to standards for specific uses and referenced in the use regulations for each zoning district.

RECOMMENDATION 4: ALLOW DIRECTOR DISCRETION TO MAKE USE DETERMINATIONS

The City should authorize the Planning Director to make interpretations regarding the classification of uses and codify the process in the updated Zoning Ordinance. In cases of uncertainty, the Director would determine whether a use should be considered within one or more use classifications or is not within any classification in the Ordinance. The Director could also determine that a specific use is not within a particular classification if its characteristics were substantially incompatible with those typically named within the classification.

The Director's ability to determine the classification of a use can be stated one time at the beginning of the use classifications chapter. Sample language is included in Appendix A, Draft Use Classifications, of this paper. This will replace the phrase "other uses determined by the Zoning Administrator to be similar to those listed above which are consistent and not more disruptive or disturbing than permitted uses," which is currently repeated in the list of permitted uses for many individual districts. While this approach continues to grant the Director some discretion, the focus of the discretion is on classification rather than use regulation or determination of impacts.

RECOMMENDATION 5: USE TABLES IN DISTRICT USE REGULATIONS

A single use regulation table for each district or group of districts can simplify things greatly. In the regulations for each zoning district, a single use table that is organized by use classification would replace the need for the subsections devoted to "permitted uses," "uses subject to performance standards permit,"

“conditionally permitted uses,” and “prohibited uses.” As proposed in the Annotated Outline for the Zoning Ordinance Update, the regulations for similar zoning districts can also be consolidated into the same chapter. This is what the current Ordinance does for the R2, R3, and R4 districts; the use table for these districts serves as a good model for how other district use regulations can be formatted and organized.

The use tables will organize land uses by broader categories—residential; public and semi-public; commercial; employment/industrial; and transportation, communication and utilities uses—making it easier to determine and compare the use regulations applicable to different districts.

RECOMMENDATION 6: ADOPT A TIERED SCHEDULE OF USE REGULATIONS, INCLUDING “LIMITED” USES

In the existing Ordinance, many of the lists of permitted and conditionally permitted uses in individual zoning districts include size or other limitations as part of the listing of the use itself. There is nothing wrong with including thresholds in the use regulations. The issue is formatting and organization. For conciseness and consistency, it would be better not to include them as part of the official listing of the use. Instead, uses that are subject to limitations could be indicated by an “L” in the land use tables, to indicate a “limited” use. Footnotes or sections below the table would describe the pertinent limitations. This would help maintain consistency with the use group classification scheme.

“Limited” uses would be those permitted by right if they meet supplemental standards. Such standards could include restrictions on size, location, hours of operation, and other characteristics that help to ensure that a use would be a good fit in a district and not adversely impact abutting uses or an adjoining neighborhood. The standards could incorporate the City’s existing standards and performance requirements, and any new limitations as needed, to identified uses. Applications would be subject to administrative review, which could occur at the counter. This could replace the existing “performance standards review” procedure, and limit the tiers of use regulation in the districts.

Under this approach, the schedule of use regulations in the Zoning Ordinance, displayed in the tables, would include three separate designations:

- Permitted uses would require no discretionary review;
- Limited uses would be permitted by right, provided they comply with specified standards. These uses would require administrative review, but no discretionary review; and
- Conditional uses would require approval of a Conditional Use Permit by the Planning Commission or the Planning Director and may be subject to conditions of approval.

The Ordinance can include a statement at the beginning of each land use regulation table that uses not listed are not permitted. This will obviate the need to include lists of prohibited uses and will suffice to prohibit them.

RECOMMENDATION 7: DISTINGUISH USE REGULATIONS FROM SITE DEVELOPMENT STANDARDS

There are a number of items in the existing use lists that function as neither primary nor accessory land uses, but rather as site features, and should be addressed as part of the development standards, either for individual zoning districts or for the city as a whole.

For example, underground parking and rooftop parking, rather than being listed as separate land uses, can be dealt with as a site standard in applicable districts. Such parking configurations could also be addressed in a chapter devoted to general site regulations, or in the chapter on parking. The main issue expressed in the existing regulations is rooftop parking adjacent to residential zones, and this concern could be addressed in citywide standards on parking facilities adjacent to residential districts and uses.

RECOMMENDATION 8: CONSOLIDATE STANDARDS FOR SPECIFIC USES

The City should consolidate requirements that are applicable to specific uses and common to all districts into a single chapter. Within this chapter, the uses can be alphabetized, making them easy to locate. Separate chapters should be devoted to specific uses that require more complex regulation, such as sexually-oriented businesses and telecommunications facilities. The standards for specific uses can be referenced in the land use tables in the district regulations, which will down on overall wordiness in the Ordinance.

The following is a preliminary list of uses that may warrant special standards:

- Accessory Food Service
- Accessory Living Quarters
- Alcoholic Beverage Sales
- Automobile Rentals
- Automobile Service Stations
- Automobile/Vehicle Repair, Major and Minor
- Automobile/Vehicle Sales and Leasing
- Automobile/Vehicle Washing
- Commercial Entertainment and Recreation, Small-scale
- Day Care Centers
- Emergency Shelters
- Farmers Markets
- Food and Beverage Sales
- Group Residential
- Home Occupations
- Large Family Day Care
- Live/Work
- Live Entertainment
- Medical Marijuana Collectives
- Off-Site Hazardous Waste Facilities
- Outdoor Dining and Seating
- Outdoor Sales

- Personal Storage
- Plant Nurseries and Garden Centers
- Private Tennis Courts
- Residential Care Facilities
- Restaurants, Limited Service
- Restaurants, With Drive-through Facilities
- Second Dwelling Units
- Sexually-Oriented Businesses
- Swap Meets
- Telecommunications Facilities
- Transitional Housing
- Temporary Uses

At the same time that regulations for specific uses are consolidated into one division of the Ordinance, they should be distinguished from general performance standards that apply to all land uses. The existing Ordinance uses the term “performance standards” to refer largely to development standards for specific uses. By contrast, in many zoning ordinances, the term “performance standards” refers to such potential impacts as noise, vibration, dust, heat, and glare. Such citywide performance standards that apply to all uses can be located in a chapter that is distinct from the standards for specific land uses.

RECOMMENDATION 9: UPDATE REGULATIONS FOR CONSISTENCY WITH STATE AND FEDERAL LAW

Santa Monica’s Zoning Ordinance appears to be consistent with federal and State laws for most protected land uses. However, because the existing Ordinance contains many overlapping or subcategories for these uses (e.g., “community care facility,” “residential facility” and “residential care facility for the elderly”), it is difficult to understand how a particular use is classified and which regulations apply to it. A new unified use classification scheme, by creating categories that parallel those in State law, will help confirm the Ordinance’s consistency, illuminate any inconsistencies that need to be rectified, and make the code easier to use.

In the case of second units, although the City regulates second units in compliance with State law, the Ordinance text needs revision to be consistent with Government Code Section 65852.2. It should state that second units may be established wherever single-family dwellings are allowed, or designate specific areas of the city based on allowable criteria such as the adequacy of water and sewer services and the impact on traffic flow. The regulations need to be rectified with State law regarding occupancy and parking requirements for second units. Adopting a new set of regulations can help the City set its own development standards to maintain and promote design compatibility of second units with surrounding neighborhoods.

RECOMMENDATION 10: RECOGNIZE DIFFERENCES AMONG NONCONFORMING USES

The City should adopt a new approach to regulating nonconforming uses that allow it to distinguish among categories of nonconforming uses that should be regulated differently. Benign uses would be treated

differently from potentially harmful or detrimental nonconforming uses. Such a system could apply different rules to:

- Benign nonconforming uses that could remain indefinitely, subject to conditions or limitations, with provisions for revoking their “benign” status if new nuisances arise;
- Uses that should be replaced at some time in the future in order to implement the LUCE’s long-term objectives where redevelopment and/or reuse is unlikely in the near term because of economic or market considerations; and
- Uses that are inconsistent with the LUCE and the zoning regulations, will impede implementation of the LUCE, and are detrimental because of health, safety, or substantial aesthetic impacts.

In this classification system, benign uses are those that do not have the potential to adversely impact surrounding properties. For example, a small grocery store or office located in a residential district could be classified as benign, while an engine rebuilding business, auto body shop, or adult bookstore in a residential district would not likely be classified as benign. The Ordinance could allow the Planning Director to classify a nonconforming use as benign if it:

- Does not generate noise or odors incompatible with surrounding uses;
- Does not create significant traffic; and
- Does not involve activities or processes that are potentially harmful or dangerous.

The process of determining a benign nonconforming use would allow for public comment; it also would provide authority to impose conditions to ensure that uses deemed benign do not change their operations in a way that may adversely affect neighbors (e.g., a condition limiting hours of operation or prohibiting alcohol sales).

A tiered classification of nonconforming uses would provide the City with greater flexibility regarding continuation or substitution of nonconforming uses. Some nonconforming uses may have become assimilated into the community and contribute to the distinctive character of the area or neighborhood, while others, such as auto sales, are beneficial because of the revenues they generate for the city.

Additionally, provisions regarding substitution, extension and discontinuation of a nonconforming use should be clarified. Specific attention should be given to the reconstruction of nonconforming hotels in relation to Proposition S. Provisions for the modification or substitution of nonconforming uses should be expanded according to the type of detriment created by the use. Generally, alterations should not be permitted that would better accommodate and make the nonconforming use more permanent.

