

**CITY OF DANA POINT
PLANNING COMMISSION
AGENDA REPORT**

DATE: NOVEMBER 13, 2017

TO: DANA POINT PLANNING COMMISSION

FROM: COMMUNITY DEVELOPMENT DEPARTMENT
URSULA LUNA-REYNOSA, DIRECTOR
SEAN NICHOLAS, SENIOR PLANNER

SUBJECT: LOCAL COASTAL PROGRAM AMENDMENT LCPA17-0003/ZONE TEXT AMENDMENT ZTA17-0001/SPECIFIC PLAN AMENDMENT SPA17-0001- FOR A LOCAL COASTAL PROGRAM AMENDMENT AND ZONE TEXT AMENDMENT TO AMEND VARIOUS PORTIONS OF THE ZONING ORDINANCE TO ADDRESS TYPOGRAPHICAL ERRORS, CLARIFY SECTIONS OF THE CODE, AND MODIFICATIONS CONSISTENT WITH RECENT STATE LAW CHANGES. A SPECIFIC PLAN AMENDMENT IS PROPOSED FOR THE DANA POINT SPECIFIC PLAN DIRECTLY RELATED TO USES ALLOWED ABOVE THE GROUND FLOOR IN THE COASTAL VISITOR COMMERCIAL (C-VC) ZONING DISTRICT, 2017 ZONING ORDINANCE CLEAN UP

RECOMMENDATION: That the Planning Commission adopt the attached draft resolution recommending approval to City Council of Local Coastal Program Amendment LCPA17-0003/Zone Text Amendment ZTA17-0001/Specific Plan Amendment SPA17-0001 (Action Document 1).

APPLICANT: City of Dana Point (LCPA and ZTA)

REQUEST: A request for various modifications as identified by staff to address typographical errors, clarify requirements in the Zoning Ordinance to better assist the public, modifications associated with recent State law changes, and modifications to the Dana Point Specific Plan to expand the types of uses allowed above the ground floor in the C-VC zoning designation.

LOCATION: Citywide

NOTICE: An 1/8th page notice was published in the Dana Point News on November 2, 2017, and notices were posted on November 3, 2017, at Dana Point City Hall, the Dana Point post office, the Capistrano Beach post office, and the Dana Point Library. The same notice was sent to the Coastal Commission.

The required LCPA notification of the 6 week review notices were published in the Orange County Register and notifications were mailed to the Coastal Commission, adjacent jurisdictions, SCWD, and State Parks and Recreation.

ENVIRONMENTAL: Pursuant to the California Environmental Quality Act (CEQA), this project is Exempt per Section 15061(b)(3) as these proposed modifications have no potential for causing a significant effect on the environment, thus the proposed amendments are exempt from the provisions of CEQA.

ISSUES:

1. Is the proposal consistent with the City's adopted General Plan?
2. Is the proposal consistent with the California Coastal Act?
3. Is the proposal consistent with the Local Coastal Program Amendment procedures as set forth in the Dana Point Zoning Ordinance, Section 9.61.080?

BACKGROUND: As a best management practice, periodic zoning ordinance "code cleanups" should be conducted to update and clarify various requirements within the Dana Point Zoning code (the "DPZC"). This ensures requirements are accurate, relevant, and compliant with State law. 2008 was the last time a general Code cleanup was completed by staff. In order to identify the proposed code changes, staff developed three guiding principles to determine whether an item would be part of this update or follow in subsequent cleanups:

- 1) Does the proposed change fix a typo/incorrect citation/redundant or no longer applicable code reference/section?
- 2) Does the proposed change clarify an existing regulation to remove confusion and provide better guidance to the general public?
- 3) Is the proposed change associated with a State law change?

A study session was conducted on October 23, 2017 where all the proposed modifications were discussed. Because the DPZC is part of the City's certified Local Coastal Program (the "LCP") an amendment to the DPZC also requires an amendment to the LCP.

DISCUSSION:

STUDY SESSION:

A study session was conducted on October 23, 2017, where staff introduced and reviewed all of the proposed modifications in this cleanup. A majority of the items were straightforward and resulted in little discussion. There were a few items that resulted in more discussion/questions by Planning Commissioners or members of the public. As a

PLANNING COMMISSION AGENDA REPORT
LCPA17-0003/ZTA17-0001/SPA17-0001
NOVEMBER 13, 2017
PAGE 3

result, Planning Commission directed staff to focus on those discussion items in the Staff Report. All of the proposed modifications have been included in the attached draft resolution (Attachment 1), and organized by subject matter in Attachment 2.

Amendments to the DPZC and LCP are legislative actions and therefore the role of the Planning Commission is to make a recommendation to City Council. If a decision or consensus cannot be found on a particular modification, the Planning Commission can direct staff to remove the item from the list of proposed amendments and bring it back in the 2018 cleanup with additional staff analysis.

Lastly, at the study session a question was raised as to whether the proposed code cleanup was subject to a vote of the people pursuant to Measure H. Staff and the City Attorney reviewed the language of Measure H, as well as the scope of modifications included in the code cleanup, which does not amend the Town Center plan directly. Based on this analysis, these modifications are not subject to the voting provision of Measure H.

The following sections provide more background and discussion regarding Accessory Structures, Accessory Dwelling Units, amendments to the Dana Point Specific Plan, the status of the definition of Top of Slope, and options associated with landscape requirements.

ACCESSORY STRUCTURES:

Provisions related to accessory structures are scattered throughout the DPZC and do not provide quantifiable standards. This imprecision has led to questions and uncertainty by the public. To clarify what is considered an accessory structure and organize applicable requirements for accessory structures, staff is proposing a new Zoning Ordinance Section.

Based on public workshop feedback, staff updated the proposed language consistent with Planning Commission discussion (less than 50%), and increased the size of an accessory structure which can encroach into a side and rear setback from 250 feet to 500 feet. For reference, this change would allow an accessory structure approximately the size of a two-car garage by right. Accessory structures larger than 500 square feet would require approval of a Minor Site Development Permit. Garages, defined as accessory structures by the Zoning Ordinance, would be exempt from the Minor Site Development Permit requirement to provide the required parking only. For example: if a three-car garage is required for a single family residence with six bedrooms, the 600-700 square foot garage would not require a Minor Site Development Permit. Additional garage space above the required garage area would be subject to a Minor Site Development Permit.

ACCESSORY DWELLING UNITS:

Senate Bill 1069 and Assembly Bill 2299 are new laws which took effect on January 1,

2017. This legislation voided the City's "second dwelling unit" requirements and requires deletion from the existing code to avoid confusion. Staff is purposing the City adopt basic requirements referencing State Accessory Dwelling Unit (ADU) law and applicable provisions of the Coastal Act to address State and Coastal compliance. In addition, staff is recommending the City adopt a requirement that either the main unit or ADU be owner occupied. The State ADU legislation allows for this local amendment.

At the study session, it was discussed that the proposed Ordinance is consistent with State requirements, including the reduced parking requirements. Staff has included language clarifying that ADUs can only be developed in association with a single family residence. While ADUs are allowed in all residential zones, if a lot is developed with more than a single family residence, an ADU would not be permitted. Staff also updated the language associated with the deed restriction requiring someone with property ownership, as shown on the legal title, to live onsite as their primary residence. The intent of this requirement, especially in the low density single family zoning districts, is to avoid established single family neighborhoods from converting to duplex neighborhoods.

DANA POINT SPECIFIC PLAN AMENDMENT:

Staff has received a request from the property owners of the Dana Marina Plaza to expand the permitted uses above the ground floor in the Coastal Visitor Commercial (C-VC) zoning district. Since the site was developed in 1984, the amount of coastal visitor serving sites have increased both in the Harbor and in Town Center. The applicant has provided an analysis of the increase in visitor serving uses surrounding the development (Attachment 3). In short, fifteen new visitor serving commercial facilities have been developed and occupied since the center opened. This has resulted in greater opportunities for retail/restaurant space and created challenges to find/maintain tenants for the second floor suites. In an effort to expand uses allowed above the ground floor, a Specific Plan Amendment has been requested. Visitor serving retail is still the preferred use and allowed by right, but a variety of professional offices and personal service uses are proposed to be allowed above the ground floor with the approval of a Conditional Use Permit. The discretionary review ensures that the proposed uses meet applicable development standards, but also to ensure that it is not impacting the visitor serving commercial uses which are the priority in the C-VC zoning district.

TOP OF SLOPE:

At the study session staff presented the Planning Commission with a definition of "top of slope." During Commission discussion, there was concern that the definition did not provide clear enough direction and could possibly create more confusion. As a result staff continues to research and evaluate various definitions to better define "top of slope." Staff has removed the potential definition from the proposed cleanup and will include it in a subsequent clean-up.

LANDSCAPE REQUIREMENTS:

Staff had developed language to include in Chapter 9.55, Water Efficient Landscape Standards and Requirements, to clarify when a vacant lot would need to be landscaped. After the study session, staff conducted additional research and found language within the Municipal Code under Chapter 6.15, which addresses landscape and maintenance of vacant commercial properties to avoid public nuisances. Based on this existing language and the discussion at the study session, staff has determined that a new section to address vacant lots in the DPZC is not needed, as Municipal Code Section 6.15 could be updated should the Council wish to modify this existing code requirement.

At the study session there was discussion on potential impacts to property owners and the need to also address developed lots, particularly residential properties, that do not have any landscaping within the front yard setback. Municipal Code Section 6.14.002 states when a lot's (residential or non-residential) condition could be considered a public nuisance (and in turn require landscaping). In particular subsection (s) states:

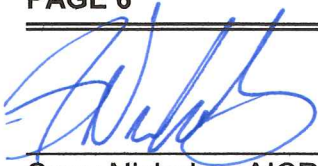
(s) Any front yard, parkway, or landscaped setback area which lacks turf, other planted material, decorative rock, bark or planted ground cover or covering, so as to cause excessive dust or allow the accumulation of debris.

As currently written, a physical impact (e.g. dust or accumulation of debris) must occur in order for a public nuisance to occur and trigger landscaping requirements. It has been suggested by members of the public that this section should be modified as follows:

(s) Any front yard, parkway, or landscaped setback area which lacks turf, other planted material, decorative rock, bark or planted ground cover or covering, ~~so as to cause excessive dust or allow the accumulation of debris.~~

As modified, a physical impact (e.g. dust or accumulation of debris) would no longer be required to be considered a public nuisance. Properties lacking front yard landscaping/ground cover would be considered a public nuisance due to the aesthetic impact and potential for physical impact. While the Planning Commission is not legally required to make formal recommendations on this type of Municipal Code change, staff is seeking the Commission's input on this issue prior to consideration by the Council.

