

**9.10.040 Land Use Regulations**

Table 9.10.040 prescribes the land use regulations for Downtown Districts. The regulations for each district are established by letter designations below. These designations apply strictly to the permissibility of land uses; applications for buildings or structures may require discretionary review.

“P” designates permitted uses.

“L(#)” designates limited uses, which are permitted by right, provided they comply with specific limitations listed at the end of the table.

“MUP” designates use classifications that are permitted after review and approval of a Minor Use Permit.

“CUP” designates use classifications that are permitted after review and approval of a Conditional Use Permit.

“—” designates uses that are not permitted.

Land uses are defined in Chapter 9.51 (“Use Classifications”) of Article 9 of the Santa Monica Municipal Code (“Zoning Ordinance”). Use classifications and sub-classifications not listed in the table are prohibited. Accessory uses are permissible when they are determined by the Zoning Administrator to be necessary and customarily associated with and appropriate, incidental, and subordinate to, the principal uses and which are consistent and not more disturbing or disruptive than permitted uses. The table also notes additional use regulations that apply to various uses. Section numbers in the right-hand column refer to other Sections of this Ordinance.

**Table 9.10.040 Land Use Regulations—Downtown Districts**

Use Classification	LT	NV	BC (Promenade)	BC (2nd & 4th Streets)	TA	OT	WT	Additional Regulations
<b>Residential Uses</b>								
Residential Housing Types	See sub-classifications below.							
Single Unit Dwelling	L(1)	L(1)	L(1)	L(1)	L(1)	L(1)	L(1)	
Accessory Dwelling Unit	-	-	-	-	-	-	-	
Duplex	P	L(3)	L(1)	L(1)	L(1)	L(1)	L(1)	
Multiple-Unit Structure	L(1)	L(3)	L(1)	L(1)	L(1)	L(1)	L(1)	
Senior Citizen Multiple-Unit Residential	L(1)	L(3)	L(1)	L(1)	L(1)	L(1)	L(1)	
Single-Room Occupancy Housing	L(1)	L(3)	L(1)	L(1)	L(1)	L(1)	L(1)	
Group Residential	MUP	MUP, L(3)	MUP, L(1)	MUP, L(1)	MUP	MUP	MUP	
Congregate Housing	P	MUP, L(3)	CUP, L(1)	CUP, L(1)	MUP	MUP	MUP	SMMC Section 9.31.110, Congregate and Transitional Housing
Senior Group Residential	P	MUP, L(3)	MUP, L(1)	MUP, L(1)	MUP, L(1)	MUP, L(1)	MUP, L(1)	SMMC Section 9.31.310, Senior Group Residential

Use Classification	LT	NV	BC (Promenade)	BC (2nd & 4th Streets)	TA	OT	WT	Additional Regulations
Elderly and Long-Term Care	P	L(3)	L(1)	L(1)	L(1)	L(1)	L(1)	
Emergency Shelters	L(6)/CUP	L(6)/CUP	CUP/L(1)	L(1), L(6)/CUP	L(6)/CUP	L(6)/CUP	L(6)/CUP	
Family Day Care	See sub-classifications below.							
Large	L(1)	L(3)	L(1)	L(1)	L(1)	L(1)	L(1)	SMMC Section 9.31.140, Family Day Care, Large
Small	L(1)	L(3)	L(1)	L(1)	L(1)	L(1)	L(1)	
Residential Facilities	See sub-classifications below.							
Residential Care, General	P	L(3)	L(1)	L(1)	P	L(1)	L(1)	SMMC Section 9.31.270, Residential Care Facilities
Residential Care, Limited	P	L(3)	L(1)	L(1)	P	L(1)	L(1)	
Residential Care, Senior	P	L(3)	L(1)	L(1)	P	L(1)	L(1)	
Hospice, General	P	L(3)	L(1)	L(1)	P	L(1)	L(1)	
Hospice, Limited	P	L(3)	L(1)	L(1)	P	L(1)	L(1)	
Supportive Housing	P	L(3)	L(1)	L(1)	L(1)	L(1)	L(1)	
Transitional Housing	P	L(3)	L(1)	L(1)	L(1)	L(1)	L(1)	
<b>Public and Semi-Public Uses</b>								
Adult Day Care	L(1)	L(3)	L(1)	L(1)	L(1)	L(1)	L(1)	
Child Care and Early Education Facilities	P	P	L(1)	P	P	P	P	SMMC Section 9.31.120, Child Care and Early Education Facilities
Colleges and Trade Schools, Public or Private	CUP	L(1)	L(1)	L(1)	L(1)	L(1)	L(1)	
Community Assembly	L(7)/CUP	CUP	-	P	CUP	L(1)	L(7)/CUP	
Community Gardens	P	P	-	P	P	P	P	
Cultural Facilities	P	P	P	P	P	P	P	
Hospitals and Clinics	P	P	L(1)	L(1)	P	-	P	
Park and Recreation Facilities, Public	P	P	P	P	P	P	P	
Public Safety Facilities	P	P	P	P	P	P	P	
Schools, Public or Private	CUP	L(3)	L(1)	P	P	-	CUP	
Social Service Centers	P	P	-	P	P	P	P	SMMC Section 9.31.350, Social Service Centers
<b>Commercial Uses</b>								
Animal Care, Sales, and Services	See sub-classifications below.							