5 Next Steps

This paper will serve as the starting point for the next phase of the Zoning Ordinance Update. The recommendations in this paper lay out a series of ideas and choices for the Planning Commission to discuss in a public workshop. Such a workshop can provide an opportunity for commissioners and the public to ask questions to better understand the recommendations in the paper and how use regulations work in implementing the vision for the community established in the LUCE. The workshop will also provide an opportunity for commissioners and the public to identify unanswered questions or additional issues that need to be considered. Feedback received on the recommendations will provide direction for a set of use regulations that will best implement the LUCE and other General Plan elements.

Following Planning Commission review of this paper and other issue papers, modules of preliminary regulations will be prepared for Planning Commission review during July, August, and September. These “modules” will include introductory sections that explain key differences from existing regulations, highlight remaining policy questions for consideration, and outline the content of the updated Ordinance relevant to each set of issues. Modules will include the following:

- Module 1: Use Classifications, Terms and Definitions
- Module 2: Base and Overlay Districts and Use Regulations
- Module 3: Design and Development Standards
- Module 4: Community Benefits and other Citywide and Special Purpose Standards
- Module 5: Administration

Based on comments received from the Commission, the public, and Staff, the Consultant will prepare a complete draft of the Ordinance for public review before the end of 2012. It is anticipated that the Planning Commission will begin holding formal public hearings on the draft Ordinance during the first quarter of 2013.

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Appendix A: Draft Use Classifications

This chapter classifies land uses on the basis of common functional, product, or physical characteristics. Characteristics include the type and amount of activity, the type of customers or residents, how goods or services are sold or delivered, and certain site factors. The use classifications provide a systematic basis for assignment of present and future uses to zoning districts.

CLASSIFICATION OF USES

Unspecified Uses. If there is uncertainty regarding the classification of a specific use, the Planning Director shall determine whether the use should be considered within one or more use classifications or is not within any classification in this Ordinance. The Director may determine that a specific use is not within a classification if its characteristics are substantially incompatible with those typical of uses named within the classification. Decisions by the Director may be appealed to the Planning Commission as provided for in subsection TBD, Interpretations.

Accessory or Primary Use. The Planning Director shall determine whether a use or activity is a primary or accessory use of a building or space. Decisions by the Director may be appealed to the Planning Commission. The Director shall use the following criteria in making his/her determination:

- The description of the activity or activities in relationship to the characteristics of each use category.
- The relative amount of site or floor space and equipment devoted to the activity.
- The relative amounts of sales from each activity.
- The relative number of employees in each activity.
- Building and site arrangement.
- How the use advertises itself.
- Whether the activity would be likely found independent of the other activities on the site.

Separate Classification of Each Establishment. Where a single lot contains activities that resemble two or more different use classifications, each of the principal activities conducted on a single lot by each individual establishment, management, or institution shall be classified separately.

RESIDENTIAL USE CLASSIFICATIONS

Residential Housing Types:

Single-Unit Dwelling, Detached. A dwelling unit that is designed for occupancy by one household, located on a separate lot from any other dwelling unit (except a second dwelling unit, where permitted), and not attached to another dwelling unit on an abutting lot. This classification includes individual manufactured housing units installed on a foundation system pursuant to Section 18551 of the California Health and Safety Code.

Single-Unit Dwelling, Attached. A dwelling unit that is designed for occupancy by one household located on a separate lot from any other unit (except a second dwelling unit, where permitted), and is attached through common vertical walls to one or more dwellings on abutting lots. An attached single-unit dwelling is sometimes called a “townhouse.”

Second Dwelling Unit. A dwelling unit providing complete independent living facilities for one or more persons that is located on a lot with another primary, single-unit dwelling as defined by State law. A second unit may be within the same structure as the primary unit, in an attached structure, or in a separate structure on the same lot. This use is distinguished from a duplex.

Duplex. A single building on a separate lot that contains two dwelling units or two single-unit dwellings on a single lot. This use is distinguished from a Second Dwelling Unit, which is an accessory residential unit as defined by State law and this Ordinance.

Multiple-Unit Dwelling. Three or more dwelling units within a single building or within two or more buildings on a site or lot. Types of multiple-unit dwellings include garden apartments, senior housing developments, and multi-story apartment buildings. This classification includes transitional housing in a multiple-unit format. The classification is distinguished from group residential facilities.

Senior Citizen Multiple-Unit Residential. A multiple-unit development in which occupancy of individual units is restricted to one or more persons 62 years of age or older.

Single-Room Occupancy. Multi-family residential buildings containing housing units that may have kitchen and/or bathroom facilities and are guest rooms or efficiency units as defined by the State Health and Safety Code. Each housing unit is occupied by no more than two persons and is offered on a monthly rental basis or longer.

Group Residential. Shared living quarters without separate kitchen or bathroom facilities for each room or unit, offered for rent for permanent or semi-transient residents on a weekly or longer basis. This classification includes rooming and boarding houses, dormitories, fraternities, convents, monasteries, and other types of organizational housing, private residential clubs, hospice facilities, but excludes extended stay hotels intended for long-term occupancy (30 days or more) (see Hotels and Motels), and Residential Care Facilities.

Elderly and Long-term Care. Establishments that provide 24-hour medical, convalescent or chronic care to individuals who, by reason of advanced age, chronic illness or infirmity, are unable to care for themselves, and is licensed as a skilled nursing facility by the State of California, including but not limited to, rest homes, nursing homes, and convalescent hospitals, but not Residential Care, Hospitals, or Clinics.

Family Day Care. A day-care facility licensed by the State of California that is located in a single-unit residence or other dwelling unit where a resident of the dwelling provides care and supervision for children under the age of 18 for periods of less than 24 hours a day.

Small. A facility that provides care for eight or fewer children, including children who reside at the home and are under the age of 10.

Large. A facility that provides care for seven to 14 children, including children who reside at the home and are under the age of 10.

Mobile Home Parks. A development designed and occupied by mobile homes, including development with facilities and amenities used in common by occupants who rent, lease, or own spaces for mobile homes through a subdivision, cooperative, condominium or other form of resident ownership.

Residential Care Facilities. Facilities that are licensed by the State of California to provide permanent living accommodations and 24-hour primarily non-medical care and supervision for persons in need of personal services, supervision, protection, or assistance for sustaining the activities of daily living. Living accommodations are shared living quarters with or without separate kitchen or bathroom facilities for each room or unit. This classification includes facilities that are operated for profit as well as those operated by public or not-for-profit institutions, including group homes for minors, persons with disabilities, and people in recovery from alcohol or drug additions.

Residential Care, General. A Residential Care Facility providing care for more than six persons.

Residential Care, Limited. A Residential Care Facility providing care for six or fewer persons.

Residential Care, Senior. A housing arrangement chosen voluntarily by the resident, the resident's guardian, conservator or other responsible person; where residents are 60 years of age or older and where varying levels of care and supervision are provided as agreed to at the time of admission or as determined necessary at subsequent times of reappraisal. This classification includes continuing care retirement communities and life care communities licensed for residential care by the State of California.

Supportive Housing. Dwelling units with no limit on length of stay that are occupied by the target population as defined in subdivision (d) of Section 53260 of the California Health and Safety Code, and that are linked to onsite or offsite services that assist supportive housing residents in retaining the housing, improving their health status, and maximizing their ability to live and, where possible, work in the community. Supportive housing as defined by subdivision (b) of Section 50675.14 may be provided in a multiple-unit structure or group residential facility.

Transitional Housing. Dwelling units with a limited length of stay that are operated under a program requiring recirculation to another program recipient at some future point in time. Transitional housing may be designated for homeless or recently homeless individuals or families transitioning to permanent housing as defined in subdivision (h) of Section 50675.2 of the California Health and Safety Code. Facilities may be linked to onsite or offsite supportive services designed to help residents gain skills needed to live independently. Transitional housing may be provided in a variety of residential housing types (e.g., multiple-unit dwelling, single-room occupancy, group residential, single-family dwelling). This classification includes domestic violence shelters.

PUBLIC AND SEMI-PUBLIC USE CLASSIFICATIONS

Cemetery. Establishments primarily engaged in operating sites or structures reserved for the interment of human or animal remains, including mausoleums, burial places, and memorial gardens.

Colleges and Trade Schools, Public or Private. Institutions of higher education providing curricula of a general, religious or professional nature, typically granting recognized degrees, including conference centers and academic retreats associated with such institutions. This classification includes junior colleges, business and computer schools, management training, technical and trade schools, but excludes personal instructional services such as music lessons.

Community Assembly. A facility for public or private meetings including community centers, banquet centers, religious assembly facilities, civic auditoriums, union halls, meeting halls for clubs and other membership organizations. This classification includes functionally related facilities for the use of members and attendees such as kitchens, multi-purpose rooms, and storage. It does not include gymnasiums or other sports facilities, convention centers, or facilities, such as day care centers and schools that are separately classified and regulated.

Community Garden. An area of land managed and maintained by a public or non-profit organization or a group of individuals to grow and harvest food crops and/or ornamental crops, such as flowers, for personal or group use, consumption, or donation. Community gardens may be divided into separate plots for cultivation by one or more individuals or may be farmed collectively by members of the group and may include common areas maintained and used by group members. Community gardens may be accessory to public or institutional uses such as parks, schools, community centers, or religious assembly uses. This classification does not include gardens that are on a property in residential use when access is limited to those who reside on the property.