CONCLUSION: Staff's goal is to regularly review and analyze the DPZC and bring modifications forward to ensure the continued accuracy and relevancy of the Code. This LCPA, ZTA, and SPA provides clarity and requirements to better serve the public. There will be future opportunities to evaluate other sections of the DPZC, which is why staff developed guidelines to help narrow down and focus the modifications presented to the Planning Commission. Staff recommends the Planning Commission consider public testimony and adopt a resolution recommending the City Council adopt the proposed LCPA, ZTA, and SPA for the Zoning Code Cleanup 2017.



Sean Nicholas, AICP
Senior Planner



Ursula Luna-Reynosa
Director of Community Development

ACTION DOCUMENT:

1. Draft Planning Commission Resolution 17-11-13-XX

SUPPORTING DOCUMENTS:

2. Proposed Modifications by Subject Matter
3. Visitor Serving Commercial Expansion Analysis
4. Planning Commission Workshop Staff Report and Draft Minutes (excerpted)

RESOLUTION NO. 17-11-13-XX

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF DANA POINT, CALIFORNIA, RECOMMENDING CITY COUNCIL APPROVAL OF LOCAL COASTAL PROGRAM AMENDMENT LCPA17-0003/ZONE TEXT AMENDMENT ZTA17-0001/SPECIFIC PLAN AMENDMENT SPA17-0001 TO MODIFY AND ADD VARIOUS PROVISIONS TO THE ZONING ORDINANCE AND THE C-VC ZONING DESIGNATION OF THE DANA POINT SPECIFIC PLAN FOR THE ZONING ORDINANCE CLEANUP 2017.

Applicant: City of Dana Point

The Planning Commission of the City of Dana Point does hereby resolve as follows:

WHEREAS, in 1993, the City of Dana Point approved, and the California Coastal Commission certified, the Zoning Ordinance of the City of Dana Point; and

WHEREAS, the City seeks to update the Zoning Ordinance by amending or adding various sections regarding: clarifications, definitions, use classifications, development regulations, accessory structure regulations, accessory dwelling unit regulations, fence/wall requirements, miscellaneous General Regulations and procedures, and update the Dana Point Specific Plan for uses above the ground floor of the C-VC zoning district; and

WHEREAS, the proposal is for a Local Coastal Plan Amendment (the "LCPA"), Zone Text Amendment (the "ZTA"), and Specific Plan Amendment (the "SPA") to update by amending and adding various provisions of the Zoning Ordinance and add potential uses above the ground floor to the C-VC zoning district in the Dana Point Specific Plan; and

WHEREAS, the ZTA, SPA, and LCPA will be consistent with and will provide for the orderly, systematic and specific implementation of the General Plan; and

WHEREAS, on October 23, 2017, the proposed ZTA, SPA, and LCPA were made available for public review at City Hall and Library locations within the City of Dana Point, provided to the Coastal Commission Long Beach office, available on the City of Dana Point's website, and was noticed in the local paper; and

WHEREAS, the Planning Commission held a duly noticed public hearing as prescribed by law on November 13, 2017, to consider said LCPA, ZTA, and SPA; and

WHEREAS, at said public hearing, upon hearing and considering all testimony and arguments, if any, of all persons desiring to be heard, the Planning Commission considered all factors relating to LCPA17-0003, ZTA17-0001, and SPA17-0001.

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of the City of Dana Point as follows:

- A. That the above recitations are true and correct and incorporated herein by reference;
- B. The revisions to the Zoning Ordinance and Dana Point Specific Plan are attached hereto as Exhibit "A" showing all proposed changes in a strikethrough/underline format, and Exhibit "B" showing a "clean" copy of the proposed modifications and incorporated herein by reference;
- C. That the proposed action complies with all other applicable requirements of State law and local Ordinances;
- D. That LCPA17-0003/ZTA17-0001/SPA17-0001, are in the public interest;
- E. As part of the preparation and adoption of the LCPA, ZTA and SPA staff completed an environmental analysis consistent with the California Environmental Quality Act (CEQA) and determined that the project is exempt from CEQA per Section 15061(b)(3) as these proposed modifications have no potential for causing a significant effect on the environment, thus the proposed amendments are exempt from the provisions of CEQA.;
- F. The proposed amendments to the Zoning Ordinance and Dana Point Specific Plan will be consistent with the General Plan;
- G. The Planning Commission recommends that the City Council adopt LCPA17-0003, ZTA17-0001, and SPA17-0001 for the reasons outlined herein including but not limited to: address typographical errors, clarify requirements in the Zoning Ordinance, modifications associated with recent State law changes, and modifications to expand the uses above the ground floor in the C-VC zoning district of the Dana Point Specific Plan ;
- H. That the Planning Commission adopt the following findings:

1. That the public and affected agencies have had ample opportunity to participate in the LCPA, ZTA, and SPA process **in that proper notice in accordance with the LCPA procedures has been followed. Notices were; 1) mailed on October 23, 2017 to notify adjacent agencies that the proposed changes were available for public review, and was published in the Orange County Register on October 25, 2017, 2) published in the Dana Point Times on November 2, 2017 for the Planning Commission Public Hearing, and 3) posted at the Dana Point City Hall, the Dana Point Post Office, the Capistrano Beach Post Office, the Dana Point Library, and on the City's web site on October 23, 2017.**
2. That all policies, objectives, and standards of the LCPA, ZTA, and SPA conform to the requirements of the Coastal Act, including that the Land Use Plan as amended is in conformance with and adequate to carry out policies of Chapter Three of the Coastal Act **in that the amendments to the Zoning Code and Specific Plan are consistent with the Coastal Act policies in that by codifying the Accessory Dwelling Unit (ADU) requirements provides more local housing stock for people to access coastal resources. The proposed changes to the Coastal Visitor Commercial (C-VC) zoning designation will expand the potential uses above the ground floor with an emphasis still being on visitor serving retail/restaurants and includes opportunities for various types of professional offices and personal services that will serve both visitors and residents. All other modifications are minor and associated with clarifying existing requirements and will not impact any Coastal resources or access to them.**
3. That Coastal Act policies concerning specific coastal resources, hazard areas, coastal access concerns, and land use priorities have been applied to determine the kind of locations and intensity of land and water uses **in that the Local Coastal Plan Amendments, Zone Text Amendments, and Specific Plan Amendment do not impact any land use provisions associated with coastal resources, hazard areas, coastal access concerns, and land use priorities contained in the certified Local Coastal Plan and thereby continues to be consistent with Coastal Act policies.**

4. That the level and pattern of development proposed is reflected in the Land Use Plan, Zoning Code, and Zoning Map **in that the level and pattern of development as approved in all of these documents will remain, and the goal is to correct errors, clarify existing requirements, and make the Zoning Ordinance consistent with State law. The proposed amendment to the Dana Point Specific Plan is to allow a greater range of uses above the ground floor, but does not change the fact that visitor serving commercial is the priority use in the C-VC zoning district of the Dana Point Specific Plan.**
5. That a procedure has been established to ensure adequate notice of interested persons and agencies of impending development proposed after the certification of the ZTA and LCPA **in that procedures and regulations in Chapter 9.61 "Administration of Zoning", constitute minimum standards for LCPAs, ZTAs, and SPAs within the City's Coastal Zone and applicable notification and process requirements would be applied to subsequent development requests as applicable if these amendments are approved.**
6. That zoning measures are in place which are in conformance with and adequate to carry out the coastal policies of the Land Use Plan **in that these amendments will correct errors, clarify existing requirements, and make the Zoning Ordinance consistent with State law. The proposed amendment to the Dana Point Specific Plan is to allow a greater range of uses above the ground floor, while preserving visitor serving commercial as an allowed use in the C-VC zoning district of the Dana Point Specific Plan.**
7. The proposed amendment is consistent with the Dana Point General Plan and Local Coastal Program **in that the proposed amendments are to clarify typographical errors, clarify portions of the Zoning Ordinance which have created confusion for the public, and bring the Code into compliance with recent State law changes. The Dana Point Specific Plan amendment does not change the uses, but does expand the types of uses that could be established above the ground floor in the C-VC zoning district subject to the approval of a Conditional Use Permit in the Dana Point Specific Plan, thus all changes are consistent with the General Plan and Local Coastal Program.**

8. The proposed amendment complies with all other applicable requirements of state law and local ordinances **in that the intent of the update is to make the Zoning Ordinance compliant with State law changes and does not conflict with any local ordinances.**
- I. That the Planning Commission recommends that the City Council include the following findings in the City Council resolution submitting the LCPA, ZTA, and SPA to the Coastal Commission:
 1. The City certifies that with the adoption of these amendments, the City will carry out the Local Coastal Program in a manner fully in conformity with Division 20 of the Public Resources Code as amended, the California Coastal Act of 1976.
 2. The City include the proposed LCPA, ZTA, and SPA for the Zoning Ordinance Cleanups and Dana Point Specific Plan modification in its submittal to the Coastal Commission and state that the amendment is to both the land use plan and to the implementing actions.
 3. The City certifies that the land use plan is in conformity with and adequate to carry out the Chapter Three policies of the Coastal Act.
 4. The City certifies that the implementing actions, as amended, are in conformity with and adequate to carry out the provisions of the certified Land Use Plan.
 5. The Ordinance of the City Council includes the LCPA, ZTA, and SPA numbers LCPA17-0003, ZTA17-0001, and SPA17-0001 when submitted to the Coastal Commission.
 6. The City finds that the Ordinance is exempt from CEQA pursuant to Section 15061(b)(3) of the CEQA Guidelines.
 7. The City certifies that the amendments will be submitted to the Coastal Commission for review and approval as an Amendment to the Local Coastal Program.
- J. That the Planning Commission recommends that the City Council adopt ZTA17-0001 and SPA17-0001, which would amend the Dana Point Local Coastal Program pursuant to LCPA17-0003, as shown in the attached Exhibit "A" and Exhibit "B". The Planning Commission recommends the amendment for the reasons outlined

herein and in the Planning Commission Agenda Report, including but not limited to: updating the Zoning Ordinance as regular maintenance ensures policy and requirements are relevant, accurate, and compliant to State law. Additionally the Specific Plan Amendment will allow for a greater mix of uses in the Dana Point Specific Plan C-VC zoning district, but not change the priority and emphasis of visitor serving uses.

- K. ZTA17-0001 and SPA17-0001 constitutes the LCPA17-0003 for the City of Dana Point.

PASSED, APPROVED, AND ADOPTED at a regular meeting of the Planning Commission of the City of Dana Point, California, held on this 13th day of November, 2017, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Scott McKhann, Chair
Planning Commission

ATTEST:

Ursula Luna-Reynosa, Director
Community Development Department

EXHIBIT "A"

KEY:

Normal Text=Existing unmodified language

~~Strikethrough Text~~=Proposed language to be removed

Underline Text=Proposed language to be added

9.05.080-Maximum Projects into Required Yard Areas.