Use Classification	LT	NV	BC (Promenade)	BC (2nd & 4th Streets)	TA	OT	WT	Additional Regulations
Grooming and Pet Stores	L(5)/ CUP	L(5)/ CUP	L(5)/CUP	L(5)/ CUP	L(5)/ CUP	L(5)/ CUP	L(5)/ CUP	No more than 10 dogs or cats can be kept overnight
Pet Day Care Services	MUP	MUP	-	MUP	MUP	MUP	MUP	
Veterinary Services	MUP	MUP	-	MUP	MUP	-	MUP	
Automobile/Vehicle Sales and Service	See sub-classifications below.							
Alternative Fuels and Recharging Facilities	CUP/ L(19)	CUP/ L(19)	-	-	CUP/ L(19)	-	-	
Automobile Rental	L(10)	L(10)	L(10)	L(10)	L(10)	L(10)	L(10)	
Automobile Storage Use	-	-	-	-	-	-	-	
New Automobile/Vehicle Sales and Leasing	L(8), L(5)/ CUP	L(8), L(5)/ CUP	L(8), L(5)/CUP	L(8), L(5)/ CUP	L(8), L(5)/ CUP	-	-	
Additions 7,500 sq ft or less to Automobile/Vehicle Sales and Leasing buildings existing as of 7/06/2010	L(20)/ MUP	-	-	-	-	-	-	SMMC Section 9.31.070 Automobile/Vehicle Sales, Leasing, and Storage
Additions larger than 7,500 sq ft to Automobile/Vehicle Sales and Leasing buildings existing as of 7/06/2010	L(20)/ CUP	-	-	-	-	-	-	
Automobile/Vehicle Repair, Major	L(19)	-	-	-	-	-	-	
Automobile/Vehicle Service and Repair, Minor	L(19)	-	-	-	-	-	-	
Automobile/Vehicle Washing	L(19)	-	-	-	-	-	-	
Service Station	L(19)	L(19)	-	-	L(19)	-	-	
Towing and Impound	-	-	-	-	-	-	-	
Banks and Financial Institutions	See sub-classifications below.							
Banks and Credit Unions	L(4)/ CUP	L(3), L(5)/ CUP	-	-	L(4)/ CUP	L(4)/ CUP	L(4)/ CUP	
Check Cashing Businesses	-	-	-	-	-	-	-	
Business Services	L(5)/ CUP	L(5)/ CUP	-	L(5)/ CUP	L(5)/ CUP	L(5)/ CUP	L(5)/ CUP	