Cultural Facilities. Facilities engaged in activities to serve and promote aesthetic and educational interest in the community that are open to the public on a regular basis. This classification includes performing arts centers for theater, music, dance, and events; spaces for display or preservation of objects of interest in the arts or sciences; libraries; museums; historical sites; aquariums; art galleries; and zoos and botanical gardens. It does not include schools or institutions of higher education providing curricula of a general nature.

Day Care Centers. Establishments providing non-medical care for persons on a less-than-24-hour basis other than Family Day Care. This classification includes nursery schools, preschools, and day care facilities for children or adults, and any other day care facility licensed by the State of California.

Emergency Shelter. A temporary, short-term residence providing housing with minimal supportive services for homeless families or individual persons where occupancy is limited to six months or less, as defined in Section 50801 of the California Health and Safety Code. Medical assistance, counseling, and meals may be provided.

Government Offices. Administrative, clerical, or public contact offices of a government agency, including postal facilities and courts, together with incidental storage and maintenance of vehicles. This classification excludes corporation yards, equipment service centers, and similar facilities that primarily provide maintenance and repair services and storage facilities for vehicles and equipment (see Utilities, Major).

Hospitals and Clinics. State-licensed facilities providing medical, surgical, psychiatric, or emergency medical services to sick or injured persons. This classification includes facilities for inpatient or outpatient treatment, including substance-abuse programs, as well as training, research, and administrative services for patients and employees. This classification excludes veterinaries and animal hospitals (see Animal Care, Sales, and Services).

Hospital. A facility providing medical, psychiatric, or surgical services for sick or injured persons primarily on an in-patient basis, and including ancillary facilities for outpatient and emergency treatment, diagnostic services, training, research, administration, and services to patients, employees, or visitors.

Clinic. A facility providing medical, psychiatric, or surgical service for sick or injured persons exclusively on an out-patient basis, including emergency treatment, diagnostic services, administration, and related services to patients who are not lodged overnight. Services may be available without a prior appointment. This classification includes licensed facilities offering substance abuse treatment, blood banks and plasma centers, and emergency medical services offered exclusively on an out-patient basis. This classification does not include private medical and dental offices that typically require appointments and are usually smaller scale (See Offices, Medical and Dental).

Park and Recreation Facilities, Public. Parks, playgrounds, recreation facilities, trails, wildlife preserves, and related open spaces, which are open to the general public. This classification also includes playing fields, courts, gymnasiums, swimming pools, picnic facilities, tennis courts, and golf courses, botanical gardens, as well as related food concessions or community centers within the facilities.

Public Safety Facilities. Facilities providing public-safety and emergency services, including police and fire protection and emergency medical services, with incidental storage, training and maintenance facilities.

Schools, Public or Private. Facilities for primary or secondary education, including public schools, charter schools, and private and parochial schools having curricula comparable to that required in the public schools of the State of California.

Social Services Centers. Facilities providing a variety of supportive services for disabled and homeless individuals and other targeted groups. Types of services could include counseling, meal programs, personal storage lockers, showers, instructional programs, television rooms, and meeting spaces. They would be distinguished from licensed day care centers, clinics, and shelters providing 24-hour care.

COMMERCIAL USE CLASSIFICATIONS

Animal Care, Sales and Services. Retail sales and services related to the boarding, grooming, and care of household pets, including:

Grooming and Pet Stores. Retail sales of animals and/or services, including grooming, for animals on a commercial basis. Typical uses include dog bathing and clipping salons, pet grooming shops, and pet stores and shops. This classification excludes dog walking and similar pet care services not carried out at a fixed location, and excludes pet supply stores that do not sell animals or provide on-site animal services (See General Retail Sales).

Kennels. A commercial, non-profit, or governmental facility for keeping, boarding, training, breeding or maintaining four or more dogs, cats, or other household pets not owned by the kennel owner or operator on a 24-hour basis. This classification includes animal shelters and pet shops and animal hospitals that provide boarding-only services for animals not receiving services on the site but excludes the provision by shops and hospitals of 24-hour accommodation of animals receiving medical or grooming services on site. This classification also includes kennels that, in addition to 24-hour accommodation, provide pet care for periods of less than 24 hours but it does not include facilities that provide pet day care exclusively or predominantly.

Pet Day Care Services. A commercial, non-profit, or governmental facility for keeping four or more dogs, cats, or other household pets not owned by the kennel owner or operator for periods of less than 24 hours.

Veterinary Services. Veterinary services for small animals. This classification allows 24-hour accommodation of animals receiving medical services but does not include kennels.

Automobile/Vehicle Sales and Services. Retail or wholesale businesses that sell, rent, and/or repair automobiles, boats, recreational vehicles, trucks, vans, trailers, and motorcycles, including the following:

Alternative Fuels and Recharging Facilities. A facility offering motor vehicle fuels not customarily offered by commercial refueling stations (e.g., LPG) as well as equipment to recharge electric-powered vehicles. This classification does not include facilities within public garages or other stations that are accessory to a permitted use.

Automobile Rental. Rental of automobiles. Typical uses include car rental agencies.

Automobile Storage Lot. Any property used for short- or long-term parking of vehicles for sale or lease at an automobile dealership or rental agency on a separate lot from such agency or dealership.

Automobile/Vehicle Sales and Leasing. Sale or lease, retail or wholesale, of new or used automobiles, light trucks, motorcycles, motor homes, and trailers, together with associated minor repair services and parts sales for vehicles sold or leased by the dealership. (For auto repair as a primary use or repair of vehicles not sold on the premises, see Automobile/Vehicle Service and Repair, Minor.) This classification includes on-site facilities for maintaining an inventory of vehicles for sale or lease but excludes buildings and property on a separate site that are used for storing vehicles (See Automobile Storage Lot). Typical uses include automobile dealers and recreational vehicle sales agencies. This classification does not include automobile brokerage and other establishments that solely provide services of arranging, negotiating, assisting, or effectuating the purchase of automobiles for others.

Automobile/Vehicle Repair, Major. Repair of automobiles, trucks, motorcycles, motor homes, boats and recreational vehicles, including the incidental sale, installation, and servicing of related equipment and parts. This classification includes auto repair shops, body and fender shops, transmission shops, wheel and brake shops, auto glass services, vehicle painting, tire sales and installation, and installation of car alarms, sound, telecommunications, and navigation systems, but excludes vehicle dismantling or salvaging and tire retreading or recapping.

Automobile/Vehicle Service and Repair, Minor. The service and repair of automobiles, light-duty trucks, boats, and motorcycles, including the incidental sale, installation, and servicing of related equipment and parts. This classification includes the replacement of small automotive parts and liquids as an accessory use to a gasoline sales station or automotive accessories and supply store, as well as smog check quick-service oil, tune-up and brake and muffler shops where repairs are made or service provided in enclosed bays and no vehicles are stored overnight. This classification excludes disassembly, removal or replacement of major components such as engines, drive trains, transmissions or axles; automotive body and fender work, vehicle painting or other operations that generate excessive noise, objectionable odors or hazardous materials, and towing services. It also excludes repair of heavy trucks, limousines or construction vehicles.

Automobile/Vehicle Washing. Washing, waxing, or cleaning of automobiles or similar light vehicles, including self-serve washing facilities that are the principal use of a building, structure, or site.

Large Vehicle and Equipment Sales, Service and Rental. Sales, servicing, rental, fueling, and washing of large trucks, trailers, tractors, and other equipment used for construction, moving, agricultural, or landscape gardening activities. Includes large vehicle operation training facilities.

Service Station. Establishments primarily engaged in retailing automotive fuels or retailing these fuels in combination with activities, such as providing minor automobile/vehicle repair services; selling automotive oils, replacement parts, and accessories; and/or providing incidental food and retail services.

Towing and Impound. Establishments primarily engaged in towing light or heavy motor vehicles, both local and long distance. These establishments may provide incidental services, such as vehicle storage and emergency road repair services (for automobile dismantling, see Salvage and Wrecking).

Banks and Financial Institutions.

Banks and Credit Unions. Financial institutions providing retail banking services. This classification includes only those institutions engaged in the on-site circulation of money, including credit unions, but excluding check-cashing businesses. For administration, headquarters, or other offices of banks and credit unions without retail banking services/on-site circulation of money (see Offices, Business and Professional).

Check Cashing Businesses. Establishments that, for compensation, engage in the business of cashing checks, warrants, drafts, money orders, or other commercial paper serving the same purpose. This classification also includes the business of deferred deposits, whereby the check casher refrains from depositing a personal check written by a customer until a specific date pursuant to a written agreement as provided in Civil Code 1789.33. Check Cashing Businesses do not include state or federally chartered banks, savings associations, credit unions, or industrial loan companies. They also do not include retail sellers engaged primarily in the business of selling consumer goods, such as consumables to retail buyers, that cash checks or issue money orders incidental to their main purpose or business.

Business Services. Establishments providing goods and services to other businesses on a fee or contract basis, including printing and copying, blueprint services, mailbox services, equipment rental and leasing, office security, custodial services, film processing, model building, and taxi or delivery services with two or fewer fleet vehicles on-site. (For three or more fleet vehicles, see Light Fleet-Based Services.)

