

Chapter 9.10 Downtown Districts

9.10.001 Incorporation of Downtown Community Plan Standards and Regulations

Development standards and land use designations for the Downtown Community Plan area are as prescribed in Chapter 4 of the Downtown Community Plan adopted on [date], which is hereby incorporated by reference. Where Zoning Ordinance provisions are not specifically addressed by Chapter 4 of the Downtown Community Plan, the Zoning Ordinance shall apply. Where there is conflict between compliance with Chapter 4 of the Downtown Community Plan and the Zoning Ordinance, Chapter 4 of the Downtown Community Plan shall control except where the conflicting Zoning Ordinance provision was adopted through voter initiative in which case the initiative shall control. for the Downtown Districts will be developed through a Specific Plan process. Until such time the Specific Plan is adopted for these Downtown Districts, the existing Bayside District Specific Plan and applicable land use designations established in the 1984 Land Use and Circulation Element, as amended, continue to apply to the Downtown Core. Properties located outside of the Downtown Core shall be governed by the Mixed Use Boulevard land use designation of the 2010 Land Use and Circulation Element and the standards of this Zoning Ordinance.

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 listed 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 (2 nd & 4 th Streets)	TA	OT	WT	Additional Regulations
Residential Uses								
Residential Housing Types	See sub-classifications below.							
Single Unit Dwelling	L(1)	L(1)	L(1)	L(1)	L(1)	L(1)	L(1)	

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<u>Use Classification</u>	<u>LT</u>	<u>NV</u>	<u>BC</u> <u>(Promenade)</u>	<u>BC</u> <u>(2nd & 4th Streets)</u>	<u>TA</u>	<u>OT</u>	<u>WT</u>	<u>Additional Regulations</u>
<u>Accessory Dwelling Unit</u>	=	=	=	=	=	=	=	
<u>Duplex</u>	P	<u>L(3)</u>	<u>L(1)</u>	<u>L(1)</u>	<u>L(1)</u>	<u>L(1)</u>	<u>L(1)</u>	
<u>Multiple-Unit Structure</u>	<u>L(1)</u>	<u>L(3)</u>	<u>L(1)</u>	<u>L(1)</u>	<u>L(1)</u>	<u>L(1)</u>	<u>L(1)</u>	
<u>Senior Citizen Multiple-Unit Residential</u>	<u>L(1)</u>	<u>L(3)</u>	<u>L(1)</u>	<u>L(1)</u>	<u>L(1)</u>	<u>L(1)</u>	<u>L(1)</u>	
<u>Single-Room Occupancy Housing</u>	<u>L(1)</u>	<u>L(3)</u>	<u>L(1)</u>	<u>L(1)</u>	<u>L(1)</u>	<u>L(1)</u>	<u>L(1)</u>	
<u>Group Residential</u>	<u>MUP</u>	<u>MUP, L(3)</u>	<u>MUP, L(1)</u>	<u>MUP, L(1)</u>	<u>MUP</u>	<u>MUP</u>	<u>MUP</u>	
<u>Congregate Housing</u>	P	<u>MUP, L(3)</u>	<u>CUP, L(1)</u>	<u>CUP, L(1)</u>	<u>MUP</u>	<u>MUP</u>	<u>MUP</u>	<u>SMMC Section 9.31.110, Congregate and Transitional Housing</u>
<u>Senior Group Residential</u>	P	<u>MUP, L(3)</u>	<u>MUP, L(1)</u>	<u>MUP, L(1)</u>	<u>MUP, L(1)</u>	<u>MUP, L(1)</u>	<u>MUP, L(1)</u>	<u>SMMC Section 9.31.310, Senior Group Residential</u>
<u>Elderly and Long-Term Care</u>	P	<u>L(3)</u>	<u>L(1)</u>	<u>L(1)</u>	<u>L(1)</u>	<u>L(1)</u>	<u>L(1)</u>	
<u>Emergency Shelters</u>	<u>L(6)/CUP</u>	<u>L(6)/CUP</u>	<u>CUP/L(1)</u>	<u>L(1)/L(6)/CUP</u>	<u>L(6)/CUP</u>	<u>L(6)/CUP</u>	<u>L(6)/CUP</u>	
<u>Family Day Care</u>	<u>See sub-classifications below.</u>							
<u>Large</u>	<u>L(1)</u>	<u>L(3)</u>	<u>L(1)</u>	<u>L(1)</u>	<u>L(1)</u>	<u>L(1)</u>	<u>L(1)</u>	<u>SMMC Section 9.31.140, Family Day Care, Large</u>
<u>Small</u>	<u>L(1)</u>	<u>L(3)</u>	<u>L(1)</u>	<u>L(1)</u>	<u>L(1)</u>	<u>L(1)</u>	<u>L(1)</u>	
<u>Residential Facilities</u>	<u>See sub-classifications below.</u>							
<u>Residential Care, General</u>	P	<u>L(3)</u>	<u>L(1)</u>	<u>L(1)</u>	P	<u>L(1)</u>	<u>L(1)</u>	<u>SMMC Section</u>