Use Classification	LT	NV	BC (Promenade)	BC (2nd & 4th Streets)	TA	OT	WT	Additional Regulations
Commercial Entertainment and Recreation	See sub-classifications below.							
Cinemas & Theaters, up to 99 seats	-	CUP	P	P	P	-	-	
Cinemas & Theaters, more than 99 seats	-	-	CUP	CUP	CUP	-	-	
Convention and Conference Centers	CUP	CUP	CUP	CUP	CUP	CUP	CUP	
Large-Scale Facility	L(21)/ CUP	L(21)/ CUP	L(21)/CUP	L(21)/ CUP	L(21)/ CUP	L(21)/ CUP	-	
Small-Scale Facility	L(5)/ CUP	L(5)/ CUP	L(5)/CUP	L(5)/ CUP	L(5)/ CUP	L(5)/ CUP	L(5)/ CUP	SMMC Section 9.31.340 Small Scale Facility
Fortunetelling	P	P	P	P	P	P	P	
Eating and Drinking Establishments	See sub-classifications below.							
Bars/Nightclubs/Lou nges	CUP	CUP	CUP	CUP	CUP	CUP (10)	-	
Restaurants, Full- Service, Limited Service & Take-out (2,500 sq ft and smaller, including Outdoor Dining and Seating)	P	P	<del>P</del> L(22)	P	P	P	P	SMMC Section 9.31.040, Alcoholic Beverage Sales
Restaurants, Full- Service, Limited Service & Take-out (2,501 – 5,000 sq ft, including Outdoor Dining and Seating)	MUP	P	<del>P</del> L(22)	P	P	P	MUP	SMMC Section 9.31.280, Restaurants, Limited Service, and Take-Out Only
Restaurants, Full- Service, Limited Service & Take-out (greater than 5,000 sq ft, including Outdoor Dining and Seating)	CUP	P	<del>P</del> L(22)	P	P	P	CUP	SMMC Section 9.31.200, Outdoor Dining and Seating
Equipment Rental	-	-	-	-	L(5)/ CUP	-	-	
Food and Beverage Sales	See sub-classifications below.							
Convenience Market	CUP	L(5)/ CUP	L(5)/CUP	L(5)/ CUP	L(5)/ CUP	L(5)/ CUP	-	SMMC Section 9.31.040, Alcoholic Beverage Sales
Farmers' Market	CUP	P	P	P	P	P	P	

Use Classification	LT	NV	BC (Promenade)	BC (2nd & 4th Streets)	TA	OT	WT	Additional Regulations
General Market	L(12)/CUP	L(12)/CUP	L(12)/CUP	L(12)/CUP	L(12)/CUP	L(12)/CUP	L(12)/CUP	SMMC Section 9.31.040, Alcoholic Beverage Sales
Liquor Stores	CUP	CUP	CUP	CUP	CUP	CUP	-	
Funeral Parlors and Mortuaries	CUP	-	-	-	-	-	-	
Instructional Services	L(5)/CUP	L(3), L(5)/CUP	L(1), L(5)/CUP	L(5)/CUP	L(5)/CUP	L(1), L(5)/CUP	L(1), L(5)/CUP	
Live-Work	L(13)	L(3), (13)	L(1)(13)	L(13)	L(13)	L(1) (13)	L(13)	SMMC Section 9.31.170, Live-Work
Lodging	See sub-classifications below.							
Bed and Breakfast	MUP	MUP	MUP	MUP	MUP	MUP	MUP	SMMC Section 9.31.090, Bed and Breakfasts
Hotels and Motels	CUP	CUP	CUP	CUP	CUP	CUP	CUP, L(19)	
Maintenance and Repair Services	L(5)/CUP	-	-	-	-	-	-	
Nurseries and Garden Centers	L(5)/CUP	L(5)/CUP	-	L(5)/CUP	L(5)/CUP	-	L(5)/CUP	SMMC Section 9.31.220, Outdoor Retail Display and Sales
Offices	See sub-classifications below.							
Business and Professional	L(14)/CUP	L(3), L(5)/CUP	L(1)	L(1)	L(3), L(5)/CUP	L(1)	L(1)	
Creative	L(14)/CUP	L(3), L(5)/CUP	L(1)	L(1)	L(3), L(5)/CUP	L(1)	L(1)	
Medical and Dental	L(14)/CUP	L(3), L(5)/CUP	L(1)	L(1)	L(3), L(5)/CUP	L(1)	L(1)	
Walk-In Clientele	L(14)/CUP	L(3), L(5)/CUP	L(1)	L(5)/CUP	L(3), L(5)/CUP	L(5)/CUP	L(5)/CUP	
Outdoor Newsstands	MUP	MUP	MUP	MUP	MUP	MUP	MUP	SMMC Section 9.31.210, Outdoor Newsstands
Parking, Public or Private	CUP	CUP	-	CUP	CUP, L(11)	-	CUP	
Personal Services	See sub-classifications below.							
General Personal Services	L(5)/CUP	L(5)/CUP	L(1), L(5)/CUP	L(5)/CUP	L(5)/CUP	-	L(5)/CUP	SMMC Section 9.31.230, Personal Service