Item	<u>Front</u> Maximum Projection Into Front Yard Area	<u>Rear</u> Maximum Projection Into Rear Yard Area	<u>Side</u> Maximum Projection Into Side Yard Area (A)	Minimum Distance From Property Lines (B)	Maximum Projection Above Height Limit	Other Limitations
(a) Antennas	Not Permitted	8'0"	Not Permitted	1'0"	Not Permitted (C)	2 max (D)
(b) Arch. Projections: (i.e., Cornices, Eaves and Roof Overhangs)	2'6"	2'6"	2'6"	2'0"	Not Permitted	None
(c) Awnings	4'0" (no vertical supports)	3'0"	2'6"	2'0"	Not Permitted	None
(d) Balconies	2'6"	2'6"	2'6"	5'0"	Not Permitted	(E)
(e) Basement (Below Grade)	Not Permitted <u>To PL (H)</u>	Not Permitted <u>15'0"</u>	Not Permitted <u>To PL (H)</u>	N/A	N/A	None <u>(I)</u>
(f) Bay Windows	2'6"	2'6"	2'6"	3'0"	N/A	(E)
(g) Chimneys (Maximum 7' Width)	2'0"	2'0"	2'0"	3'0"	3'0"	(E)(F)(G)
(h) Decks/ Patios Less than 30" Above Grade	To PL (H)	To PL (H)	To PL (H)	N/A	N/A	(I)

Item	<u>Front</u> Maximum Projection Into Front Yard Area	<u>Rear</u> Maximum Projection Into Rear Yard Area	<u>Side</u> Maximum Projection Into Side Yard Area (A)	Minimum Distance From Property Lines (B)	Maximum Projection Above Height Limit	Other Limitations
(i) Decks/ Patios 30"+ Above Grade (Not to Exceed First Story Or 7'6" <u>as measured from top of the railing</u>)	Not Permitted	6'0"	2'6"	3'0"	N/A	(I)(J)
(j) Detached Accessory Structures	Not Permitted	To PL (K)	To PL (K)	None (K)	Not Permitted	(L)(H)
(k) Flagpoles	15'0"	5'0"	2'6"	5'0"	15'0"	(M)
(l) HV AC/mech. equip. and window mounted air conditioners	Not permitted	3'0"	2'6"	2'0"	Not permitted	(N)
(m) Patio Covers/ Porch	6'0"	15'0"	2'6"	Front- 15'0" Side-3'0" Rear- 10'0"	Not permitted	(P)(O)
(n) Planter Boxes	2'0"	2'0"	2'6"	10'0" 2'0"	N/A	(P)(Q)
(o) Pool Equipment	Not permitted	N/A	N/A	5'0" (N)	N/A	(N)
(o) Porte Cochere	Permitted by <u>Minor</u> Site Development Permit only				Not permitted	None
(p) Exterior Stairways, <u>ramps</u> , and Stairway Landings <u>30 inches or more above grade</u>	2'6"	2'6"	2'6"	2'6"(R)	Not Permitted	(E)

Item	<u>Front</u> Maximum Projection Into Front Yard Area	<u>Rear</u> Maximum Projection Into Rear Yard Area	<u>Side</u> Maximum Projection Into Side Yard Area (A)	Minimum Distance From Property Lines (B)	Maximum Projection Above Height Limit	Other Limitations
(q) Swimming Pools and Spas	Not permitted	N/A	N/A	3'0"(S)	N/A	None
(r) <u>Pool Equipment</u>	<u>Not permitted</u>	<u>N/A</u>	<u>N/A</u>	<u>5'0"(N)</u>	<u>N/A</u>	<u>(N)</u>

Footnotes for Section 9.05.080:

(A) On a corner lot, projections permitted in a front yard setback also apply to a street side yard.

(B) In any instance where there is a conflict between the allowable maximum projection and the minimum distance from property line standard, the ~~minimum distance from property line~~ **more restrictive** standard shall rule.

(C) This provision shall not apply to television and radio antennas used to receive UHF, VHF, FM and AM signals. Such antennas may exceed the district height limit by ten (10) feet. FCC licensed amateur ham radio operators may apply for a Conditional Use Permit for a radio antenna tower greater than the maximum height limit but not exceeding seventy (70) feet.

(D) For radio antennas only, see Section 9.07.020 for satellite dish antennas.

(E) The total horizontal length of all projections (marked by this footnote) on a given building elevation shall not exceed the maximum percentage of building elevation length as specified below (building elevation length is measured at the first floor and not adjusted for multiple storied buildings):

<u>BUILDING ELEVATION:</u>	<u>Front</u>	<u>Side</u>	<u>Rear</u>
<u>MAXIMUM PERCENTAGE OF BUILDING ELEVATION LENGTH:</u>	60%	40%	80%

The above stated maximum percentages have been established as a measure to control the overuse or abuse of the projection provisions in this Table. The maximum percentages will help prevent aesthetically inappropriate architectural facades or features that would pose a detriment to adjacent properties. At the discretion of the Director of Community Development, the total length of all projections on a given elevation may be reduced to below the indicated maximums in order to implement this intent.

- (F) A maximum of two chimneys may project into required yards or above the height limit.
- (G) Maximum horizontal dimension of three (3) feet when above the height limit.
- (H) Provided minimum district landscape coverage requirements are met.
- (I) No deck may be constructed so as to extend beyond the top of slope with a grade of more than fifteen (15) percent, except as may be permitted through a minor Site Development Permit subject to the provisions of Section 9.05.270.
- (J) Including deck railings or deck structures.
- (K) Subject to the applicable provisions of the ~~Uniform Building Code~~ **California Building Code, and Uniform Fire Code, and provisions as provided in Footnote (L) below and Section 9.05.280 "Accessory Building and Structure".**
- (L) The maximum height of detached accessory structures is twelve (12) feet except as otherwise permitted in Section 9.05.260. Accessory structures shall be located in the rear half of the parcel, with the exception of entry features (i.e., arbors, porticos and trellises) and garages. Other exceptions for locating structures in the front half of the parcel require approval of a minor Site Development Permit.
- (M) Flagpoles may not exceed fifty (50) feet in height in non-residential districts and forty (40) feet in residential districts. Requests to exceed ~~these~~ **height** limits may be permitted by approval of a minor Conditional Use Permit.
- (N) **HVAC/mechanical equipment, window mounted air conditioners, and Pool equipment** may be placed adjacent to the rear or side property line subject to a minor Site Development Permit which shall include, but not be limited to, an acoustics report demonstrating compliance with the City's Noise Ordinance. **If the pool equipment is vaulted and an applicant can show compliance with the provisions of Chapter 11.10, Noise Control, than the equipment vault can encroach into the side and rear setbacks to the Property Line without going through the Minor Site Development Permit process.**
- (O) Maximum coverage: Thirty (30) percent of rear yard setback area.
- (P) Including vertical supports, ~~and overhangs.~~
- (Q) Only allowed on the 2nd floor as an extension of second floor framing; and may not exceed three (3) feet in height.
- (R) Only if the sideyard setback is at a minimum five (5) feet wide.
- (S) As measured from the edge of the water within the swimming pool or spa.

(T) Basement area must be fully subterranean, except for as provided in Section 9.75.020. Basement level may impact height calculation, see Section 9.05.110 for Building Height limitations.

9.05.110(a)(8)

(8) Accessory Structures- Accessory Structures shall be limited to the same maximum height as the primary structure provided that the Accessory Structure conforms to all required setbacks. Detached Accessory Structure located in required setbacks shall be limited to twelve (12) feet in height, except as provided in Section 9.05.260. All accessory structure building heights shall be measured as specified in Section 9.05.110(a)(2).

9.05.120 Fences, Walls, and Hedges.

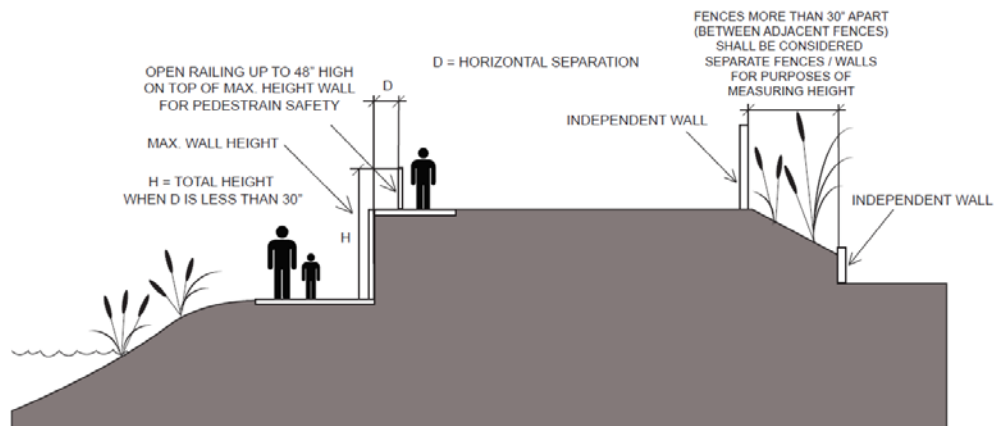
(c) Alternatives to the height limits for fences, walls and hedges specified in sections (a) and (b) above, **or (g) below**, and provisions for the placement of arbors, porticos, trellises or other entry features within required yards may be granted subject to the approval of a Minor Site Development Permit pursuant to the provisions of Chapter 9.65.

(g) Height measurements for retaining walls requiring guardrails and for multiple fences/walls.

(1) Retaining walls requiring guardrails as mandated by the California Building Code (CBC) shall be considered one wall for the purposes of measuring overall height when the guardrail is separated horizontally by less than 30 inches (as measured between their closest above grade surfaces). The overall height shall be measured from the finished grade at the base of the retaining wall to the top of the required guardrail and shall not exceed the maximum heights identified in (a), (b), and (d) above.

(2) Fences/walls and required guardrails separated horizontally by 30 inches or more (as measured between their closest above grade surfaces) shall be considered separate fences/walls and their heights shall be measured independently. Freestanding fences/walls less than 30 inches apart shall be considered one fence/wall and overall fence/wall height shall be measured from the finished grade at the base of the lower fence/wall to the top of the higher fence/wall. This provision applies to conditions where a retaining wall is the lower wall with a freestanding fence/wall above. When both walls are retaining walls, the requirements of Section 9.05.120(d) shall apply. The space between the two fences/walls shall be landscaped and maintained to provide screening to avoid negative massing impacts.