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								<u>9.31.270, Residential Care Facilities</u>
<u>Residential Care, Limited</u>	P	L(3)	L(1)	L(1)	P	L(1)	L(1)	<u>SMMC Section 9.31.270, Residential Care Facilities</u>
<u>Residential Care, Senior</u>	P	L(3)	L(1)	L(1)	P	L(1)	L(1)	<u>SMMC Section 9.31.270, Residential Care Facilities</u>
<u>Hospice, General</u>	P	L(3)	L(1)	L(1)	P	L(1)	L(1)	
<u>Hospice, Limited</u>	P	L(3)	L(1)	L(1)	P	L(1)	L(1)	
<u>Supportive Housing</u>	P	L(3)	L(1)	L(1)	L(1)	L(1)	L(1)	
<u>Transitional Housing</u>	P	L(3)	L(1)	L(1)	L(1)	L(1)	L(1)	
Public and Semi-Public Uses								
<u>Adult Day Care</u>	L(1)	L(3)	L(1)	L(1)	L(1)	L(1)	L(1)	
<u>Child Care and Early Education Facilities</u>	P	P	L(1)	P	P	P	P	<u>SMMC Section 9.31.120, Child Care and Early Education Facilities</u>
<u>Colleges and Trade Schools, Public or Private</u>	CUP	L(1)	L(1)	L(1)	L(1)	L(1)	L(1)	
<u>Community Assembly</u>	L(7)/CUP	CUP	=	P	CUP	L(1)	L(7)/CUP	
<u>Community Gardens</u>	P	P	=	P	P	P	P	
<u>Cultural Facilities</u>	P	P	P	P	P	P	P	

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<u>Hospitals and Clinics</u>	P	P	L(1)	L(1)	P	=	P	
<u>Park and Recreation Facilities, Public</u>	P	P	P	P	P	P	P	
<u>Public Safety Facilities</u>	P	P	P	P	P	P	P	
<u>Schools, Public or Private</u>	CUP	L(3)	L(1)	P	P	=	CUP	
<u>Social Service Centers</u>	P	P	=	P	P	P	P	<u>SMMC Section 9.31.350, Social Service Centers</u>
Commercial Uses								
<u>Animal Care, Sales, and Services</u>	<u>See sub-classifications below.</u>							
<u>Grooming and Pet Stores</u>	L(5)/CUP	L(5)/CUP	L(5)/CUP	L(5)/CUP	L(5)/CUP P	L(5)/CUP P	L(5)/CUP P	<u>No more than 10 dogs or cats can be kept overnight</u>
<u>Pet Day Care Services</u>	MUP	MUP	=	MUP	MUP	MUP	MUP	
<u>Veterinary Services</u>	MUP	MUP	=	MUP	MUP	=	MUP	
<u>Automobile/Vehicle Sales and Service</u>	<u>See sub-classifications below.</u>							
<u>Alternative Fuels and Recharging Facilities</u>	CUP/ L(19)	CUP/ L(19)	=	=	CUP/ L(19)	=	=	
<u>Automobile Rental</u>	L(10)	L(10)	L(10)	L(10)	L(10)	L(10)	L(10)	
<u>Automobile Storage Use</u>	=	=	=	=	=	=	=	
<u>New Automobile/Vehicle Sales and Leasing</u>	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 P	=	=	
<u>Additions 7,500 square feet or less to Automobile/Ve</u>	L(20)/ MUP	=	=	=	=	=	=	<u>9.31.070.</u>