Commercial Entertainment and Recreation. Provision of participant or spectator entertainment to the general public. This classification may include restaurants, snack bars, and other incidental food and beverage services to patrons.

Cinema/Theaters. Facilities for indoor display of films, motion pictures, or dramatic, musical, or live performances.

Convention and Conference Centers. Facilities designed and used for conventions, conferences, seminars, trade shows, product displays, and other events in which groups gather to promote and share common interests. Convention centers typically have at least one auditorium and may also contain concert halls, lecture halls, meeting rooms, and conference rooms, as well as accessory uses such as facilities for food preparation and serving and administrative offices. For conference facilities accessory to hotels, see Hotels and Motels.

Large-scale. This classification includes large outdoor facilities such as amusement and theme parks, sports stadiums and arenas, racetracks, amphitheaters, drive-in theaters, driving ranges, golf courses. It also includes indoor facilities with more than 5,000 square feet in building area such as fitness centers, gymnasiums, handball, racquetball, or large tennis club facilities; ice or roller skating rinks; swimming or wave pools; miniature golf courses; bowling alleys; archery or indoor shooting ranges; and riding stables.

Small-scale. This classification includes small, generally indoor facilities that occupy less than 5,000 square feet of building area, such as billiard parlors, card rooms, health clubs, dance halls, small tennis club facilities, poolrooms, and amusement arcades.

Crop Production. Use of land for commercial agricultural production, vine or tree farm, truck garden, apiary, horticulture, vineyard, hopyard, and associated crop preparation and harvesting activities or any other type of agriculture determined to be substantially similar to the above. This use does not include nurseries, greenhouses, processing, or retail sales of agricultural products from the site. It does not include medical marijuana collectives, home gardens, or community gardens (See Community Gardens and Medical Marijuana Collective).

Eating and Drinking Establishments. Businesses primarily engaged in serving prepared food and/or beverages for consumption on or off the premises.

Bars/Night Clubs/Lounges. Businesses serving beverages for consumption on the premises as a primary use and including on-sale service of alcohol, including beer, wine, and mixed drinks.

Restaurant, Full-Service. Restaurants providing food and beverage services to patrons who order and are served while seated and pay after eating. Takeout service may also be provided.

Restaurant, Limited-Service. Establishments where food and beverages may be consumed on the premises, taken out, or delivered, but where no or limited table service is provided. This classification includes cafes, cafeterias, coffee shops, concession stands, fast-food restaurants, carryout sandwich shops, limited-service pizza parlors and delivery shops, self-service restaurants, snack bars and takeout restaurants. This classification includes bakeries that have facilities for on-site consumption of products. It excludes catering services that do not sell food or beverages for on-site consumption (See Commercial Kitchen).

With Drive-Through Facilities. Establishments providing food and beverage services to patrons remaining in automobiles. Includes drive-up service.

With Live Entertainment. An incidental use in a legally established bar, lounge or restaurant that provides live performances, such as a music, singing, dancing, stand-up comedy, poetry readings, and the like for the patrons' enjoyment. For live entertainment as a primary use, see Commercial Recreation and Entertainment.

With Outdoor Eating Areas. Provision of outdoor dining facilities on the same property or in the adjacent public right-of-way.

Equipment Rental. Establishments whose primary activity is the rental of equipment, such as medical and party equipment, to individuals and business, and whose activities may include storage and delivery of items to customers.

Food and Beverage Sales. Retail sales of food and beverages for off-site preparation and consumption. Typical uses include food markets, groceries, and liquor stores.

Convenience Markets. Retail establishments that sell a limited line of groceries, prepackaged food items, tobacco, magazines, and other household goods, primarily for off-premises consumption. These establishments typically have long or late hours of operation and occupy a relatively small building. This classification includes small retail stores located on the same parcel as or operated in conjunction with a Service Station but does not include delicatessens or specialty food shops. It excludes establishments that offer a sizeable assortment of fresh fruits and vegetables or fresh-cut meat (See General Markets).

Farmers Markets. Temporary but recurrent outdoor retail sales of food, plants, flowers, and value-added products such as livestock products, jellies, breads, and smoked meats that are predominantly locally-grown or produced by the vendors who sell them.

General Markets. Retail food markets of food and grocery items for offsite preparation and consumption. Typical uses include supermarkets and specialty food stores such as retail bakeries; candy, nuts and confectionary stores; meat or produce markets; vitamin and health food stores; cheese stores; and delicatessens. This classification may include small-scale specialty food production with retail sales such as pasta shops.

Liquor Stores. Establishments primarily engaged in selling packaged alcoholic beverages such as ale, beer, wine and liquor.

Funeral Parlors and Mortuaries. An establishment primarily engaged in the provision of services involving the care, preparation, or disposition of human remains and conducting memorial services. Typical uses include a crematory, columbarium, mausoleum, or mortuary.

Instructional Services. Establishments that offer specialized programs in personal growth and development. Typical uses include classes or instruction in music, health, athletics, art, or academics. Instructional Services may include rehearsal studios as an accessory use. This use type excludes Colleges and Trade Schools and facilities that offer instructional services for five or fewer students at one time (See General Personal Services).

Live-Work. A unit that combines a work space and incidental residential occupancy occupied and used by a single household in a structure that has been constructed for such use or converted from commercial or industrial use and structurally modified to accommodate residential occupancy and work activity in compliance with the Building Code. The working space is reserved for and regularly used by one or more occupants of the unit.

Lodging. An establishment providing overnight accommodations to transient patrons who maintain a permanent place of residence elsewhere for payment for periods of less than 30 consecutive calendar days.

Bed and Breakfast. A residential structure that is in residential use by the property owner or manager and within which up to four bedrooms are rented for overnight lodging and where meals may be provided.

Extended-Stay Hotels. A type of commercial lodging that is intended for use by individuals who will stay on the property for a minimum of at least 30 consecutive days, but who otherwise intend their occupancy to be temporary because they maintain a permanent place of residence elsewhere. These establishments typically provide some or all of the following amenities:

- a. Maid and linen service
- b. Health club, spa, pool, tennis courts, or memberships to area facilities
- c. Business service centers
- d. Meeting rooms
- e. Fully furnished units including a combination of some but not necessarily all of the following: furniture, appliances, housewares, bed linens, towels, artwork, television sets, stereos, VCRs, CD players, fax machines, and Internet access.
- f. Valet parking.

Hotels and Motels. An establishment providing overnight lodging to transient patrons. These establishments may provide additional services, such as conference and meeting rooms, restaurants, bars, or recreation facilities available to guests or to the general public. This use classification includes motor lodges, motels, extended-stay hotels, hostels, and tourist courts, but does not include rooming houses, boarding houses, or private residential clubs, or bed and breakfast establishments within a single-unit residence.

Maintenance and Repair Services. Establishments engaged in the maintenance or repair of office machines, household appliances, furniture, and similar items. This classification excludes maintenance and repair of

motor vehicles or boats (see Automotive/Vehicle Sales and Services) and personal apparel (see Personal Services).

Nurseries and Garden Centers. Establishments primarily engaged in retailing nursery and garden products—such as trees, shrubs, plants, seeds, bulbs, and sod—that are predominantly grown elsewhere. These establishments may sell a limited amount of a product they grow themselves. Fertilizer and soil products are stored and sold in packaged form only.

Offices. Offices of firms or organizations providing professional, executive, management, administrative or design services, such as accounting, architectural, computer software design, engineering, graphic design, interior design, investment, insurance, and legal offices, excluding banks and savings and loan associations with retail banking services (see Banks and Financial Institutions). This classification also includes offices where medical and dental services are provided by physicians, dentists, chiropractors, acupuncturists, optometrists, and similar medical professionals, including medical/dental laboratories within medical office buildings but excluding clinics or independent research laboratory facilities (See Research and Development) and hospitals (see Hospitals and Clinics).

Business and Professional. Offices of firms or organizations providing professional, executive, management, administrative, financial, accounting, or legal services, but excluding those that primarily provide direct services to patrons that visit the office (See Offices, Walk-In Clientele).

Creative. Offices and work spaces of establishments that are primarily involved in the generation or exploitation of knowledge and information or the development of creative property, including advertising, architectural services, computer software design, engineering, graphic design, interior design, landscape design, and similar uses.

Medical and Dental. Offices providing consultation, diagnosis, therapeutic, preventive, or corrective personal treatment services by doctors and dentists; medical and dental laboratories that see patients; and similar practitioners of medical and healing arts for humans licensed for such practice by the State of California. Incidental medical and/or dental research within the office is considered part of the office use if it supports the on-site patient services.

Walk-In Clientele. Offices providing direct services to patrons or clients that may or may not require appointments. This use classification includes employment agencies, insurance agent offices, real estate offices, travel agencies, private utility company offices, and offices for elected officials. It does not include banks or check-cashing facilities, which are separately classified and regulated (See Banks and Financial Institutions).

Parking, Public or Private. Surface lots and structures for the use of occupants, employees, or patrons on the subject site or offering parking to the public for a fee when such use is not incidental to another on-site activity.

Personal Services.