Use Classification	LT	NV	BC (Promenade)	BC (2nd & 4th Streets)	TA	OT	WT	Additional Regulations
Physical Training	L(17), L(5)/CUP	L(17), L(5)/CUP	L(1), L(17), L(5)/CUP	L(17), L(5)/CUP	L(17), L(5)/CUP	L(17), L(5)/CUP	L(17), L(5)/CUP	
Tattoo or Body Modification Parlor	MUP	MUP	MUP	MUP	MUP	MUP	-	SMMC Section 9.31.230, Personal Service
Retail Sales	See sub-classifications below.							
Building Materials Sales and Services	P	-	-	-	-	-	-	SMMC Section 9.31.220, Outdoor Retail Display and Sales
General Retail Sales, Small-Scale	L(5)/CUP	L(5)/CUP	P	L(5)/CUP	L(5)/CUP	L(5)/CUP	L(5)/CUP	
General Retail Sales, Medium-Scale	CUP	CUP	CUP	CUP	CUP	-	CUP	
General Retail Sales, Large-Scale	-	-	-	-	-	-	-	
Medicinal Cannabis Retailers	CUP	-	-	-	-	-	-	SMMC Section 9.31.185, Medicinal Cannabis Retailers
Pawn Shops	-	-	-	-	-	-	-	
Swap Meets	-	-	-	-	-	-	-	
<b>Industrial Uses</b>								
Artist's Studio	P	P	L(1)	L(1)	P	P	P	
Commercial Kitchens	-	-	-	-	CUP	-	-	
Media Production	See sub-classifications below.							
Support Facilities	L(14)/CUP	L(3), L(5)/CUP	L(1)	L(1)	L(3), L(5)/CUP	L(1)	L(1)	
<b>Transportation, Communication, and Utilities Uses</b>								
Bus/Rail Passenger Stations	P	P	P	P	P	-	P	
City Bike Share Facility	P	P	P	P	P	P	P	
Communication Facilities	See sub-classifications below.							
Antennas and Transmission Towers	-	-	-	-	-	-	-	
Equipment within Buildings	-	-	-	-	-	-	-	
Light Fleet-Based Services	-	-	-	-	MUP	-	-	
Utilities, Major	L(18)	-	-	-	-	-	-	
Utilities, Minor	P	P	P	P	P	P	P	

**Specific Limitations:**

- (1) Limited to upper floors, and on the ground floor where the entire tenant space including the primary entry shall be located at least 50 feet from the front property line, except for residential units shall be limited to upper floors only.
- (2) (Reserved)