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<u>Vehicle Sales and Leasing buildings existing as of 07/06/2010</u>								
<u>Additions larger than 7,500 square feet to Automobile/Vehicle Sales and Leasing buildings existing as of 07/06/2010</u>	<u>L(20)/CUP</u>	=	=	=	=	=	=	<u>9.31.070.</u>
<u>Automobile/Vehicle Repair, Major</u>	<u>L(19)</u>	=	=	=	=	=	=	
<u>Automobile/Vehicle Service and Repair, Minor</u>	<u>L(19)</u>	=	=	=	=	=	=	
<u>Automobile/Vehicle Washing</u>	<u>L(19)</u>	=	=	=	=	=	=	
<u>Service Station</u>	<u>L(19)</u>	<u>L(19)</u>	=	=	<u>L(19)</u>	=	=	
<u>Towing and Impound</u>	=	=	=	=	=	=	=	
<u>Banks and Financial Institutions</u>		<u>See sub-classifications below.</u>						
<u>Banks and Credit Unions</u>	<u>L(4)/CUP</u>	<u>L(3), L(5)/CUP</u>	=	=	<u>L(4)/CUP</u> <u>P</u>	<u>L(4)/CUP</u> <u>P</u>	<u>L(4)/CUP</u> <u>P</u>	
<u>Check Cashing Businesses</u>	=	=	=	=	=	=	=	
<u>Business Services</u>	<u>L(5)/CUP</u>	<u>L(5)/CUP</u>	=	<u>L(5)/CUP</u>	<u>L(5)/CUP</u> <u>P</u>	<u>L(5)/CUP</u> <u>P</u>	<u>L(5)/CUP</u> <u>P</u>	
<u>Commercial Entertainment and Recreation</u>		<u>See sub-classifications below.</u>						
<u>Cinemas & Theaters, up to 99 seats</u>	=	<u>CUP</u>	<u>P</u>	<u>P</u>	<u>P</u>	=	=	
<u>Cinemas & Theaters, more than 99 seats</u>	=	=	<u>CUP</u>	<u>CUP</u>	<u>CUP</u>	=	=	

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<u>Convention and Conference Centers</u>	<u>CUP</u>	<u>CUP</u>	<u>CUP</u>	<u>CUP</u>	<u>CUP</u>	<u>CUP</u>	<u>CUP</u>	
<u>Large-Scale Facility</u>	<u>CUP</u>	<u>CUP</u>	<u>CUP</u>	<u>CUP</u>	<u>CUP</u>	<u>CUP</u>	=	
<u>Small-Scale Facility</u>	<u>L(5)/CUP</u>	<u>L(5)/CUP</u>	<u>L(5)/CUP</u>	<u>L(5)/CUP</u>	<u>L(5)/CUP</u>	<u>L(5)/CUP</u>	<u>L(5)/CUP</u>	<u>SMMC Section 9.31.340 Small Scale Facility</u>
<u>Eating and Drinking Establishments</u>	<u>See sub-classifications below.</u>							
<u>Bars/Nightclubs/Lounges</u>	<u>CUP</u>	<u>CUP</u>	<u>CUP</u>	<u>CUP</u>	<u>CUP</u>	<u>CUP(10)</u>	=	
<u>Restaurants, Full-Service, Limited Service & Take-out (2,500 square feet and smaller, including Outdoor Dining and Seating)</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>SMMC Section 9.31.040, Alcoholic Beverage Sales SMMC Section 9.31.280, Restaurants, Limited Service, and Take-Out Only SMMC Section 9.31.200, Outdoor Dining and Seating</u>
<u>Restaurants, Full-Service, Limited Service & Take-out (2,501 – 5,000 square feet, including Outdoor Dining and Seating)</u>	<u>MUP</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>MUP</u>	<u>SMMC Section 9.31.040, Alcoholic Beverage Sales SMMC Section 9.31.280, Restaurants,</u>