General Personal Services. Provision of recurrently needed services of a personal nature. This classification includes barber shops and beauty salons, seamstresses, tailors, dry cleaning agents (excluding large-scale bulk cleaning plants), shoe repair shops, self-service laundries, video rental

stores, photocopying and photo finishing services, and travel agencies mainly intended for the consumer. This classification includes studios offering dance, exercise, yoga, and similar types of instruction to five or fewer individuals at one time. This classification also includes massage establishments that are in full compliance with the applicable provisions of Chapter 6.104, Massage Regulations, of the Santa Monica Municipal Code, and in which all persons engaged in the practice of massage are certified pursuant to the California Business and Professions Code Section 4612.

Medical Marijuana Collective. A location where marijuana is cultivated collectively by more than one qualified patient, person with valid identification card or designated primary caregiver of a person with a valid identification card, in order to collectively or cooperatively cultivate and/or store marijuana for medical purposes, as provided in Health and Safety Code Section 11362.7.

Tattoo or Body Modification Parlor. An establishment whose principal business activity is one or more of the following: 1) using ink or other substances that result in the permanent coloration of the skin through the use of needles or other instruments designed to contact or puncture the skin; or 2) creation of an opening in the body of a person for the purpose of inserting jewelry or other decoration.

Retail Sales.

Building Materials and Services. Retail sales or rental of building supplies or equipment. This classification includes lumberyards, tool and equipment sales or rental establishments, and includes establishments devoted principally to taxable retail sales to individuals for their own use. This definition does not include Construction and Material Yards, hardware stores less than 10,000 square feet in floor area (see General Retail Sales), or plant nurseries (See Nurseries and Garden Centers).

Firearms and Ammunition Sales. Establishments engaged in the business of selling, leasing, or otherwise transferring any firearm or ammunitions.

General Retail Sales. The retail sale or rental of merchandise not specifically listed under another use classification. This classification includes retail establishments with 25,000 square feet or less of sales area; including department stores, clothing stores, furniture stores, pet supply stores, small hardware stores (with 10,000 square feet or less of floor area), and businesses retailing goods including, but not limited to, the following: toys, hobby materials, handcrafted items, jewelry, cameras, photographic supplies and services (including portraiture and retail photo processing), medical supplies and equipment, pharmacies, electronic equipment, sporting goods, kitchen utensils, hardware, appliances, antiques, art galleries, art supplies and services, paint and wallpaper, carpeting and floor covering, office supplies, bicycles, video rental, and new automotive parts and accessories (excluding vehicle service and installation). Retail sales may be combined with other services such as office machine, computer, electronics, and similar small-item repairs.

Large-Format Retail Sales. Retail establishments with over 25,000 square feet of sales area that sell merchandise and bulk goods for individual consumption, including membership warehouse clubs, where sales of grocery items do not occupy more than 25 percent of the floor area.

Pawn Shops. Establishments engaged in the buying or selling of new or secondhand merchandise and offering loans in exchange for personal property.

Swap Meet. Any indoor or outdoor place, in an approved location, or for an approved activity where new or used goods or secondhand personal property is offered for sale or exchange to the general public by a multitude of individual licensed vendors, usually in compartmentalized spaces. The term swap meet is interchangeable with and applicable to: flea markets, auctions, open air markets, or other similarly named or labeled activities; but does not include supermarket or department store retail operations.

Sexually-Oriented Business. An establishment of concern that, as a regular and substantial course of conduct, offers, sells or distributes adult-oriented merchandise, or that offers to its patrons materials, products, merchandise, services, entertainment or performances that have sexual arousal, sexual gratification, and/or sexual stimulation as their dominant theme, or are distinguished or characterized by an emphasis on the depiction, simulation, or acting out of specified sexual activities or specified anatomical areas and are not customarily open to the general public because they exclude minors by virtue of their age. This classification includes, but is not limited to Adult Arcades, Adult Cabarets, Adult Hotel/Motel, Adult Motion Picture Theater, Adult Retail Use Establishment, and Adult Theater. It does not include any establishment offering professional services conducted, operated, or supervised by medical practitioners, physical therapists, nurses, chiropractors, psychologist, social workers, marriage and family counselors, osteopaths, and persons holding licenses or certificates under applicable State law or accreditation from recognized programs when performing functions pursuant to the respective license or certificate.

INDUSTRIAL USE CLASSIFICATIONS

Artist's Studio. Work space for an artist or artisan, including individuals practicing one of the fine arts or performing arts, or an applied art or craft. This use may include incidental display and retail sales of items produced on the premises and instructional space for small groups of students. It does not include joint living and working units (See Live-Work).

Studio-Light. Small-scale art production that is generally of a low impact. Typical uses include painting, photography, jewelry, glass, textile, and pottery studios.

Studio-Heavy. Art production on a medium or large scale generally using heavy equipment. Typical uses include large-scale metal and woodworking studios.

Commercial Kitchens. Kitchens used for the preparation of food to be delivered and consumed off-site. Typical uses include catering facilities. This classification does not include businesses involved in the processing or manufacturing of wholesale food products (See Industry, Limited).

Construction and Material Yards. Storage of construction materials or equipment on a site other than a construction site.

Industry, General. Manufacturing of products from extracted or raw materials or recycled or secondary materials, or bulk storage and handling of such products and materials. This classification includes operations such as agriculture processing; biomass energy conversion; production apparel manufacturing; photographic processing plants; leather and allied product manufacturing; wood product manufacturing; paper manufacturing; chemical manufacturing; plastics and rubber products manufacturing; nonmetallic mineral product manufacturing; primary metal manufacturing; fabricated metal product manufacturing; and automotive and heavy equipment manufacturing.

Industry, Limited. Establishments engaged in light industrial activities taking place primarily within enclosed buildings and producing minimal impacts on nearby properties. This classification includes the manufacturing of finished parts or products primarily from previously prepared materials; commercial laundries and dry cleaning plants; monument works; printing, engraving, and publishing; sign painting shops; machine and electrical shops; computer and electronic product manufacturing; furniture and related product manufacturing; and industrial services. It also includes the preparation, manufacturing, and/or packaging of food for off-site consumption. Typical food manufacturing uses include canners, roasters, breweries, wholesale bakeries, and frozen food manufacturers.

[Note: An alternative approach would be to identify Food Production and Assembly as a separate category, defined as: The preparation, manufacturing, and/or packaging of food for off-site consumption, using automated equipment. Typical uses include food production factories such as bakeries, canners, roasters, breweries, and frozen food manufacturers. Accessory sales and tastings of items produced on-site are permitted. This use type excludes Commercial Kitchens as well as Eating and Drinking Establishments.]

Media Production. Establishments engaged in the production of movies, video, music and similar forms of intellectual property. Typical facilities include movie and recording studios and production facilities, distribution facilities, editing facilities, catering facilities, printing facilities, post-production facilities, set construction facilities, sound studios, special effects facilities and other entertainment-related production operations. This classification does not include facilities for live audiences (See Commercial Entertainment and Recreation) or transmission and receiving equipment for radio or television broadcasting (See Communication Facilities).

Support Facilities. Administrative and technical production support facilities such as offices, editing and sound recording studios, film laboratories, and similar functions that occur entirely within a building.

Full-Service Facilities. Indoor and outdoor production facilities, distribution facilities, post-production facilities, set construction facilities, sound stages, special effects facilities, and other media-related production operations.

Recycling Facility. A facility for receiving, temporarily storing, transferring and/or processing materials for recycling, reuse, or final disposal. This use classification does not include waste transfer facilities that operate as materials recovery, recycling, and solid waste transfer operations and are classified as utilities (See Utilities, Major).

Recycling Collection Facility. An incidental use that serves as a neighborhood drop-off point for the temporary storage of recyclable materials but where the processing and sorting of such items is not conducted on-site.

Recycling Processing Facility. A facility that receives, sorts, stores and/or processes recyclable materials.

Research and Development. A facility for scientific research and the design, development, and testing of electrical, electronic, magnetic, optical, pharmaceutical, chemical, and biotechnology components and products in advance of product manufacturing. This classification includes assembly of related products from

parts produced off-site where the manufacturing activity is secondary to the research and development activities.

Salvage and Wrecking. Storage and dismantling of vehicles and equipment for sale of parts, as well as their collection, storage, exchange or sale of goods, including, but not limited to any used building materials, used containers or steel drums, used tires, and similar or related articles or property.

Warehousing, Storage, and Distribution. Storage and distribution facilities without sales to the public on-site or direct public access except for public storage in small individual space exclusively and directly accessible to a specific tenant.

Chemical, Mineral, and Explosives Storage. Storage and handling of hazardous materials including but not limited to: bottled gas, chemicals, minerals and ores, petroleum or petroleum-based fuels, fireworks, and explosives.

Indoor Warehousing and Storage. Storage within an enclosed building of commercial goods prior to their distribution to wholesale and retail outlets and the storage of industrial equipment, products and materials. This classification also includes cold storage, draying or freight, moving and storage, and warehouses. It excludes the storage of hazardous chemical, mineral, and explosive materials.

Outdoor Storage. Storage of vehicles or commercial goods or materials in open lots.

Personal Storage. Facilities offering enclosed storage with individual access for personal effects and household goods, including mini-warehouses and mini-storage. This use excludes workshops, hobby shops, manufacturing, or commercial activity.