SECTION 9.05.120(g)(1) & (2)
MEASUREMENT OF HEIGHT LIMIT FOR MULTIPLE FENCES/WALLS



(h) Any freestanding walls, fences, or hedges located outside of a required setback shall be limited to a maximum height of seventy-two (72) inches, unless otherwise approved with a Minor Site Development Permit, as described in Chapter 9.71. Any retaining walls outside of a required setback shall comply with subsection (d) above.

9.05.190 Building Setbacks on Shallow/Narrow Building Sites.

The following provisions for shallow and narrow lots will maintain consistency in older areas of the community, by allowing new construction of single family or multiple family projects to develop with reduced setbacks **only** if the said parcel is not consistent with the width and depth standards **of the underlying zoning district as required in Section 9.09.030:** ~~of the zoning district as follows:~~

9.05.280 Accessory Buildings and Structures

Accessory Buildings and Structures are permitted, in any zoning district provided that they meet the following development standards:

- (a) **An Accessory Building or Structure meets the definition of an Accessory Building or Structure as specified in Section 9.75.010.**
- (b) **In residential districts, attached accessory structures shall conform to the development standards of the primary structure, and be less than 50% of the existing living area.**
- (c) **In all zones, the cumulative total of all attached and/or detached accessory structures shall be less than 50% of existing occupiable area (non-residential) or existing living area (residential).**
- (d) **In residential districts, no detached accessory structure can exceed 500 square feet, unless a Minor Site Development Permit is approved pursuant to Chapter 9.71. Required garages associated with a single family residence are permitted to exceed this requirement.**

- (e) In residential districts, detached accessory structures shall be located in the rear ½ of the parcel, with the exception of entry features (i.e., arbors, porticos and trellises) and garages, unless a Minor Site Development Permit is approved pursuant to Chapter 9.71.
- (f) In residential districts, a detached accessory structure less than 500 square feet, and located wholly in the rear ½ of a parcel shall be allowed to encroach into the side and rear yard setbacks as allowed in Section 9.05.080, provided they meet the building separation requirements.
- (g) In residential districts, detached accessory structures 500 square feet or greater shall meet all applicable setback requirements.
- (h) In all zones, the minimum accessory structure to accessory structure setback shall comply with minimum California Building Code separation requirements.
- (i) All accessory structures count towards lot coverage requirements.
- (j) Barbeque structures, fire pits, and outdoor fire places are not subject to the building separation and setback requirements, but must be located outside of the front and exterior side yard setbacks, unless a Minor Site Development Permit is approved pursuant to Chapter 9.71.
- (k) Height limitations and measurements shall be in compliance with Section 9.05.110(a)(8).

9.07.030(g)

(g) No actual retail sales shall be conducted on the premises other than sales by phone, ~~or~~ mail, or internet.

9.07.040 Alcoholic Beverage Outlets.

(b) **Minor** Conditional Use Permit. A Minor Conditional Use Permit, shall be required for the establishment of an alcoholic beverage outlet in the following situations:

(1) Sale of alcoholic beverages for off-site consumption when **a site is** located within:

- (A) Five hundred (500) feet of any area zoned or used for any church, park, or educational institution utilized by minors; or
- (B) Five hundred (500) feet of any hospital or public beach; or
- (C) One hundred (100) feet of any area zoned or used for residential purposes.

(2) Sale of alcoholic beverages for on-site consumption when **a site is** located within:

- (A) Five hundred (500) feet of any area zoned or used for any church, park or educational institution utilized by minors; or

(B) One hundred (100) feet of any area zoned or used for residential purposes.

(3) Any establishment conducting concurrent sale of alcoholic beverages and motor vehicle fuels.

(c) Findings. An application for a **Minor** Conditional Use Permit shall not be approved unless the following findings can be made in addition to the required for a findings for the approval of a Conditional Use Permit contained in Chapter 9.65.

9.07.120 Outdoor Display, Sales or Storage.

The following restrictions shall apply to the outdoor display, sales, or storage of goods and materials in non-residential districts:

(f) Outdoor Red Box, Amazon facility, Donation Bins, or similar facilities shall be allowed with the approval of a Minor Conditional Use Permit as outlined in Chapter 9.65 of this code.

9.07.210 ~~Second Dwelling Units or Granny Flats.~~

~~(a) Purpose and Intent. This Section provides standards and procedures for the development of second dwelling units. These standards are established so that second dwelling units may be evaluated under conditions that will assure their compatibility and enhancement to the site and surrounding land uses, and provide a safe, desirable and affordable living environment.~~

~~(b) Development Standards. Where a single family dwelling unit exists on a lot zoned for such purposes, the property owner may establish a second dwelling unit from the same lot, provided it be occupied by an individual adult or two senior adults and may be attached to or detached from the primary single family unit, but may not be sold as a separate dwelling unit. The following standards shall be met and shall not be modified or varied from:~~

~~(1) The second dwelling unit shall not exceed thirty (30) percent of the living area of the primary residence when attached or one thousand two hundred (1,200) square feet when detached;~~

~~(2) Second dwelling units whether attached or detached shall not encroach into any setback area required for the primary structure;~~

~~(3) An additional parking stall, in accordance with the standards described in Chapter 9.35, shall be provided for the second dwelling unit;~~

~~(4) The second dwelling unit shall be compatible in height, setback and architectural design with the primary structure and the surrounding land uses;~~

~~(5) Second dwelling units must be affordable to persons of low and moderate income, and remain affordable for the life of the project. The life of the project shall be determined as the length of time the second dwelling unit is occupied; and~~

~~(6) Each second dwelling unit shall have adequate storage and private open space.~~

~~(c) Coastal Development Permit. If the second unit requires a Coastal Development Permit it shall be processed in accordance with Chapter 9.69, with the exception of the required public hearing. Per Government Code Section 65852.2, cities may not use a discretionary process for approving a second unit. The Coastal Development Permit will be processed ministerially. Public noticing and a Notice of Final Action will be filed in accordance with the Coastal Development Permit process.~~

~~(d) The ministerial decision to approve or deny a request for a second unit may be appealed to the Planning Commission in accordance with Section 9.61.110.~~

9.07.210 Accessory Dwelling Units

(a) Pursuant to the provisions of California Government Code Section 65852.2, or any successor statute, the following shall provide development standards to ensure the orderly development of accessory dwelling units in the City. Nothing in this section shall be construed to supersede or in any way alter or lessen the effect or application of the California Coastal Act (Division 20(commencing with Section 30000) of the Public Resource Code), except that the local government shall not be required to hold public hearings for coastal development permit applications for accessory dwelling units.

(b) If the existing residence is a legal non-conforming structure conforming to use, or located in the Coastal Zone, the provisions of Chapters 9.63 and 9.69 respectively shall apply, and any required Discretionary Permit, including a Coastal Development Permit, shall be approved prior to submittal for a building permit.

(c) Development Standards. The provisions as specified by reference in California Government Code Section 65852.2, or any successor statute, shall be utilized for the purpose of prescribing regulations for the development of Accessory Dwelling Units including maximum size and parking requirements, except for applicable requirements of the

underlying zoning district, applicable overlay districts, and the local requirements as specified in subsection (d) below.

(d) Local Requirements for all Accessory Dwelling Units.

(A) Sale of Units. The accessory dwelling unit shall not be sold separately from the primary dwelling unit.

(B) Occupancy. The primary dwelling unit or the accessory dwelling unit shall be continuously occupied by at least one person having an ownership interest in the lot.

(C) Number of Units Allowed. Only one accessory unit may be located on each lot with a primary single family dwelling unit.

(D) Existing Development. A primary single family residential dwelling unit must exist on the lot or shall be constructed on the lot in conjunction with the construction of the accessory dwelling unit.

(E) Deed Restriction and Recordation Required. Prior to issuance of a Building and/or Grading permit for an accessory dwelling unit, the property owner shall record a deed restriction with the County Recorder's Office, the form and content of which is satisfactory to the City Attorney. The deed restriction document shall notify future owners of the owner occupancy requirement. This deed restriction shall remain in effect so long as the accessory dwelling unit exists on the property.

9.09.010(d)

(d) High Density. High Density Residential Districts have maximum density of 30 dwelling units per acre. Districts in this classification include Residential Beach Road Duplex (RBRD 18), Residential Single Family 22 (RSF 22), Residential Multiple Family 22 and 30 (RMF 22, RMF 30). The Residential Beach Road Duplex 18 (RBRD 18) district provides for moderate density residential development consisting of duplexes at a maximum density of 18 dwellings per net acre of land. The Residential Multiple Family 22 and 30 (RMF 22 and RMF 30) districts provide for high density, multiple family residential neighborhoods. These districts include multiple family residential development at a maximum density of 22 and 30 dwellings per net acre of land, respectively.

9.09.020 Permitted Uses, Accessory Uses, Temporary Uses and Conditional Uses.

- (a) Several classes of uses are allowed in Residential Districts. Each of these classes must promote the residential character of the individual districts. These classes of uses are:
- (1) Permitted Use — allowed by right if no discretionary review is required. Certain permitted uses, indicated by P*, are also regulated by provisions contained in Chapter 9.07.
 - (2) Accessory Use — allowed by right if accessory to a dwelling unit or a residential development, **indicated by A*, are also regulated by provisions contained in Chapter 9.07.**
 - (3) Temporary Use — allowed on a temporary basis in accordance with the provisions of Chapter 9.39.
 - (4) Conditional Use — allowed subject to the approval of a Conditional Use Permit in accordance with the provisions of Chapter 9.65. Certain conditional uses, indicated by a C*, are also regulated by provisions contained in Chapter 9.07.
 - (5) Prohibited Use — not allowed in the subject residential district.

LEGEND:

P = Permitted Use	P* = Permitted Use subject to special use standards (see Chapter 9.07)
C = Conditional Use	C* = Conditional Use subject to special use standards (see Chapter 9.07)
T = Temporary Use	T* = Temporary Use subject to special use standards (see Chapter 9.39)
X = Prohibited Use	A = Accessory Use
	<u>A* = Accessory Use subject to special use standards (see Chapter 9.07)</u>

SECTION 9.09.020(b)
RESIDENTIAL DISTRICTS

LAND USES	RSF 2	RSF 3	RSF 4	RSF 7	RSF 8	RSF 12
Granny Flat	C*	C*	C*	C*	C*	C*
Second Dwelling Unit	P	P	P	P	P	P
Accessory Dwelling Unit	A*	A*	A*	A*	A*	A*

LAND USES	RBR 12	RBRD 18	RD 14	RSF 22
Granny Flat	C*	C*	X	C*
Second Dwelling Unit	P	X	X	X
<u>Accessory Dwelling Unit</u>	<u>A*</u>	<u>A*</u>	<u>A*</u>	<u>A*</u>

LAND USES	RMF 7	RMF 14	RMF 22	RMF 30
Granny Flat	X	X	X	X
Second Dwelling Unit	X	X	X	X
<u>Accessory Dwelling Unit</u>	<u>A*</u>	<u>A*</u>	<u>A*</u>	<u>A*</u>

9.09.020(b)

LAND USES	RSF 2	RSF 3	RSF 4	RSF 7	RSF 8	RSF 12
Group Dwelling	C	C	C	C	C	C

LAND USES	RBR 12	RBRD 18	RD 14	RSF 22
Group Dwelling	C	C	C	C
LAND USES	RMF7	RMF14	RMF 22	RMF 30
Group Dwelling	C	C	C	C

Footnotes for Section 9.09.030:

(5) For existing lots less than the width and depth requirements of the underlying zone as specified in Section 9.09.030 ~~fifty (50) feet wide and/or less than one hundred (100) feet deep~~, see Section 9.05.190 for reduced front, side and rear building setbacks.