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								<u>Limited</u> <u>Service, and</u> <u>Take-Out</u> <u>Only</u> <u>SMMC</u> <u>Section</u> <u>9.31.200,</u> <u>Outdoor</u> <u>Dining and</u> <u>Seating</u>
<u>Restaurants,</u> <u>Full-Service,</u> <u>Limited Service</u> <u>& Take-out</u> <u>(greater than</u> <u>5,000 square</u> <u>feet, including</u> <u>Outdoor Dining</u> <u>and Seating)</u>	<u>CUP</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>CUP</u>	<u>SMMC</u> <u>Section</u> <u>9.31.040,</u> <u>Alcoholic</u> <u>Beverage</u> <u>Sales</u> <u>SMMC</u> <u>Section</u> <u>9.31.280,</u> <u>Restaurants,</u> <u>Limited</u> <u>Service, and</u> <u>Take-Out</u> <u>Only</u> <u>SMMC</u> <u>Section</u> <u>9.31.200,</u> <u>Outdoor</u> <u>Dining and</u> <u>Seating</u>
<u>Equipment Rental</u>	<u>=</u>	<u>=</u>	<u>=</u>	<u>=</u>	<u>L(5)/CU</u> <u>P</u>	<u>=</u>	<u>=</u>	
<u>Food and Beverage</u> <u>Sales</u>	<u>See sub-classifications below.</u>							
<u>Convenience</u> <u>Market</u>	<u>CUP</u>	<u>L(5)/CUP</u>	<u>L(5)/CUP</u>	<u>L(5)/CUP</u>	<u>L(5)/CU</u> <u>P</u>	<u>L(5)/CU</u> <u>P</u>	<u>=</u>	<u>SMMC</u> <u>Section</u> <u>9.31.040,</u> <u>Alcoholic</u> <u>Beverage</u> <u>Sales</u>
<u>Farmers Market</u>	<u>CUP</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	
<u>General Market</u>	<u>L(12)/CU</u> <u>P</u>	<u>L(12)/CU</u> <u>P</u>	<u>L(12)/CU</u> <u>P</u>	<u>L(12)/CUP</u>	<u>L(12)/CU</u> <u>P</u>	<u>L(12)/CU</u> <u>P</u>	<u>L(12)/CU</u> <u>P</u>	<u>SMMC</u> <u>Section</u> <u>9.31.040,</u>

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								<u>Alcoholic</u> <u>Beverage</u> <u>Sales</u>
<u>Liquor Stores</u>	<u>CUP</u>	<u>CUP</u>	<u>CUP</u>	<u>CUP</u>	<u>CUP</u>	<u>CUP</u>	=	<u>SMMC</u> <u>Section</u> <u>9.31.040,</u> <u>Alcoholic</u> <u>Beverage</u> <u>Sales</u>
<u>Funeral Parlors and</u> <u>Mortuaries</u>	<u>CUP</u>	=	=	=	=	=	=	
<u>Instructional</u> <u>Services</u>	<u>L(5)/CUP</u>	<u>L(3),</u> <u>L(5)/CUP</u>	<u>L(1)</u> <u>L(5)/CUP</u>	<u>L(5)/CUP</u>	<u>L(5)/CU</u> <u>P</u>	<u>L(1),</u> <u>L(5)/CU</u> <u>P</u>	<u>L(1),</u> <u>L(5)/CU</u> <u>P</u>	
<u>Live-Work</u>	<u>L(13)</u>	<u>L(3)(13)</u>	<u>L(1)(13)</u>	<u>L(13)</u>	<u>L(13)</u>	<u>L(1)(13)</u>	<u>L(13)</u>	<u>SMMC</u> <u>Section</u> <u>9.31.170,</u> <u>Live-Work</u>
<u>Lodging</u>	<u>See sub-classifications below.</u>							
<u>Bed and</u> <u>Breakfast</u>	<u>MUP</u>	<u>MUP</u>	<u>MUP</u>	<u>MUP</u>	<u>MUP</u>	<u>MUP</u>	<u>MUP</u>	<u>SMMC</u> <u>Section</u> <u>9.31.090, Bed</u> <u>and</u> <u>Breakfasts</u>
<u>Hotels and</u> <u>Motels</u>	<u>CUP</u>	<u>CUP</u>	<u>CUP</u>	<u>CUP</u>	<u>CUP</u>	<u>CUP</u>	<u>CUP,</u> <u>L(19)</u>	
<u>Maintenance and</u> <u>Repair Services</u>	<u>L(5)/CUP</u>	=	=	=	=	=	=	
<u>Nurseries and</u> <u>Garden Centers</u>	<u>L(5)/CUP</u>	<u>L(5)/CUP</u>	=	<u>L(5)/CUP</u>	<u>L(5)/CU</u> <u>P</u>	=	<u>L(5)/CU</u> <u>P</u>	<u>SMMC</u> <u>Section</u> <u>9.31.220,</u> <u>Outdoor</u> <u>Retail</u> <u>Display and</u> <u>Sales</u>
<u>Offices</u>	<u>See sub-classifications below.</u>							
<u>Business and</u> <u>Professional</u>	<u>L(14)/CU</u> <u>P</u>	<u>L(3),</u> <u>L(5)/CUP</u>	<u>L(1)</u>	<u>L(1)</u>	<u>L(3),</u> <u>L(5)/CU</u> <u>P</u>	<u>L(1)</u>	<u>L(1)</u>	
<u>Creative</u>	<u>L(14)/CU</u> <u>P</u>	<u>L(3),</u> <u>L(5)/CUP</u>	<u>L(1)</u>	<u>L(1)</u>	<u>L(3),</u> <u>L(5)/CU</u> <u>P</u>	<u>L(1)</u>	<u>L(1)</u>	