Wholesaling and Distribution. Indoor storage and sale of goods to other firms for resale; storage of goods for transfer to retail outlets of the same firm; or storage and sale of materials and supplies used in production or operation, including janitorial and restaurant supplies. Wholesalers are primarily engaged in business-to-business sales, but may sell to individual consumers through mail or Internet orders. They normally operate from a warehouse or office having little or no display of merchandise, and are not designed to solicit walk-in traffic. This classification does not include wholesale sale of building materials (See Building Materials and Services).

TRANSPORTATION, COMMUNICATION, AND UTILITIES USE CLASSIFICATIONS

Airports and Heliports. Facilities for the takeoff and landing of airplanes and helicopters, including runways, helipads, aircraft storage buildings, public terminal buildings and parking, air freight terminals, baggage handling facilities, aircraft hangar and public transportation and related facilities, including bus operations, servicing and storage. Also includes support activities such as fueling and maintenance, storage, airport operations and air traffic control, incidental retail sales, coffee shops and snack shops, and airport administrative facilities, including airport offices, terminals, operations buildings, communications equipment, buildings and structures, control towers, lights, and other equipment and structures required by the United States Government and/or the State for the safety of aircraft operations.

Bus/Rail Passenger Stations. Facilities for passenger transportation operations. Includes rail and bus stations and terminals but does not include terminals serving airports or heliports. Typical uses include ticket purchasing and waiting areas out of the public right of way, restrooms, and accessory uses such as cafes.

Communication Facilities. Facilities for the provision of broadcasting and other information relay services through the use of electronic and telephonic mechanisms.

Antennas and Transmission Towers. Broadcasting and other communication services accomplished through electronic or telephonic mechanisms, as well as structures designed to support one or more reception or transmission systems. Typical uses include wireless telecommunication towers and facilities, radio towers, television towers, telephone exchange/microwave relay towers, and cellular telephone transmission/personal communications systems towers.

Equipment within Buildings. Indoor facilities containing primarily communication equipment and storage devices such as computer servers.

Freight/Truck Terminals and Warehouses. Facilities for freight, courier, and postal services by truck or rail. This classification does not include local messenger and local delivery services (see Light Fleet-Based Services).

Light Fleet-Based Services. Passenger transportation services, local delivery services, medical transport, and other businesses that rely on fleets of three or more vehicles with rated capacities less than 10,000 lbs. This classification includes parking, dispatching, and offices for taxicab and limousine operations, ambulance services, non-emergency medical transport, local messenger and document delivery services, home cleaning services, and similar businesses. This classification does not include towing operations (see Automobile/Vehicle Sales and Service, Towing and Impound) or taxi or delivery services with two or fewer fleet vehicles on-site (see Business Services).

Marina. Facilities for the docking of boats and related accessory uses, including boat rentals, boat repairs, boat fueling facilities, and a harbor masters office.

Utilities, Major. Generating plants, electric substations, and solid waste collection, including transfer stations and materials recovery facilities, solid waste treatment and disposal, water or wastewater treatment plants, and similar facilities of public agencies or public utilities.

Utilities, Minor. Facilities necessary to support established uses involving only minor structures, such as electrical distribution lines, and underground water and sewer lines.

Waste Transfer Facility. A facility that operates as a materials recovery, recycling and solid waste transfer operation providing solid waste recycling and transfer services for other local jurisdictions and public agencies that are not located within the City of Santa Monica. The facility sorts and removes recyclable materials (including paper, metal, wood, inert materials such as soils and concrete, green waste, glass, aluminum and cardboard) through separation and sorting technologies to divert these materials from the waste stream otherwise destined for landfill.

Appendix B: Existing Use Lists and Proposed Use Groups

TABLE 3: CORRESPONDENCE BETWEEN PROPOSED USE GROUPS AND EXISTING USE LISTS	
<i>Proposed Use Group</i>	<i>Existing Use Listing</i>
Residential Uses	
Single-Unit Dwelling, Detached	One-single family dwelling per lot placed on a permanent foundation including manufactured housing. Single family dwelling units.
Single-Unit Dwelling, Attached	None.
Second Dwelling Unit	Second dwelling units.
Duplex	Duplexes.
Multiple-Unit Dwelling	Multi-family apartments.
	Multi-family dwelling units.
	Affordable rental housing projects of not more than fifty units.
<i>Senior Citizen Multiple-Unit Dwelling</i>	Senior housing.
<i>Single-Room Occupancy Housing</i>	Single-room occupancy housing.
Group Residential	Boarding houses.
	Convent, monasteries and other similar group living quarters.
	Hospice facilities.
	Senior group housing.
Elderly and Long-Term Care	Rest homes.
	Sanitariums.
	Nonacute, inpatient health care facilities.
Family Day Care	
<i>Family Day Care, Small</i>	Small family day care homes.
<i>Family Day Care, Large</i>	Large family day care homes.
Mobile Home Parks	Trailer court or mobile home parks.
Residential Care Facilities	
<i>Residential Care, General</i>	Community care facilities.
	Residential facility.
	Residential care facilities.
	State authorized, licensed, or certified uses to the extent required to be permitted by State Law.

TABLE 3: CORRESPONDENCE BETWEEN PROPOSED USE GROUPS AND EXISTING USE LISTS	
<i>Proposed Use Group</i>	<i>Existing Use Listing</i>
<i>Residential Care, Limited</i>	Community care facilities.
	Residential facility.
	Residential care facilities.
	State authorized, licensed, or certified uses to the extent required to be permitted by State Law.
<i>Residential Care, Senior</i>	Residential care facility for the elderly.
Supportive Housing	Congregate housing.
	Residential housing and educational facility for young adults emancipated from foster care.
Transitional Housing	Domestic violence shelter.
	Transitional housing.
Uses Accessory to Residential Uses	One-story accessory buildings and structures up to 14 feet in height.
	One-story accessory buildings over fourteen feet in height or two story accessory buildings up to a maximum height of twenty-four feet.
	One-story accessory living quarters.
	One-story accessory living quarters, up to fourteen feet in height.
	Private tennis courts.
Public and Semi-Public Uses	
Cemetery	Cemeteries.
Colleges and Trade Schools, Public or Private	Business colleges.
	Trade schools.
Community Assembly	Auditorium.
	Clubs and lodges.
	Meeting rooms for charitable, youth and welfare organizations.
	Offices and meeting rooms for charitable, youth and welfare organizations.
	Places of worship.
	Public community centers and auditoriums.
Community Gardens	None.
Cultural Institutions	Civic theaters.
	Cultural facilities.
	Libraries.
	Museums.
	Music conservatories and instruction facilities.
	Entertainment and cultural uses.

TABLE 3: CORRESPONDENCE BETWEEN PROPOSED USE GROUPS AND EXISTING USE LISTS	
<i>Proposed Use Group</i>	<i>Existing Use Listing</i>
Day Care Centers	Adult day care facilities.
	Child day care centers.
Emergency Shelters	Homeless shelters with fifty-five beds or more.
	Homeless shelters with less than fifty-five beds.
	Homeless shelters.
	Shelters for the homeless.
Government Offices	General office uses.
	General offices.
	Offices.
Hospitals and Clinics	
<i>Hospitals</i>	Hospitals.
	Non-acute, inpatient health care facilities.
<i>Clinics</i>	None.
Park and Recreation Facilities, Public	Open space, public beaches, parks, incidental park structures, gardens, playgrounds, recreational buildings, recreational areas.
	Open space, public beaches, parks, playgrounds, and recreation facilities.
	Public athletic fields and facilities including, but not limited to baseball/softball diamonds, basketball courts, volleyball courts, swimming pools, and gymnasias.
	Public open space, parks and playgrounds.
	Public parks and playgrounds.
	Public parks and recreation.
	Public parks, playgrounds, recreational buildings and facilities.
Public Safety Facilities	None.
Schools, Public or Private	Public or private schools.
	Public schools.
	Schools.
	Nonprofit office, educational and research facilities.
Social Services Centers	None.
Commercial Uses	
Animal Care, Sales, and Services	
<i>Grooming and Pet Stores</i>	General retail.
<i>Kennels</i>	None.
<i>Pet Day Care Services</i>	None.

TABLE 3: CORRESPONDENCE BETWEEN PROPOSED USE GROUPS AND EXISTING USE LISTS	
<i>Proposed Use Group</i>	<i>Existing Use Listing</i>
<i>Veterinary Services</i>	Veterinary clinics.
<i>Animal Raising</i>	None.
Automobile/Vehicle Sales and Service	
<i>Alternative Fuels and Recharging Facilities</i>	None.
<i>Automobile Rental</i>	Automobile rental agencies.
<i>Automobile Storage Lot</i>	Automobile storage lots associated with automobile dealerships selling new vehicles.
<i>Automobile/Vehicle Repair, Major</i>	Automobile repair and automobile painting facilities.
	Automobile repair facilities.
	Accessory automobile rental agencies located within automobile repair or automobile painting facilities.
<i>Automobile/Vehicle Service and Repair, Minor</i>	Automobile service facilities.
	Automobile repair facilities.
<i>Automobile/Vehicle Sales and Leasing</i>	Automobile dealerships.
	Automobile storage lots associated with automobile dealerships selling new vehicles.
<i>Automobile/Vehicle Washing</i>	Automobile washing facilities.
<i>Large Vehicle and Equipment Sales, Service and Rental</i>	None.
<i>Service Station</i>	Service stations.
<i>Towing and Impound</i>	None.
Banks and Financial Institutions	
<i>Banks and Credit Unions</i>	Banks and savings and loan institutions.
	Credit agencies.
	Credit unions.
<i>Check Cashing Businesses</i>	None.
Business Services	Drafting, printing, blueprinting and reproduction services.
	Photocopy shops.
	Print or publishing shops.
	Publishing facilities.
Commercial Entertainment and Recreation	
<i>Cinemas/Theaters</i>	Cinemas.
	Live theaters.