9.11.020 Permitted Uses, Accessory Uses, Temporary Uses, and Conditional Uses.

SECTION 9.11.020(b)
 COMMERCIAL DISTRICTS

LAND USES	NC	CC/P	CC/V	V/RC
<u>Hookah Lounges</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>

9.11.040 Special Development Standards.

(a) Accessory Uses and Structures. Setbacks for detached accessory buildings or structures shall be in compliance with Section 9.05.280, established through a Site Development Permit and shall be consistent with the provisions of Section 9.05.080, Maximum Projections into Required Yard Areas.

9.13.020(c)

LAND USES	C/R	R/C-18	P/R
Group Dwelling/ Group Home	C	X	C

9.13.020 Permitted Uses, Accessory Uses, Temporary Uses and Conditional Uses.

SECTION 9.13.020(c)
 MIXED USE DISTRICTS

LAND USES	C/R	R/C-18	P/R
<u>Hookah Lounges</u>	<u>X</u>	<u>X</u>	<u>X</u>

9.13.020 Permitted Uses, Accessory Uses, Temporary Uses and Conditional Uses.

Footnotes for Section 9.13.020(c):

(2) Permitted only ~~as an accessory use to commercial or professional uses~~ in a mixed use project and located on the second floor only.

9.19.020(b)

LAND USES	CF
Group Dwelling/ Group Home	C

9.35.120 Parking Structure Design Standards.

Parking structures, including underground or subterranean structures, shall require a Site Development Permit and shall be designed to meet the following standards and guidelines:

(g) Parking Structure Setbacks. The setbacks for the exterior walls of any underground or subterranean parking structure shall not encroach into the minimum above grade building setbacks unless approved through the Site Development Permit process pursuant to Chapter 9.71.

~~In no case may the setback for an underground or subterranean parking structure be less than three (3) feet.~~

9.37.020(s)

~~Sign — Any structure, object, display verbiage, illustration, emblem, and/or logo used to direct or attract attention to an object, person, institution, organization, business, service, or event. A sign may include, but is not limited to, words, numbers, symbols, posters, pictures, and other objects or characters similar in nature used to attract attention.~~

Sign — any representation used to convey information, or to identify, announce, or otherwise direct attention to a business, profession, commodity, service, or entertainment and placed on, suspended from, or in any way attached to, any structure, vehicle, or feature of the natural or man-made landscape.

9.37.150(e)(2)

CLASS	TYPE	PERMIT REQUIRED	MAXIMUM NUMBER	AGGREGATE AREA	MAXIMUM HEIGHT	ADDITIONAL STANDARDS
(2) Tenant Identification Sign	Wall, Canopy, or Window	Yes	Four: (one sign allowed for each street frontage, parking lot frontage or interior courtyard frontage)	1 sq. ft. per lineal ft. of building frontage on any public right-of-way, parking lot interior courtyard	Wall: Below the eave line	(A) Signs may be located on building elevations with street frontage or main public entrances.

9.61.040(d)(1)

(d) Time Limit for Final Action on Development Project Applications.

(1) Applications Requiring an Environmental Impact Report. Those applications accepted as complete and requiring an Environmental Impact Report pursuant to the California Environmental Quality Act, (CEQA), the State Guidelines and the City of Dana Point CEQA Guidelines, shall be scheduled for a public hearing so that final action may be taken within one (1) year of the acceptance of the **complete complete** application unless the applicant requests, or consents to, an extension of time.

9.61.150 Substantial Compliance with Discretionary Approval.

(a) Approval of a request for Substantial Compliance with Discretionary Approval can occur, provided the following findings can be made:

(1) The proposed changes comply with the provisions, spirit, and intent of the original approvals.

(2) That the action would have been the same for the modifications as for the approved plan.

(b) Decisions on Substantial Compliance with Discretionary Approval applications shall be made administratively by the Director of Community Development. The Director shall include a determination of findings and additional conditions of approval as appropriate.

(c) At the discretion of the Director of Community Development, a Substantial Compliance with Discretionary Approval may be placed on the Planning Commission Agenda as a public hearing. If Planning Commission review is required, the public notification process used for the original discretionary action shall be completed.

9.63.080 Substitution of a Nonconforming Use.

Subject to Planning Commission approval **of a Conditional Use Permit pursuant to Chapter 9.65**, a nonconforming use may be replaced by another nonconforming use, provided that such substitute use is less detrimental to the public welfare and to the property of persons located in the vicinity thereof than is the original conforming use. Any such change of use shall not extend the termination date established for the original nonconforming use.

9.65.060(c)(13)

(c) Conditions imposed by the Planning Commission for a conditional use may involve any pertinent factors affecting the establishment, operation, or maintenance of the requested use, including, but not limited to:

(13) Screening and proper orientation of ~~objectional~~ **objectionable** elements of the use.

9.69.100(a)

9.69.100 Notice of Final Action to Coastal Commission.

(a) The City's decision on the Coastal Development Permit application shall be considered final when both 1) all required findings have been adopted, including specific factual findings supporting the legal conclusions that the proposed development is or is not in conformity with the certified local coastal program and, where applicable, with the public access and recreation policies of Chapter Three of the Coastal Act; and 2) all rights to appeals before the Planning Commission and City Council, as described in Section ~~9.61.100~~ **9.61.110** of the Zoning Code,

have been exhausted, or the fifteen (15) calendar day appeals period to the Planning Commission and City Council, as described in Section ~~9.61.100(b)~~ **9.61.110(b)** of the Zoning Code, expires without an appeal being filed. (Coastal Act/30333, 30620; 14 Cal Code of Regulations/13570).

9.75.010 "A" Definitions and Illustrations

Accessory Use — a use of a portion of land or building which is ~~customarily and~~ clearly incidental and subordinate and less than 50% of to the principal use operation and/or of the land or building which is located on the same lot as such principal use. Accessory uses typically are very small in proportion to the principal use and associated structures exceed six (6) feet in height.

9.75.020 "B" Definitions and Illustrations.

Basement — living or storage area which is constructed wholly underground, meaning below the exterior finished grade on all sides, with no more than 20% percent of the lineal footage of the exterior wall broken by light wells, no light well wider than four feet and no light well within six feet of another light well. An exception to these provisions, subject to a Minor Site Development Permit, would allow adequate daylighting to provide vehicular ingress and egress, to a residential/nonresidential garages which shall be considered a basement. ~~would permit subterranean residential garages to be considered as a basement for the Ritz Cove (PRD 4) area only.~~ Any structural area meeting this definition shall not be considered a story.

Bedroom — any habitable room other than a bathroom, kitchen, dining room or living room with a closet.

9.75.110 "K" Definitions and Illustrations.

Kitchen/Cooking Facilities — a room or portion of a room in a structure used for the purpose of preparing meals, containing the necessary appliances, ~~and equipped with~~ including a sink and running water, and one or more of the following: stove, shot plate, or similar portable or non-portable cooking device.

9.75.120 "L" Definitions and Illustrations

Living Area- Means the interior habitable area of a dwelling unit including permitted habitable basements and permitted habitable attics, but does not include a garage or any accessory structure.

9.75.130 "M" Definitions and Illustrations

~~Mezzanine-~~**An intermediate level or levels between the floor and ceiling as defined, or as amended by the California Building Code. a platform that projects from a maximum of two walls within a structure above the first or second level, is no more than one third of the area of the room in which it is located, and is surrounded by a rail or balustrade.**

9.75.150 "O" Definitions and Illustrations.

Occupiable Space, Non-Residential-A room or enclosed space designed for human occupancy in which individuals could congregate and which is equipped with means of egress and light and ventilation facilities meeting the requirements of the California Building Code.

9.75.160 "P" Definitions and Illustrations.

Parking, Subterranean or Underground — a parking structure that is built with a maximum of four (4) feet above the exterior finished grade provided that the four (4) feet is included in the structure's building height measurement. Subterranean parking structures shall be allowed to daylight for vehicular access without counting as a story nor against the height calculation if the vehicular access is the only area where a subterranean parking structure daylights.

9.75.190 "S" Definitions and Illustrations.

~~Sign — any representation used to convey information, or to identify, announce, or otherwise direct attention to a business, profession, commodity, service, or entertainment and placed on, suspended from, or in any way attached to, any structure, vehicle, or feature of the natural or man-made landscape.~~

Sign- See Section 9.37.020(s)

9.75.270 Definitions of Use.

Educational Uses — shall mean establishments, public or private, which provide formal academic, artistic or athletic training. Typical uses would include, but not be limited to, art schools, martial arts schools, dance schools, day care centers, gymnastics schools, technical schools, vocational schools and university/college extension programs or satellite facilities.

Group Dwelling — shall mean the residential occupancy of a structure by groups of more than five persons who are not related by blood, marriage or adoption, on a weekly or longer basis under a common housekeeping plan or as members of a structured organization. Typical uses would include, but not be limited to, retirement homes, boarding houses and lodging houses.

“Personal Service Uses” — shall mean establishments which provide services to an individual related to personal care and appearance, or the cleaning or repair of personal effects, excluding motor vehicles. Typical uses would include, but not be limited to, antique restoration, barber shops and beauty salons, cosmetologists (including incidental facial and scalp massage), **botox, medical spas or similar procedure**, mortuaries and funeral parlors, shoe repair, dry cleaning, laundromats, reducing salons, nail salons, tailors, and pet grooming. Massage therapy, and similar such uses, may be considered a personal service use provided that the massage services are administered by a medical practitioner, chiropractor, acupuncturist, acupressurist, or physical therapist appropriately licensed by the State of California.

Appendix A Master Land Use Matrix

LAND USES	CF	REC	OS	CONS	TC	DPHRP
(45) Emergency Shelter	X P (2)	X	X	X	X	(1)

(2) Up to 20 bed maximum, pursuant to Section 9.19.020 and 9.19.040(b).