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<u>Medical and</u> <u>Dental</u>	<u>L(14)/CU</u> <u>P</u>	<u>L(3),</u> <u>L(5)/CUP</u>	<u>L(1)</u>	<u>L(1)</u>	<u>L(3),</u> <u>L(5)/CU</u> <u>P</u>	<u>L(1)</u>	<u>L(1)</u>	
<u>Walk-In</u> <u>Clientele</u>	<u>L(14)/CU</u> <u>P</u>	<u>L(3),</u> <u>L(5)/CUP</u>	<u>L(1)</u>	<u>L(5)/CUP</u>	<u>L(3),</u> <u>L(5)/CU</u> <u>P</u>	<u>L(5)/CU</u> <u>P</u>	<u>L(5)/CU</u> <u>P</u>	
<u>Outdoor</u> <u>Newsstands</u>	<u>MUP</u>	<u>MUP</u>	<u>MUP</u>	<u>MUP</u>	<u>MUP</u>	<u>MUP</u>	<u>MUP</u>	<u>SMMC</u> <u>Section</u> <u>9.31.210,</u> <u>Outdoor</u> <u>Newsstands</u>
<u>Parking, Public or</u> <u>Private</u>	<u>CUP</u>	<u>CUP</u>	=	<u>CUP</u>	<u>CUP,</u> <u>L(11)</u>	=	<u>CUP</u>	
<u>Personal Services</u>	<u>See sub-classifications below.</u>							
<u>General Personal</u> <u>Services</u>	<u>L(5)/CUP</u>	<u>L(5)/CUP</u>	<u>L(1),</u> <u>L(5)/CUP</u>	<u>L(5)/CUP</u>	<u>L(5)/CU</u> <u>P</u>	=	<u>L(5)/CU</u> <u>P</u>	<u>SMMC</u> <u>Section</u> <u>9.31.230,</u> <u>Personal</u> <u>Service</u>
<u>Physical Training</u>	<u>L(17),</u> <u>L(5)/CUP</u>	<u>L(17),</u> <u>L(5)/CUP</u>	<u>L(1),</u> <u>L(17),</u> <u>L(5)/CUP</u>	<u>L(17),</u> <u>L(5)/CUP</u>	<u>L(17),</u> <u>L(5)/CU</u> <u>P</u>	<u>L(17),</u> <u>L(5)/CU</u> <u>P</u>	<u>L(17),</u> <u>L(5)/CU</u> <u>P</u>	
<u>Tattoo or Body</u> <u>Modification</u> <u>Parlor</u>	<u>MUP</u>	<u>MUP</u>	<u>MUP</u>	<u>MUP</u>	<u>MUP</u>	<u>MUP</u>	=	<u>SMMC</u> <u>Section</u> <u>9.31.230,</u> <u>Personal</u> <u>Service</u>
<u>Retail Sales</u>	<u>See sub-classifications below.</u>							
<u>Building</u> <u>Materials Sales</u> <u>and Services</u>	<u>P</u>	=	=	=	=	=	=	<u>SMMC</u> <u>Section</u> <u>9.31.220,</u> <u>Outdoor</u> <u>Retail</u> <u>Display and</u> <u>Sales</u>
<u>General Retail</u> <u>Sales, Small-scale</u>	<u>L(5)/CUP</u>	<u>L(5)/CUP</u>	<u>P</u>	<u>L(5)/CUP</u>	<u>L(5)/CU</u> <u>P</u>	<u>L(5)/CU</u> <u>P</u>	<u>L(5)/CU</u> <u>P</u>	<u>SMMC</u> <u>Section</u> <u>9.31.220,</u> <u>Outdoor</u> <u>Retail</u> <u>Display and</u> <u>Sales</u>