TABLE 3: CORRESPONDENCE BETWEEN PROPOSED USE GROUPS AND EXISTING USE LISTS	
<i>Proposed Use Group</i>	<i>Existing Use Listing</i>
<i>Cinemas/Theaters</i>	Theaters having more than seventy-five seats.
	Theaters with fewer than seventy-five seats.
	Theaters.
<i>Large-scale</i>	Auditorium.
	Bowling alleys.
	Dance and exercise studios.
	Entertainment and cultural uses.
	Exercise facilities.
	Health clubs and gymnasiums.
	Marine oriented uses such as aquariums.
	Skating rinks.
	Swim and health clubs.
	Uses which include public recreational and visitor-serving uses such as hotels and commercial recreational uses.
<i>Small-scale</i>	Billiard parlors.
	Dance and exercise studios.
	Dance studios.
	Exercise facilities.
	Game arcades.
Convention and Conference Centers	Convention and conference facilities.
Crop Production	None.
Eating and Drinking Establishments	
<i>Bars/Nightclubs/Lounges</i>	Bars and nightclubs.
	Bars.
	Nightclubs.
<i>Restaurants, Full-Service</i>	Eating and drinking establishments permitting alcoholic beverages.
	Existing restaurants that add a private dining facility.
	Restaurants.
	Restaurants and/or food service facilities of more than two thousand square feet.
	Restaurants of fifty seats or less and at which no alcohol is served or consumed.

TABLE 3: CORRESPONDENCE BETWEEN PROPOSED USE GROUPS AND EXISTING USE LISTS	
<i>Proposed Use Group</i>	<i>Existing Use Listing</i>
<i>Restaurants, Full-Service</i>	Restaurants of fifty seats or less at which alcohol is served or consumed.
	Restaurants of fifty seats or less.
	Restaurants of more than fifty seats, with or without alcohol service or consumption.
	Restaurants over fifty seats.
	Restaurants with five hundred square feet of floor area or less.
	Restaurants with forty-nine or less seats.
	Restaurants with over five hundred square feet of floor area.
<i>Restaurants, Limited Service</i>	Bakeries.
	Beach concessions.
	Concession stands.
	Delicatessens.
	Drive-in, drive-through, take-out and fast-food restaurants.
	Eating and drinking establishments permitting alcoholic beverages.
	Existing restaurants that add a private dining facility.
	Fast-food and take-out establishments.
	Fast-food food courts.
	Fast-food restaurants except those located in a fast-food court.
	Ice cream shops.
	Restaurants.
	Restaurants and/or food service facilities of more than two thousand square feet.
	Restaurants of fifty seats or less and at which no alcohol is served or consumed.
	Restaurants of fifty seats or less at which alcohol is served or consumed.
	Restaurants of fifty seats or less.
	Restaurants of more than fifty seats, with or without alcohol service or consumption.
	Restaurants over fifty seats.
	Restaurants with five hundred square feet of floor area or less.
	Restaurants with forty-nine or less seats.
Restaurants with over five hundred square feet of floor area.	
Snack shops.	

TABLE 3: CORRESPONDENCE BETWEEN PROPOSED USE GROUPS AND EXISTING USE LISTS	
<i>Proposed Use Group</i>	<i>Existing Use Listing</i>
<i>Restaurants, Limited Service</i>	Take-out and fast food restaurants.
	Take-out restaurants.
<i>With Drive-Through Facilities</i>	Drive-in and drive-through restaurants.
	Drive-in or drive-through uses.
	Drive-in, drive-through, take-out and fast-food restaurants.
<i>With Live Entertainment</i>	Restaurants where entertainment and dancing occurs.
<i>With Outdoor Eating Areas</i>	Sidewalk cafés.
	Sidewalk cafés not more than two hundred square feet in area.
	Sidewalk cafés that exceed two hundred square feet in area.
Equipment Rental	Health equipment rentals.
	Medical equipment rentals.
	Party equipment rentals.
Food and Beverage Sales	
<i>Convenience Markets</i>	Snack shops.
<i>General Markets</i>	Confectionary stores.
	Fish markets.
	Food stores.
	Neighborhood grocery stores.
<i>Farmers Markets</i>	Open air farmers markets.
<i>Liquor Stores</i>	Liquor stores.
	Wine shops devoted exclusively to sales of wine.
Funeral Parlors and Mortuaries	Funeral parlors and mortuaries.
Instructional Services	Music conservatories and instruction facilities.
	Dance studios.
Live-Work	Dwelling units in conjunction with live-in work studios.
Lodging	
<i>Bed and Breakfast</i>	Bed and breakfast facilities.
<i>Extended-Stay Hotels</i>	Short-term rental housing.
<i>Hotels and Motels</i>	Hotels and motels.
	Hotels with incidental businesses.
Maintenance and Repair Services	Appliance repair shops.
	Electrical shops.

TABLE 3: CORRESPONDENCE BETWEEN PROPOSED USE GROUPS AND EXISTING USE LISTS	
<i>Proposed Use Group</i>	<i>Existing Use Listing</i>
Maintenance and Repair Services	Furniture upholsterer’s shops.
	Small appliance repair shops.
Nurseries and Garden Centers	Commercial nurseries.
	Plant nurseries.
Offices	
<i>Business and Professional</i>	General office uses.
	General offices.
	Nonprofit office, educational and research facilities.
	Offices.
	Offices and meeting rooms for charitable, youth and welfare organizations.
	Private offices.
<i>Creative</i>	Design studios and offices for architects.
	Software and other computer-related production facilities.
	Studios and offices for graphic designers.
<i>Medical and Dental</i>	Medical and general offices.
	Medical, dental and optometrist clinics and laboratories.
	Medical, dental and optometrist facilities.
	Medical, dental, and optometrist offices.
<i>Walk-in Clientele</i>	Real estate offices.
	Specialty offices.
Parking, Public or Private	Automobile parking lots.
	Automobile parking structures.
	Municipal parking structures.
	Parking and automobile storage lots and structures.
	Parking facilities.
	Parking structures below the ground level.
	Parking structures located above the ground level.
	Public parking for park use.
	Public parking.
	Public surface parking.
	Required parking for an off-site use.
	Rooftop parking.

TABLE 3: CORRESPONDENCE BETWEEN PROPOSED USE GROUPS AND EXISTING USE LISTS	
<i>Proposed Use Group</i>	<i>Existing Use Listing</i>
Parking, Public or Private	Surface level parking lots.
	Surplus parking for businesses that currently meet off-street parking requirements.
	Underground parking structures.
Personal Services	
<i>General Personal Services</i>	Barber or beauty shops.
	Cleaners.
	Laundromats.
	Laundromats, dry cleaners.
	Photocopy shops.
	Photography studios.
	Shoe repair shops.
	Shoe repair stores.
Tailors.	
<i>Medical Marijuana Collective</i>	None.
<i>Tattoo or Body Modification Parlor</i>	None.
Retail Sales	
<i>Building Materials and Services</i>	Hardware stores.
<i>Firearms and Ammunition Sales</i>	Firearms dealerships.
<i>General Retail Sales</i>	Appliance stores.
	Art galleries.
	Artist studios and art galleries.
	Arts and crafts shops.
	Bait shops and fishing supplies.
	Bicycle and skate rental facilities.
	Camera shops.
	Drugstores.
	Florists and plant nurseries.
	Florists.
	General retail and specialized retail uses.
	General retail, including art gallery.
	General retail.
Gift or souvenir shops.	

TABLE 3: CORRESPONDENCE BETWEEN PROPOSED USE GROUPS AND EXISTING USE LISTS	
<i>Proposed Use Group</i>	<i>Existing Use Listing</i>
<i>General Retail Sales</i>	Hardware stores.
	Medical supplies and services.
	Office supply stores.
	Outdoor newsstands
	Plant retail stores.
	Retail stores with thirty percent or less of the total linear shelf display area devoted to alcoholic beverages.
	Retail uses that cater to the visiting public.
	Small appliance stores.
	Stationery stores.
	Variety stores.
<i>Large-format Retail Sales</i>	Department stores over fifty thousand square feet.
<i>Outdoor Sales</i>	Outdoor displays and sales of the following items: Artwork and pottery. Flowers and plants. Handcrafted products and goods. Recreational equipment rentals such as rollerskates, bicycles, and surfboards.
<i>Pawn Shops</i>	Pawnbrokers.
<i>Swap Meet</i>	Outdoor antique markets.
Sexually-Oriented Businesses	Sexually-Oriented Businesses
Industrial Uses	
Artist's Studio	
<i>Studio—Light</i>	Artist studios and art galleries.
	Artist studios.
<i>Studio—Heavy</i>	Artist studios and art galleries.
	Artist studios.
Commercial Kitchens	Catering businesses.
Construction and Material Yards	Building material storage.
Media Production	All uses customary or incidental to the production or distribution of motion pictures and other forms of audio/visual products, including, but not limited to, education and entertainment films or tapes.
	Broadcasting/communications, telecommunications facilities, and ancillary facilities customarily associated with and incidental to such production facilities, including, without limitation, facilities for broadcasting, transmitting, distributing, recording, receiving, editing, and creating broadcast/communications and telecommunications.
	Film or video production uses and associated non-permanent structures, including temporary sets.
	On-site production facilities for advertising purposes.