LAND USES	RSF 2	RSF 3	RSF 4	RSF 7	RSF 8	RSF 12
(55) Group Dwelling Reserved	G	G	G	G	G	G

LAND USES	RBR12	RMF12	RSF 14	RD 14	RMF 14	RBRD 18
(55) Group Dwelling Reserved	G	G	G	G	G	G

LAND USES	RSF 22	RMF 22	RMF 30	NC	CC/P	CC/V
(55) Group Dwelling Reserved	G	G	G	X	X	X

LAND USES	V/RC	C/R	P/r	P/A	I/B
(55) Group Dwelling Reserved	X	G	G	X	X

LAND USES	CF	REC	OS	CONS	TC	DPHRP
(55) Group Dwelling Reserved	G	X	X	X	X	X

LAND USES	RSF 2	RSF 3	RSF 4	RSF 7	RSF 8	RSF 12
(60) <u>Hookah Lounge</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>

*All numbers following 60 shall be re-numbered accordingly in Appendix A

LAND USES	RBR 12	RMF 12	RSF 14	RD 14	RMF 14	RBRD 18
(60) <u>Hookah Lounge</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>

*All numbers following 60 shall be re-numbered accordingly in Appendix A

LAND USES	RSF 22	RMF 22	RMF30	NC	CC/P	CC/V
(60) <u>Hookah Lounge</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>

*All numbers following 60 shall be re-numbered accordingly in Appendix A

LAND USES	V/RC	C/R	P/R	P/A	I/B
(60) <u>Hookah Lounge</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>

*All numbers following 60 shall be re-numbered accordingly in Appendix A

LAND USES	CF	REC	OS	CONS	TC	DPHRP
(60) <u>Hookah Lounge</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>

*All numbers following 60 shall be re-numbered accordingly in Appendix A

APPENDIX B PLANNED RESIDENTIAL DEVELOPMENT REGULATIONS
Refer to the standards of the underlying zoning designation, except for the following modifications:

Dana Point Specific Plan-Applicant Submittal

6. C-VC

"COASTAL VISITOR COMMERCIAL" DISTRICT

a. PURPOSE AND INTENT

The intent of the C-VC Coastal Visitor Commercial District is to provide the regulations which will permit the development and maintenance of a commercial area that will supply the needs of tourists and other visitors to the coast while preserving the unique and natural features of the environment.

b. LAND USES

- 1) Principal Permitted Use - The following uses are permitted on each building site, in compliance with the site development standards contained in subsection "c" below and subject to the provisions of a Coastal Development Permit approved in compliance with Section D of these district regulations. Approved CDP's for development located within the appeal areas depicted in Figure 12 are subject to appeal to the Coastal Commission.
 - a) Hotels, motels, hostels.
 - b) Restaurants.
- 2) Other Permitted Uses- The following uses are permitted on each building site, in compliance with the site development standards contained in subsection "c" below and subject to the provisions of a Coastal Development Permit approved in compliance with Section D of these district regulations. Approved CDP's are subject to appeal to the Coastal Commission.
 - a) Cocktail lounges, bars.
 - b) Beach access bridges, ways or tunnels.
 - c) Bicycle and surfboard shops and rentals.
 - d) Trails for hiking and bicycling in conformance with Land Use Plan.
 - e) Time share projects.
 - f) Public commercial health, tennis, racquetball, swimming, boat, yacht clubs.
 - g) Bus and taxi stops.
 - h) Convention and conference centers.
 - i) Retail and service businesses associated with the needs of visitors and tourists.
 - j) Museums and libraries.
 - k) Water sports retail establishments and rental except as provided in the prohibited uses below.
 - l) Parks and playgrounds.
 - m) Arboretums and horticultural gardens.
 - n) Boat rentals.
 - o) Bicycle rentals.
 - p) Boat repair, storage, sale.
 - q) Commercial recreation.
 - r) Public facilities ancillary to visitors and tourists.
- 3) Accessory Uses Allowed

Any of the following uses and structures customarily incidental to the above permitted uses.

- a) Signs, in compliance with Section E.13.
- b) Other accessory uses.

4) Prohibited Uses

- a) Automobile service, repair, sales, rental and washing.
- b) Camping facilities.
- c) Adult entertainment businesses and adult bookstores.
- d) Permanent residential uses not provided under permitted uses.
- e) Kennels.
- f) Retail and personal services oriented to the daily needs of the immediate residential neighborhoods.

5) Permitted Uses above the Ground Floor – The following uses are permitted on floors that are above the ground floor, in compliance with the site development standards contained in subsection "C" below and subject to the provisions of a Coastal Development Permit approved in compliance with the CD District Regulations, and a Conditional Use Permit (CUP), except for permitted uses as specified in subsection b1 and b2 above are allowed without a CUP. Approved CDP's are subject to appeal to the Coastal Commission.

- a) Administrative and professional offices.**
- b) Personal services oriented to the daily needs of the immediate neighborhood, beauty shops, barber shops, and dry cleaners.**
- c) Banks and savings and loan association branches.**
- d) Optometry or Dental offices.**

EXHIBIT “B”

9.05.080-Maximum Projects into Required Yard Areas.

Item	<u>Front</u> Maximum Projection Into Front Yard Area	<u>Rear</u> Maximum Projection Into Rear Yard Area	<u>Side</u> Maximum Projection Into Side Yard Area (A)	Minimum Distance From Property Lines (B)	Maximum Projection Above Height Limit (C)	Other Limitations
(a) Antennas	Not Permitted	8'0"	Not Permitted	1'0"	Not Permitted (C)	2 max (D)
(b) Arch. Projections: (i.e., Cornices, Eaves and Roof Overhangs)	2'6"	2'6"	2'6"	2'0"	Not Permitted	None
(c) Awnings	4'0" (no vertical supports)	3'0"	2'6"	2'0"	Not Permitted	None
(d) Balconies	2'6"	2'6"	2'6"	5'0"	Not Permitted	(E)
(e) Basement (Below Grade)	To PL (H)	15'0"	To PL (H)	N/A	N/A	(T)
(f) Bay Windows	2'6"	2'6"	2'6"	3'0"	N/A	(E)
(g) Chimneys (Maximum 7' Width)	2'0"	2'0"	2'0"	3'0"	3'0"	(E)(F)(G)
(h) Decks/ Patios Less than 30" Above Grade	To PL (H)	To PL (H)	To PL (H)	N/A	N/A	(I)

Item	<u>Front</u> Maximum Projection Into Front Yard Area	<u>Rear</u> Maximum Projection Into Rear Yard Area	<u>Side</u> Maximum Projection Into Side Yard Area (A)	Minimum Distance From Property Lines (B)	Maximum Projection Above Height Limit	Other Limitations
(i) Decks/ Patios 30"+ Above Grade (Not to Exceed First Story Or 7'6" as measured from top of the railing)	Not Permitted	6'0"	2'6"	3'0"	N/A	(I)(J)
(j) Detached Accessory Structures	Not Permitted	To PL (K)	To PL (K)	None (K)	Not Permitted	(L)(H)
(k) Flagpoles	15'0"	5'0"	2'6"	5'0"	15'0"	(M)
(l) HV AC/mech. equip. and window mounted air conditioners	Not permitted	3'0"	2'6"	2'0"	Not permitted	(N)
(m)Patio Covers/ Porch	6'0"	15'0"	2'6"	Front- 15'0" Side-3'0" Rear- 10'0"	Not permitted	(P)(O)
(n) Planter Boxes	2'0"	2'0"	2'6"	2'0"	N/A	(P)(Q)
(s) Porte Cochere	Permitted by Minor Site Development Permit only				Not permitted	None
(t) Exterior Stairways, ramps, and Stairway Landings 30 inches or more above grade	2'6"	2'6"	2'6"	2'6"(R)	Not Permitted	(E)
(u) Swimming Pools and Spas	Not permitted	N/A	N/A	3'0"(S)	N/A	None

Item	<u>Front</u> Maximum Projection Into Front Yard Area	<u>Rear</u> Maximum Projection Into Rear Yard Area	<u>Side</u> Maximum Projection Into Side Yard Area (A)	Minimum Distance From Property Lines (B)	Maximum Projection Above Height Limit	Other Limitations
(v) Pool Equipment	Not permitted	N/A	N/A	5'0"(N)	N/A	(N)

Footnotes for Section 9.05.080:

(A) On a corner lot, projections permitted in a front yard setback also apply to a street side yard.

(B) In any instance where there is a conflict between the allowable maximum projection and the minimum distance from property line standard, the more restrictive standard shall rule.

(C) This provision shall not apply to television and radio antennas used to receive UHF, VHF, FM and AM signals. Such antennas may exceed the district height limit by ten (10) feet. FCC licensed amateur ham radio operators may apply for a Conditional Use Permit for a radio antenna tower greater than the maximum height limit but not exceeding seventy (70) feet.

(D) For radio antennas only, see Section 9.07.020 for satellite dish antennas.

(E) The total horizontal length of all projections (marked by this footnote) on a given building elevation shall not exceed the maximum percentage of building elevation length as specified below (building elevation length is measured at the first floor and not adjusted for multiple storied buildings):

<u>BUILDING ELEVATION:</u>	<u>Front</u>	<u>Side</u>	<u>Rear</u>
<u>MAXIMUM PERCENTAGE OF BUILDING ELEVATION LENGTH:</u>	60%	40%	80%

The above stated maximum percentages have been established as a measure to control the overuse or abuse of the projection provisions in this Table. The maximum percentages will help prevent aesthetically inappropriate architectural facades or features that would pose a detriment to adjacent properties. At the discretion of the Director of Community Development, the total length of all projections on a given elevation may be reduced to below the indicated maximums in order to implement this intent.

(F) A maximum of two chimneys may project into required yards or above the height limit.

(G) Maximum horizontal dimension of three (3) feet when above the height limit.