Table 9.10.040 Land Use Regulations-- Downtown Districts								
<u>Use Classification</u>	<u>LT</u>	<u>NV</u>	<u>BC</u> <u>(Promena</u> <u>de)</u>	<u>BC</u> <u>(2nd & 4th</u> <u>Streets)</u>	<u>TA</u>	<u>OT</u>	<u>WT</u>	<u>Additional</u> <u>Regulations</u>
<u>General Retail</u> <u>Sales, Medium-</u> <u>scale</u>	<u>CUP</u>	<u>CUP</u>	<u>CUP</u>	<u>CUP</u>	<u>CUP</u>	=	<u>CUP</u>	<u>SMMC</u> <u>Section</u> <u>9.31.220,</u> <u>Outdoor</u> <u>Retail</u> <u>Display and</u> <u>Sales</u>
<u>General Retail</u> <u>Sales, Large-</u> <u>scale</u>	=	=	=	=	=	=	=	<u>SMMC</u> <u>Section</u> <u>9.31.220,</u> <u>Outdoor</u> <u>Retail</u> <u>Display and</u> <u>Sales</u>
<u>Medical</u> <u>Marijuana</u> <u>Dispensaries</u>	<u>CUP</u>	=	=	=	=	=	=	<u>SMMC</u> <u>Section</u> <u>9.31.185,</u> <u>Medical</u> <u>Marijuana</u> <u>Dispensaries</u>
<u>Pawn Shops</u>	=	=	=	=	=	=	=	
<u>Swap Meets</u>	=	=	=	=	=	=	=	
<u>Industrial Uses</u>								
<u>Artist's Studio</u>	<u>P</u>	<u>P</u>	<u>L(1)</u>	<u>L(1)</u>	<u>P</u>	<u>P</u>	<u>P</u>	
<u>Commercial</u> <u>Kitchens</u>	=	=	=	=	<u>CUP</u>	=	=	
<u>Media Production</u>	<u>See sub-classifications below.</u>							
<u>Support</u> <u>Facilities</u>	<u>L(14)/CU</u> <u>P</u>	<u>L(3),</u> <u>L(5)/CUP</u>	<u>L(1)</u>	<u>L(1)</u>	<u>L(3),</u> <u>L(5)/CU</u> <u>P</u>	<u>L(1)</u>	<u>L(1)</u>	
<u>Transportation, Communication, and Utilities Uses</u>								
<u>Bus/Rail Passenger</u> <u>Stations</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	=	<u>P</u>	
<u>City Bike Share</u> <u>Facility</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	
<u>Communication</u> <u>Facilities</u>	<u>See sub-classifications below.</u>							
<u>Antennas and</u> <u>Transmission</u> <u>Towers</u>	=	=	=	=	=	=	=	

Table 9.10.040 Land Use Regulations-- Downtown Districts								
<u>Use Classification</u>	<u>LT</u>	<u>NV</u>	<u>BC</u> <u>(Promena</u> <u>de)</u>	<u>BC</u> <u>(2nd & 4th</u> <u>Streets)</u>	<u>TA</u>	<u>OT</u>	<u>WT</u>	<u>Additional</u> <u>Regulations</u>
<u>Equipment</u> <u>within Buildings</u>	=	=	=	=	=	=	=	
<u>Light Fleet-Based</u> <u>Services</u>	=	=	=	=	<u>MUP</u>	=	=	
<u>Utilities, Major</u>	<u>L(18)</u>	=	=	=	=	=	=	
<u>Utilities, Minor</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	

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 this Ordinance is effective. Permitted within new buildings, except:
 - 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.
 - 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 this Ordinance is effective, except:

- New additions of 50% or more additional square footage to an existing building at any one time, or incrementally, after the effective date of this Ordinance, requires approval of a Conditional Use Permit.
- 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 to 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 Sf 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 SF that do not conform to the Urban Auto Dealership Format standards shall require a CUP

A. 9.10.045A. — 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 a 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 (Third Street 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.