TABLE 3: CORRESPONDENCE BETWEEN PROPOSED USE GROUPS AND EXISTING USE LISTS	
<i>Proposed Use Group</i>	<i>Existing Use Listing</i>
Media Production	Outdoor or enclosed entertainment-related facilities including, without limitation, movie studios and production facilities, distribution facilities, editing facilities, catering facilities, printing facilities, post-production facilities, set construction facilities, sound studios, special effects facilities and other entertainment-related production operations.
Industry, General	Establishments engaged in research relating to, or the development, manufacturing, fabricating, assembly, testing, repair, servicing, or processing of, the following: Aircraft parts other than engines. Apparel except leather and fur goods. Audio products. Metal, wood or canvas awnings. Coated, plated, and engraved metal. Communication equipment. Cut stone and stone products. Diecut paper and paperboard, and cardboard. Electric components and accessories. Electric lighting and wiring equipment. Fabricated textile products. Furniture and fixtures. Glass products. Jewelry, silverware, and plated ware. Luggage. Musical instruments and parts. Office machines. Paperboard containers and boxes. Pens, pencils, and other office and artists materials. Perfumes, cosmetics, and other toilet preparations. Pharmaceutical products. Photographic and optical goods, watches, and clocks. Plumbing fixtures and heating apparatus. Pottery and related products. Professional, scientific, and controlling instruments. Toys, amusements, sporting and athletic goods. Wooden containers. Food products, except that no food consumption by the public or food take-out by the public shall be permitted. Products, which are determined by the Zoning Administrator to be similar to those, listed above and which are consistent with, and not associated with more disturbance or disruption than, permitted products.
	Establishments engaged in the manufacturing, fabricating, assembly, testing, repair, servicing, and processing of the following: Aircraft parts other than engines. Apparel except leather and fur goods. Audio products. Awnings: metal, wood or canvas. Bakery products. Coated, plated and engraved metal. Communication equipment. Confectionery and related products. Cut stone and stone products. Die cut paper and paperboard, and cardboard. Electric components and accessories. Electric lighting and wiring equipment. Fabricated textile products. Furniture and fixtures. Glass products. Jewelry, silverware, and plated ware. Luggage. Motor vehicles, parts, and accessories except when abutting residential uses. Musical instruments and parts. Office machines. Paperboard containers and boxes. Pens, pencils, and other office and artists' materials. Perfumes, cosmetics, and other toilet preparations. Pharmaceutical products. Photographic and optical goods, watches and clocks. Plumbing fixtures and heating apparatus. Pottery and related products. Professional, scientific and controlling instruments. Toys, amusements, sporting and athletic goods. Wooden containers.
	Industrial uses.
Industry, Limited	Bakeries.
	Electrical shops.

TABLE 3: CORRESPONDENCE BETWEEN PROPOSED USE GROUPS AND EXISTING USE LISTS	
<i>Proposed Use Group</i>	<i>Existing Use Listing</i>
Industry, Limited	Establishments engaged in research relating to, or the development, manufacturing, fabricating, assembly, testing, repair, servicing, or processing of, the following: Aircraft parts other than engines. Apparel except leather and fur goods. Audio products. Metal, wood or canvas awnings. Coated, plated, and engraved metal. Communication equipment. Cut stone and stone products. Die cut paper and paperboard, and cardboard. Electric components and accessories. Electric lighting and wiring equipment. Fabricated textile products. Furniture and fixtures. Glass products. Jewelry, silverware, and plated ware. Luggage. Musical instruments and parts. Office machines. Paperboard containers and boxes. Pens, pencils, and other office and artists materials. Perfumes, cosmetics, and other toilet preparations. Pharmaceutical products. Photographic and optical goods, watches, and clocks. Plumbing fixtures and heating apparatus. Pottery and related products. Professional, scientific, and controlling instruments. Toys, amusements, sporting and athletic goods. Wooden containers. Food products, except that no food consumption by the public or food take-out by the public shall be permitted. Products, which are determined by the Zoning Administrator to be similar to those, listed above and which are consistent with, and not associated with more disturbance or disruption than, permitted products.
	Establishments engaged in the manufacturing, fabricating, assembly, testing, repair, servicing, and processing of the following: Aircraft parts other than engines. Apparel except leather and fur goods. Audio products. Awnings: metal, wood or canvas. Bakery products. Coated, plated and engraved metal. Communication equipment. Confectionery and related products. Cut stone and stone products. Die cut paper and paperboard, and cardboard. Electric components and accessories. Electric lighting and wiring equipment. Fabricated textile products. Furniture and fixtures. Glass products. Jewelry, silverware, and plated ware. Luggage. Motor vehicles, parts, and accessories except when abutting residential uses. Musical instruments and parts. Office machines. Paperboard containers and boxes. Pens, pencils, and other office and artists' materials. Perfumes, cosmetics, and other toilet preparations. Pharmaceutical products. Photographic and optical goods, watches and clocks. Plumbing fixtures and heating apparatus. Pottery and related products. Professional, scientific and controlling instruments. Toys, amusements, sporting and athletic goods. Wooden containers.
	Industrial uses.
	Light manufacturing.
	New industrial and manufacturing uses or expansion of existing industrial and manufacturing uses conducted within an enclosed building or an open enclosure screened from public view, provided they are compatible with office and advanced technological uses.
	Publishing facilities.
	Sign painting shops.
	Software and other computer-related production facilities.

TABLE 3: CORRESPONDENCE BETWEEN PROPOSED USE GROUPS AND EXISTING USE LISTS	
<i>Proposed Use Group</i>	<i>Existing Use Listing</i>
Recycling Facility	
<i>Recycling Collection Facility</i>	None.
<i>Recycling Processing Facility</i>	None.
Research and Development	Laboratories and facilities for medical testing and scientific research development and testing.
	Laboratories and facilities for scientific research development and testing.
	Nonprofit office, educational and research facilities.
	Production of experimental products, and the manufacturing of such products as may be necessary to the development of production or operating systems where such systems are to be installed and operated at another location.
	Software and other computer-related production facilities.
Salvage and Wrecking	Vehicle impound or junk yard.
Warehousing, Storage, and Distribution	
<i>Chemical, Mineral, and Explosives Storage</i>	Off-site hazardous waste facility.
<i>Indoor Warehousing and Storage</i>	Enclosed storage facilities.
	Warehouses.
<i>Outdoor Storage</i>	None
<i>Personal Storage</i>	Public storage facilities, mini-warehouses.
	Self-storage or public mini-warehouses.
<i>Wholesaling and Distribution</i>	Establishments engaged in the wholesale distribution of the following: Dry goods and apparel. Electrical goods. Groceries and related products, except unpackaged or unprocessed poultry and poultry products, fish and seafood, and fruit and vegetables. Hardware, plumbing, heating equipment and supplies. Machinery, equipment and supplies, except farm machinery and equipment. Motor vehicles and automotive equipment. Paper, paper products and kindred supplies. Pharmaceutical products, chemicals and allied products.
	Wholesale stores where the public is invited.
Uses Accessory to Industrial Uses	Administrative and executive offices which are accessory to a primary permitted use on the same site.
	No more than twenty-five percent of the total square footage of a development may be devoted to the following incidental businesses that provide goods and services to employees on the premises: Banks and savings and loan institutions. Business machine sales, display and service. Drafting, blueprinting and reproduction services. Health clubs and gymnasiums. Medical appliance sales. Office furniture and equipment sales. Pharmacies and drug stores. Restaurants. Retail to serve primarily employees working and visitors to businesses on the premises. Travel and employment offices.

TABLE 3: CORRESPONDENCE BETWEEN PROPOSED USE GROUPS AND EXISTING USE LISTS	
<i>Proposed Use Group</i>	<i>Existing Use Listing</i>
Uses Accessory to Industrial Uses	Outdoor storage of fleet vehicles if such vehicles are directly related to the primary industrial or manufacturing operation on the site.
	Retail sales of goods manufactured on the premises
Transportation, Communication, and Utilities Uses	
Airports and Heliports	Helicopter landing facilities.
Bus/Rail Passenger Stations	Public transportation.
Communication Facilities	Broadcasting/communications, telecommunications facilities, and ancillary facilities customarily associated with and incidental to such production facilities, including, without limitation, facilities for broadcasting, transmitting, distributing, recording, receiving, editing, and creating broadcast/communications and telecommunications.
Freight/Truck Terminals and Warehouses	None.
Light Fleet-Based Services	Ambulance service.
Marina	Marine service stations and boat landings.
Utilities, Major	Electric distribution substations.
	Electric distribution substations.
	Public utility service centers and service yards.
	Public utility substations.
Utilities, Minor	Pipelines.
Waste Transfer Facility	None.
Temporary Uses	
Temporary	Exhibitions and games.
	Special events as approved by the City of Santa Monica.
	Yard sales.

DYETT & BHATIA
Urban and Regional Planners

755 Sansome Street, Suite 400
San Francisco, California 94111
☎ 415 956 4300 📠 415 956 7315