- (H) Provided minimum landscape coverage requirements are met.
- (I) No deck may be constructed so as to extend beyond the top of slope with a grade of more than fifteen (15) percent, except as may be permitted through a minor Site Development Permit subject to the provisions of Section 9.05.270.
- (J) Including deck railings or deck structures.
- (K) Subject to the applicable provisions of the California Building Code, Uniform Fire Code, and provisions as provided in Footnote (L) below and Section 9.05.280 "Accessory Building and Structure".
- (L) The maximum height of detached accessory structures is twelve (12) feet except as otherwise permitted in Section 9.05.260. Accessory structures shall be located in the rear half of the parcel, with the exception of entry features (i.e., arbors, porticos and trellises) and garages. Other exceptions for locating structures in the front half of the parcel require approval of a minor Site Development Permit.
- (M) Flagpoles may not exceed fifty (50) feet in height in non-residential districts and forty (40) feet in residential districts. Requests to exceed height limits may be permitted by approval of a minor Conditional Use Permit.
- (N) HVAC/mechanical equipment, window mounted air conditioners, and pool equipment may be placed adjacent to the rear or side property line subject to a minor Site Development Permit which shall include, but not be limited to, an acoustics report demonstrating compliance with the City's Noise Ordinance. If the pool equipment is vaulted and an applicant can show compliance with the provisions of Chapter 11.10, Noise Control, than the equipment vault can encroach into the side and rear setbacks to the Property Line without going through the Minor Site Development Permit process.
- (O) Maximum coverage: Thirty (30) percent of rear yard setback area.
- ◀(P) Including vertical supports.
- (Q) Only allowed on the 2nd floor as an extension of second floor framing; and may not exceed three (3) feet in height.
- (R) Only if the sideyard setback is at a minimum five (5) feet wide.
- (S) As measured from the edge of the water within the swimming pool or spa.
- (T) Basement area must be fully subterranean, except for as provided in Section 9.75.020. Basement level may impact height calculation, see Section 9.05.110 for Building Height limitations.

9.05.110(a)(8)

(8) Accessory Structures- Accessory Structures shall be limited to the same maximum height as the primary structure provided that the Accessory Structure conforms to all required setbacks. Detached Accessory Structure located in

required setbacks shall be limited to twelve (12) feet in height, except as provided in Section 9.05.260. All accessory structure building heights shall be measured as specified in Section 9.05.110(a)(2).

9.05.120 Fences, Walls, and Hedges.

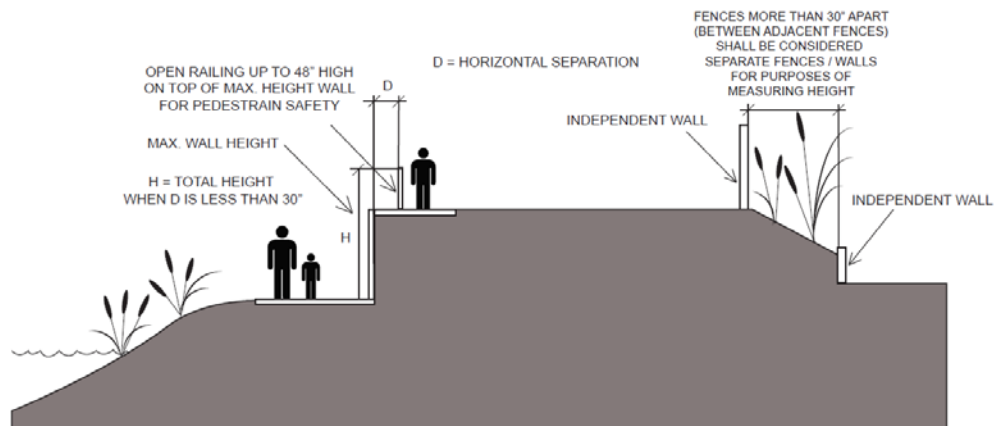
(c) Alternatives to the height limits for fences, walls and hedges specified in sections (a) and (b) above, or (g) below, and provisions for the placement of arbors, porticos, trellises or other entry features within required yards may be granted subject to the approval of a Minor Site Development Permit pursuant to the provisions of Chapter 9.65.

(g) Height measurements of retaining walls requiring guardrails and for multiple fences/walls.

(1) Retaining walls requiring guardrails as mandated by the California Building Code (CBC) shall be considered one wall for the purposes of measuring overall height when the guardrail is separated horizontally by less than 30 inches (as measured between their closest above grade surfaces). The overall height shall be measured from the finished grade at the base of the retaining wall to the top of the required guardrail and shall not exceed the maximum heights identified in (a), (b), and (d) above.

(2) Fences/walls and required guardrails separated horizontally by 30 inches or more (as measured between their closest above grade surfaces) shall be considered separate fences/walls and their heights shall be measured independently. Freestanding fences/walls less than 30 inches apart shall be considered one fence/wall and overall fence/wall height shall be measured from the finished grade at the base of the lower fence/wall to the top of the higher fence/wall. This provision applies to conditions where a retaining wall is the lower wall with a freestanding fence/wall above. When both walls are retaining walls, the requirements of Section 9.05.120(d) shall apply. The space between the two fences/walls shall be landscaped and maintained to provide screening to avoid negative massing impacts.

SECTION 9.05.120(g)(1) & (2)
MEASUREMENT OF HEIGHT LIMIT FOR MULTIPLE FENCES/WALLS



(h) Any freestanding walls, fences, or hedges located outside of a required setback shall be limited to a maximum height of seventy-two (72) inches, unless otherwise approved with a Minor Site Development Permit, as described in Chapter 9.71. Any retaining walls outside of a required setback shall comply with subsection (d) above.

9.05.190 Building Setbacks on Shallow/Narrow Building Sites.

The following provisions for shallow and narrow lots will maintain consistency in older areas of the community, by allowing new construction of single family or multiple family projects to develop with reduced setbacks only if the said parcel is not consistent with the width and depth standards of the underlying zoning district as required in Section 9.09.030:

9.05.280 Accessory Buildings and Structures

Accessory Buildings and Structures are permitted, in any zoning district provided that they meet the following development standards:

- (a) An Accessory Building or Structure meets the definition of an Accessory Building or Structure as specified in Section 9.75.010.
- (b) In residential districts, attached accessory structures shall conform to the development standards of the primary structure, and be less than 50% of the existing living area.
- (c) In all zones, the cumulative total of all attached and/or detached accessory structures shall be less than 50% of existing occupiable area (non-residential) or existing living area (residential).
- (d) In residential districts, no detached accessory structure can exceed 500 square feet, unless a Minor Site Development Permit is approved pursuant to Chapter 9.71. Required garages associated with a single family residence are permitted to exceed this requirement.

- (e) In residential districts, detached accessory structures shall be located in the rear ½ of the parcel, with the exception of entry features (i.e., arbors, porticos and trellises) and garages, unless a Minor Site Development Permit is approved pursuant to Chapter 9.71.
- (f) In residential districts, a detached accessory structure less than 500 square feet, and located wholly in the rear ½ of a parcel shall be allowed to encroach into the side and rear yard setbacks as allowed in Section 9.05.080, provided they meet the building separation requirements.
- (g) In residential districts, detached accessory structures 500 square feet or greater shall meet all applicable setback requirements.
- (h) In all zones, the minimum accessory structure to accessory structure setback shall comply with minimum California Building Code separation requirements.
- (i) All accessory structures count towards lot coverage requirements.
- (j) Barbeque structures, fire pits, and outdoor fire places are not subject to the building separation and setback requirements, but must be located outside of the front and exterior side yard setbacks, unless a Minor Site Development Permit is approved pursuant to Chapter 9.71.
- (k) Height limitations and measurements shall be in compliance with Section 9.05.110(a)(8).

9.07.030(g)

- (g) No actual retail sales shall be conducted on the premises other than sales by phone, mail, or internet.

9.07.040 Alcoholic Beverage Outlets.

- (b) Minor Conditional Use Permit. A Minor Conditional Use Permit, shall be required for the establishment of an alcoholic beverage outlet in the following situations:

- (1) Sale of alcoholic beverages for off-site consumption when a site is located within:

- (A) Five hundred (500) feet of any area zoned or used for any church, park, or educational institution utilized by minors; or
- (B) Five hundred (500) feet of any hospital or public beach; or
- (C) One hundred (100) feet of any area zoned or used for residential purposes.

- (2) Sale of alcoholic beverages for on-site consumption when a site is located within:

- (A) Five hundred (500) feet of any area zoned or used for any church, park or educational institution utilized by minors; or
- (B) One hundred (100) feet of any area zoned or used for residential purposes.

(3) Any establishment conducting concurrent sale of alcoholic beverages and motor vehicle fuels.

(c) Findings. An application for a Minor Conditional Use Permit shall not be approved unless the following findings can be made in addition to the required for a findings for the approval of a Conditional Use Permit contained in Chapter 9.65.

9.07.120 Outdoor Display, Sales or Storage.

The following restrictions shall apply to the outdoor display, sales, or storage of goods and materials in non-residential districts:

(f) Outdoor Red Box, Amazon facility, Donation Bins, or similar facilities shall be allowed with the approval of a Minor Conditional Use Permit as outlined in Chapter 9.65 of this code.

9.07.210 Accessory Dwelling Units

(a) Pursuant to the provisions of California Government Code Section 65852.2, or any successor statute, the following shall provide development standards to ensure the orderly development of accessory dwelling units in the City. Nothing in this section shall be construed to supersede or in any way alter or lessen the effect or application of the California Coastal Act (Division 20(commencing with Section 30000) of the Public Resource Code), except that the local government shall not be required to hold public hearings for coastal development permit applications for accessory dwelling units.

(b) If the existing residence is a legal non-conforming structure conforming to use, or located in the Coastal Zone, the provisions of Chapters 9.63 and 9.69 respectively shall apply, and any required Discretionary Permit, including a Coastal Development Permit, shall be approved prior to submittal for a building permit.

(c) Development Standards. The provisions as specified by reference in California Government Code Section 65852.2, or any successor statute, shall be utilized for the purpose of prescribing regulations for the development of Accessory Dwelling Units including maximum size and parking requirements, except for applicable requirements of the underlying zoning district, applicable overlay districts, and the local requirements as specified in subsection (d) below.

(d) Local Requirements for all Accessory Dwelling Units.

- (A) Sale of Units. The accessory dwelling unit shall not be sold separately from the primary dwelling unit.
- (B) Occupancy. The primary dwelling unit or the accessory dwelling unit shall be continuously occupied by at least one person having an ownership interest in the lot.
- (C) Number of Units Allowed. Only one accessory unit may be located on each lot with a primary single family dwelling unit.
- (D) Existing Development. A primary single family residential dwelling unit must exist on the lot or shall be constructed on the lot in conjunction with the construction of the accessory dwelling unit.
- (E) Deed Restriction and Recordation Required. Prior to issuance of a Building and/or Grading permit for an accessory dwelling unit, the property owner shall record a deed restriction with the County Recorder's Office, the form and content of which is satisfactory to the City Attorney. The deed restriction document shall notify future owners of the owner occupancy requirement. This deed restriction shall remain in effect so long as the accessory dwelling unit exists on the property.

9.09.010(d)

(d) High Density. High Density Residential Districts have maximum density of 30 dwelling units per acre. Districts in this classification include Residential Beach Road Duplex (RBRD 18), Residential Single Family 22 (RSF 22), Residential Multiple Family 22 and 30 (RMF 22, RMF 30). The Residential Beach Road Duplex 18 (RBRD 18) district provides for moderate density residential development consisting of duplexes at a maximum density of 18 dwellings per net acre of land. The Residential Multiple Family 22 and 30 (RMF 22 and RMF 30) districts provide for high density, multiple family residential neighborhoods. These districts include multiple family residential development at a maximum density of 22 and 30 dwellings per net acre of land, respectively.