9.10.070 Project Requirements

- A. **Purpose.** The purpose of this section is to implement LUCE policies which require that as development is approved above the base FAR and height, it must accompanied by a range of community benefits from four priority categories: Affordable Housing, Trip Reduction and Traffic Management, Community Physical Improvements, and Social and Cultural Facilities. In addition to promoting the development of additional affordable housing and to maintaining existing City programs that provide incentives for the production of affordable housing, these requirements are intended to reduce the additional burdens more intense development allowed by the General Plan will impose on the City by requiring applicants to pay additional fees to mitigate project impacts or, in specific instances, allowing applicants to incorporate features into their projects.
- B. **Applicability.** Except for 100% Affordable Housing Projects, the requirements of this Chapter apply to all projects involving new development and additions for which applicants propose to exceed the maximum base floor area or height allowed for Tier 1 projects. The provisions of this Chapter establish the requirements under which additional floor area and height may be allowed up to the Tier 2 or Tier 3 maximum standards established in the Downtown Community Plan.
- C. **Housing and Mixed-Use Residential Projects Qualifying Benefits.** An applicant seeking approval for a housing or mixed-use residential project that exceeds the base floor area ratio or height allowed in the district where the project is located shall provide community benefits in each of the following categories.
 - 1. **Housing.** All Tier 2 projects and Tier 3 projects less than 75,000 square feet must meet the following requirements:
 - a. **Affordable Housing.** Subject to the modifications contained in this Section 9.10.070, all of the affordable units shall comply with the provisions of Chapter 9.64. As set forth in Table 9.10.070.A, applicants proposing residential and mixed-use projects shall incorporate the following:
 - i. A percentage of the total number of units in the project, corresponding with the height or FAR of the project, shall be deed-restricted as on-site affordable housing units. Any fractional affordable housing unit that results from this formula shall be provided as a whole affordable housing unit (i.e., any resulting fraction shall be rounded up to be the next larger integer).

<u>Height (Feet)</u>	<u>On-site Affordable Housing %</u>	<u>Off-site Affordable Housing %</u>	<u>On-Site Affordable Housing % for Development Agreements and Planning Applications Complete on or before 11/11/16</u>	<u>Off-Site Affordable Housing % for Development Agreements and Planning Applications Complete on or before 11/11/16</u>
<u>40-50</u>	<u>20%</u>	<u>25%</u>	<u>20%</u>	<u>25%</u>
<u>52</u>	<u>21%</u>	<u>26%</u>	<u>20%</u>	<u>25%</u>
<u>54</u>	<u>22%</u>	<u>27%</u>	<u>20%</u>	<u>25%</u>
<u>56</u>	<u>23%</u>	<u>28%</u>	<u>20%</u>	<u>25%</u>
<u>58</u>	<u>24%</u>	<u>29%</u>	<u>20%</u>	<u>25%</u>
<u>60</u>	<u>25%</u>	<u>30%</u>	<u>20%</u>	<u>25%</u>
<u>62</u>	<u>26%</u>	<u>31%</u>	<u>20%</u>	<u>25%</u>
<u>64</u>	<u>27%</u>	<u>32%</u>	<u>20%</u>	<u>25%</u>
<u>66</u>	<u>28%</u>	<u>33%</u>	<u>20%</u>	<u>25%</u>
<u>68</u>	<u>29%</u>	<u>34%</u>	<u>20%</u>	<u>25%</u>
<u>70-84</u>	<u>30%</u>	<u>35%</u>	<u>20%</u>	<u>25%</u>

ii. Affordable housing units may be provided offsite pursuant to Section 9.64.060 except that the total number of affordable housing units shall be increased to the percentage of the total number of units in the project as set forth in Table 9.10.070.A.. The offsite affordable housing units shall meet the following conditions:

- (1) the affordable housing units are owned in whole or part and operated by a non-profit housing provider for the life of the project;
- (2) the Final Construction Permit Sign Off or Certificate of Occupancy for the affordable units is issued prior to or concurrently with the Tier 2 or qualifying Tier 3 project; and
- (3) the location of the offsite location shall be within the boundaries of the Downtown or within a one-quarter mile radius of the market rate units.

iii. The total number of affordable housing units shall incorporate the affordability mix specified in Table 9.10.070.B. Any fractional affordable housing units that result from the percentage mix of total affordable housing units shall be aggregated into whole affordable housing units (i.e. any resulting fraction shall be added to other resulting fractions). The resulting whole units may be provided at 30%, 50%, 80%, or Moderate-income household affordability levels.