- (3) Between 4th and 7th Court, permitted in mid-block parcels on the ground floor and upper floors. On all other parcels, permitted anywhere on the ground floor if the space has street frontage and was occupied by office on, or is vacant but was occupied by office in the 12 months preceding, the date this Ordinance is effective; otherwise, permitted on upper floors and on the ground floor where the entire tenant space including the primary entry is located at least 50 feet from the front property line.
- (4) Permitted except no ground floor tenant space shall exceed 20 linear feet of ground floor street frontage without a Conditional Use Permit.
- (5) Permitted if within buildings existing as of the date the ordinance codified in this Chapter is effective. Permitted within new buildings, except:
  - (a) No individual ground floor tenant space shall occupy more than 7,500 square feet of floor area and/or exceed 50 linear feet of ground floor street frontage without a Conditional Use Permit.
  - (b) Ground floor tenant spaces in the Santa Monica Place are not subject to size limitations.
- (6) Limited to shelters containing less than 55 beds; Conditional Use Permit required for emergency shelters with 55 or more beds.
- (7) Any community assembly facility abutting a residential district shall require approval of a Conditional Use Permit.
- (8) Limited to alternative fuel vehicle automobile dealer showrooms only.
- (9) (Reserved)
- (10) Permitted as an ancillary use to support a primary use.
- (11) Limited to public parking facilities only.
- (12) General Markets greater than 15,000 square feet require approval of a Conditional Use Permit, except general markets in the Mixed-Use Boulevard district greater than 25,000 square feet require approval of a Conditional Use Permit.
- (13) If the commercial use requires a MUP or CUP, an application shall be required in accordance with SMMC, Chapter 9.41. Even if the commercial use would otherwise be permitted, no such use shall be approved where, given the design or proposed design of the live-work unit, there would be the potential for adverse health impacts from the proposed use on the people residing in the unit. An example of a potential health impact is the potential for food contamination from uses that generate airborne particulates in a unit with an unenclosed kitchen.
- (14) All new construction requires approval of a Conditional Use Permit or permitted if within buildings existing as of the date the ordinance codified in this Chapter is effective, except:
  - (a) New additions of 50% or more additional square footage to an existing building at any one time, or incrementally, after the effective date of the ordinance codified in this Chapter, requires approval of a Conditional Use Permit.
  - (b) No ground floor, street-fronting, non-office or non-media production support facility use, non-medical or non-dental office use tenant space shall be changed into an individual office use or media production support facility use, or individual medical or dental office use occupying more than 7,500 square feet of floor area and/or exceeding 50 linear feet of street frontage without the approval of a Conditional Use Permit.
- (15) (Reserved)
- (16) Limited to public parking facilities only.
- (17) Youth-serving personal services, physical training requires review and approval of a passenger loading and drop-off plan by the Director.
- (18) Limited to electric distribution substations.
- (19) Limited to legally established existing uses as of the date this Specific Plan is effective.
- (20) Auto dealerships existing as of July 6, 2010, are considered permitted uses. Expansions to existing dealerships conforming to the urban auto dealership format standards in Section 9.31.070, Automobile/Vehicle Sales, Leasing, and Storage are permitted. Expansions to existing dealerships of 7,500 square feet or less that do not conform to the urban auto dealership format standards shall require an MUP. Expansions to existing dealerships larger than 7,500 square feet that do not conform to the urban auto dealership format standards shall require a CUP.
- (21) No individual Fitness Center tenant space shall exceed 100 linear feet of ground floor street frontage without the approval of a Conditional Use Permit.
- (22) Restaurant, Limited-Service and Take-Out establishments with frontage on the Third Street Promenade and the following characteristics shall be prohibited:
  - (a) More than 150 locations nationwide at the time that the application for the establishment is deemed complete by the City; and
  - (b) Characteristics, including but not limited to, orders placed at a walk-up window, counter, or machine; payment prior to food consumption; and food served with disposable, one-time, or limited-use wrapping, containers, or utensils.

**A. Conversion of Any Portion of an Eating and Drinking Establishment to Any Other New or Expanded Use Located on the Ground Floor within the BC (Promenade) District.**

- 1. The conversion of any portion of an eating and drinking establishment in existence as of the effective date of this Plan to any other new or expanded use located on the ground floor within the BC (Promenade) District shall obtain a Conditional Use Permit subject to the following additional findings being made in the affirmative:
  - a. The proposed use would preserve the unique mixture of restaurants, retail, and entertainment on the Third Street Promenade and maintain the vitality and diversity of the Promenade;
  - b. The proposed use would retain at least 50% of the existing outdoor dining or 500 square feet, whichever is greater;

- c. For tenant spaces located on a corner, the eating and drinking establishment use must remain entirely on the Third Street Promenade frontage. For tenant spaces not located on a corner, the non-eating and drinking establishment use does not occupy more than 33% of the Promenade frontage.