Table 9.10.070.B. Affordability

<u>Affordability Level</u>	<u>Affordability Mix of</u>
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	Total Number of Affordable Housing Units
<u>30% Income Household</u>	<u>20%</u>
<u>50% Income Household</u>	<u>20%</u>
<u>80% Income Household</u>	<u>30%</u>
<u>Moderate Income</u>	<u>30%</u>

b. **Unit Mix.** Applicants proposing residential and mixed-use projects shall incorporate the following:

i. For market rate units:

- (1) At least 15% of the units shall be three-bedroom units;
- (2) At least 20% of the units shall be two-bedroom units;
- (3) No more than 15% of the units shall be studio units;
- (4) The average number of bedrooms for all of the market rate units combined shall be 1.2 or greater; and
- (5) Notwithstanding subsections (C)(2)(a)(i)-(iii) above, any fractional housing unit less than 0.5 that results from this unit mix shall be rounded down to the next lower integer. Any fractional housing unit of 0.5 or more that results from this units mix shall be rounded up to the next larger integer.

ii. For affordable housing units:

- (1) The average number of bedrooms for all of the affordable housing units combined shall be equal to or greater than the average number of bedrooms provided for all of the market rate units pursuant to subsection (C)(2)(a) of this Section.
- (2) Affordable housing units shall be no smaller than the average size of comparable market rate units in the project.

iii. The Director may grant a waiver from this unit mix requirement pursuant to the requirements and procedures for Waivers in SMMC Chapter 9.43.

2. Transportation Impact Fee.

a. All Tier 2 and Tier 3 less than 75,000 square feet. Projects shall pay an additional Transportation Impact Fee (TIF) of 90% of the maximum allowable fee established in the Transportation Impact Fee nexus study, for that portion of the floor area above the maximum Tier 1 floor area allowed by the Downtown Community Plan.

3. Open Space.

a. All Tier 2 and Tier 3 less than 75,000 square feet. Projects shall pay an additional Parks and Recreation Development Impact Fee of 90% of the maximum allowable fee established in the Parks and Recreation Fee nexus study for that portion of the floor area above the maximum Tier 1 floor area allowed by the Downtown Community Plan.

4. Affordable Housing Commercial Linkage Fee.

a. All Tier 2 and Tier 3 less than 75,000 square feet. Commercial portions of mixed-use projects shall pay a housing mitigation fee 23 percent above the base fee as required by Chapter 9.68, Affordable Housing Commercial Linkage Fee Program for that

portion of the floor area above the maximum Tier 1 floor area allowed by the Downtown Community Plan.

5. **Transportation Demand Management.** All Tier 2 and Tier 3 less than 75,000 square feet residential and mixed-use projects shall including the following Transportation Demand Management measures in addition to those required by Chapter 9.53, Transportation Demand Management:

a. For nonresidential components of projects, provide the following:

i. Bike valet, free of charge, during all automobile valet operating hours.

b. For residential components of projects, provide the following:

i. Free on-site shared bicycles intended for resident and guest use. This shall be optional if Citywide bikeshare is available within a 2-block radius of the project site.

D. **All Other Projects Qualifying Benefits.** An applicant seeking approval for Tier 2 and Tier 3 projects up to 30,000 square feet that are not residential or mixed-use projects that exceed the base floor area or height allowed in the district where the project is located shall provide community benefits in each of the following categories.

1. **Impact Fees.** Applicants proposing projects above Tier 1 shall pay the following additional fees.

a. **Affordable Housing Commercial Linkage Fee.**

i. Tier 2 and Tier 3 less than 30,000 square feet – Projects shall pay a housing mitigation fee 23 percent above the base fee as required by Chapter 9.68, Affordable Housing Commercial Linkage Fee Program for that portion of the floor area above the maximum Tier 1 floor area allowed by the Downtown Community Plan.

b. **Transportation Impact Fee.**

i. Tier 2 and Tier 3 less than 30,000 square feet – Projects shall pay an additional Transportation Impact Fee (TIF) 23 percent above the base fee required by Chapter 9.66, Transportation Impact Fee Program, for that portion of the floor area above the maximum Tier 1 floor area allowed by the Downtown Community Plan.

c. **Open Space.**

i. Tier 2 and Tier 3 less than 30,000 square feet – Projects shall pay an additional Parks and Recreation Development Impact Fee 23 percent above the base fee required by Chapter 9.67, Parks and Recreation Fee Program, for that portion of the floor area above the maximum Tier 1 floor area allowed by the Downtown Community Plan.

2. **Transportation Demand Management.** All Tier 2 and Tier 3 less than 30,000 square feet projects shall include the following Transportation Demand Management measures in addition to those required by Chapter 9.53, Transportation Demand Management:

a. Bike valet, free of charge, during all automobile valet operating hours.