9.09.020 Permitted Uses, Accessory Uses, Temporary Uses and Conditional Uses.

- (a) Several classes of uses are allowed in Residential Districts. Each of these classes must promote the residential character of the individual districts. These classes of uses are:

- (1) Permitted Use — allowed by right if no discretionary review is required. Certain permitted uses, indicated by P*, are also regulated by provisions contained in Chapter 9.07.
- (2) Accessory Use — allowed by right if accessory to a dwelling unit or a residential development, indicated by A*, are also regulated by provisions contained in Chapter 9.07.
- (3) Temporary Use — allowed on a temporary basis in accordance with the provisions of Chapter 9.39.
- (4) Conditional Use — allowed subject to the approval of a Conditional Use Permit in accordance with the provisions of Chapter 9.65. Certain conditional uses, indicated by a C*, are also regulated by provisions contained in Chapter 9.07.
- (5) Prohibited Use — not allowed in the subject residential district.

LEGEND:

P = Permitted Use P* = Permitted Use subject to special use standards (see Chapter 9.07)
 C = Conditional Use C* = Conditional Use subject to special use standards (see Chapter 9.07)
 T = Temporary Use T* = Temporary Use subject to special use standards (see Chapter 9.39)
 X = Prohibited Use A = Accessory Use
 A* = Accessory Use subject to special use standards (see Chapter 9.07)

SECTION 9.09.020(b)
 RESIDENTIAL DISTRICTS

LAND USES	RSF 2	RSF 3	RSF 4	RSF 7	RSF 8	RSF 12
<u>Accessory Dwelling Unit</u>	<u>A*</u>	<u>A*</u>	<u>A*</u>	<u>A*</u>	<u>A*</u>	<u>A*</u>

LAND USES	RBR 12	RBRD 18	RD 14	RSF 22
<u>Accessory Dwelling Unit</u>	<u>A*</u>	<u>A*</u>	<u>A*</u>	<u>A*</u>

LAND USES	RMF 7	RMF 14	RMF 22	RMF 30
<u>Accessory Dwelling Unit</u>	<u>A*</u>	<u>A*</u>	<u>A*</u>	<u>A*</u>

Footnotes for Section 9.09.030:

(5) For existing lots less than the width and depth requirements of the underlying zone as specified in Section 9.09., see Section 9.05.190 for reduced front, side and rear building setbacks.

9.11.020 Permitted Uses, Accessory Uses, Temporary Uses, and Conditional Uses.

SECTION 9.11.020(b)
COMMERCIAL DISTRICTS

LAND USES	NC	CC/P	CC/V	V/RC
Hookah Lounges	X	X	X	X

9.11.040 Special Development Standards.

(a) Accessory Uses and Structures. Setbacks for detached accessory buildings or structures shall be in compliance with Section 9.05.280.

9.13.020(c)

LAND USES	C/R	R/C-18	P/R
Group Home	C	X	C

9.13.020 Permitted Uses, Accessory Uses, Temporary Uses and Conditional Uses.

SECTION 9.13.020(c)
MIXED USE DISTRICTS

LAND USES	C/R	R/C-18	P/R
Hookah Lounges	X	X	X

9.13.020 Permitted Uses, Accessory Uses, Temporary Uses and Conditional Uses.

Footnotes for Section 9.13.020(c):

(2) Permitted only in a mixed use project and located on the second floor only.

9.19.020(b)

LAND USES	CF
Group Home	C

9.35.120 Parking Structure Design Standards.

Parking structures, including underground or subterranean structures, shall require a Site Development Permit and shall be designed to meet the following standards and guidelines:

- (g) Parking Structure Setbacks. The setbacks for the exterior walls of any underground or subterranean parking structure shall not encroach into the minimum above grade building setbacks unless approved through the Site Development Permit process pursuant to Chapter 9.71.

9.37.020(s)

Sign — any representation used to convey information, or to identify, announce, or otherwise direct attention to a business, profession, commodity, service, or entertainment and placed on, suspended from, or in any way attached to, any structure, vehicle, or feature of the natural or man-made landscape.

9.37.150(e)(2)

CLASS	TYPE	PERMIT REQUIRED	MAXIMUM NUMBER	AGGREGATE AREA	MAXIMUM HEIGHT	ADDITIONAL STANDARDS
(2) Tenant Identification Sign	Wall, Canopy, or Window	Yes	Four: (one sign allowed for each street frontage, parking lot frontage or interior courtyard frontage)	1 sq. ft. per lineal ft. of building frontage on any public right-of-way, parking lot interior courtyard	Wall: Below the eave line	(A) Signs may be located on building elevations with street frontage or main public entrances.

9.61.040(d)(1)

(d) Time Limit for Final Action on Development Project Applications.

(1) Applications Requiring an Environmental Impact Report. Those applications accepted as complete and requiring an Environmental Impact Report pursuant to the California Environmental Quality Act, (CEQA), the State Guidelines and the City of Dana Point CEQA Guidelines, shall be scheduled for a public hearing so that final action may be taken within one (1) year of the acceptance of the

complete application unless the applicant requests, or consents to, an extension of time.

9.61.150 Substantial Compliance with Discretionary Approval.

(a) Approval of a request for Substantial Compliance with Discretionary Approval can occur, provided the following findings can be made:

(1) The proposed changes comply with the provisions, spirit, and intent of the original approvals.

(2) That the action would have been the same for the modifications as for the approved plan.

(b) Decisions on Substantial Compliance with Discretionary Approval applications shall be made administratively by the Director of Community Development. The Director shall include a determination of findings and additional conditions of approval as appropriate.

(c) At the discretion of the Director of Community Development, a Substantial Compliance with Discretionary Approval may be placed on the Planning Commission Agenda as a public hearing. If Planning Commission review is required, the public notification process used for the original discretionary action shall be completed.

9.63.080 Substitution of a Nonconforming Use.

Subject to Planning Commission approval of a Conditional Use Permit pursuant to Chapter 9.65, a nonconforming use may be replaced by another nonconforming use, provided that such substitute use is less detrimental to the public welfare and to the property of persons located in the vicinity thereof than is the original conforming use. Any such change of use shall not extend the termination date established for the original nonconforming use.

9.65.060(c)(13)

(c) Conditions imposed by the Planning Commission for a conditional use may involve any pertinent factors affecting the establishment, operation, or maintenance of the requested use, including, but not limited to:

(13) Screening and proper orientation of objectionable elements of the use.

9.69.100(a)

9.69.100 Notice of Final Action to Coastal Commission.

(a) The City's decision on the Coastal Development Permit application shall be considered final when both 1) all required findings have been adopted, including specific factual findings supporting the legal conclusions that the proposed development is or is not in conformity with the certified local coastal program and, where applicable, with the public access and recreation policies of Chapter Three of the Coastal Act; and 2) all rights to appeals before the Planning Commission and City Council, as described in Section 9.61.110 of the Zoning Code, have been

exhausted, or the fifteen (15) calendar day appeals period to the Planning Commission and City Council, as described in Section 9.61.110(b) of the Zoning Code, expires without an appeal being filed. (Coastal Act/30333, 30620; 14 Cal Code of Regulations/13570).

9.75.010 “A” Definitions and Illustrations

Accessory Use — a use of a portion of land or building which is clearly incidental and subordinate and less than 50% of the principal use operation and/or the land or building which is located on the same lot as such principal use. Accessory uses typically are very small in proportion to the principal use and associated structures exceed six (6) feet in height.

9.75.020 “B” Definitions and Illustrations.

Basement — living or storage area which is constructed wholly underground, meaning below the exterior finished grade on all sides, with no more than 20% percent of the lineal footage of the exterior wall broken by light wells, no light well wider than four feet and no light well within six feet of another light well. An exception to these provisions, subject to a Minor Site Development Permit, would allow adequate daylighting to provide vehicular ingress and egress, to a residential/nonresidential garages which shall be considered a basement. Any structural area meeting this definition shall not be considered a story.

Bedroom — any habitable room other than a bathroom, kitchen, dining room or living room with a closet.

9.75.110 “K” Definitions and Illustrations.

Kitchen/Cooking Facilities — a room or portion of a room in a structure used for the purpose of preparing meals, containing the necessary appliances, including a sink and running water, and one or more of the following: stove, shot plate, or similar portable or non-portable cooking device.

9.75.120 “L” Definitions and Illustrations

Living Area- Means the interior habitable area of a dwelling unit including permitted habitable basements and permitted habitable attics, but does not include a garage or any accessory structure.

9.75.130 “M” Definitions and Illustrations

Mezzanine-An intermediate level or levels between the floor and ceiling as defined, or as amended by the California Building Code.

9.75.150 “O” Definitions and Illustrations.

Occupiable Space, Non-Residential-A room or enclosed space designed for human occupancy in which individuals could congregate and which is equipped with means of egress and light and ventilation facilities meeting the requirements of the California Building Code.

9.75.160 “P” Definitions and Illustrations.

Parking, Subterranean or Underground — a parking structure that is built with a maximum of four (4) feet above the exterior finished grade provided that the four (4) feet is included in the structure’s building height measurement. Subterranean parking structures shall be allowed to daylight for vehicular access without counting as a story nor against the height calculation if the vehicular access is the only area where a subterranean parking structure daylights.

9.75.190 “S” Definitions and Illustrations.

Sign- See Section 9.37.020(s)

9.75.270 Definitions of Use.

Educational Uses — shall mean establishments, public or private, which provide formal academic, artistic or athletic training. Typical uses would include, but not be limited to, art schools, martial arts schools, dance schools, gymnastics schools, technical schools, vocational schools and university/college extension programs or satellite facilities.

“Personal Service Uses” — shall mean establishments which provide services to an individual related to personal care and appearance, or the cleaning or repair of personal effects, excluding motor vehicles. Typical uses would include, but not be limited to, antique restoration, barber shops and beauty salons, cosmetologists (including incidental facial and scalp massage), botox, medical spas or similar procedure, mortuaries and funeral parlors, shoe repair, dry cleaning, laundromats, reducing salons, nail salons, tailors, and pet grooming. Massage therapy, and similar such uses, may be considered a personal service use provided that the massage services are administered by a medical practitioner, chiropractor, acupuncturist, acupressurist, or physical therapist appropriately licensed by the State of California.

Appendix A Master Land Use Matrix

LAND USES	CF	REC	OS	CONS	TC	DPHRP
(45) Emergency Shelter	P (2)	X	X	X	X	(1)

(2) Up to 20 bed maximum, pursuant to Section 9.19.020 and 9.19.040(b).

LAND USES	RSF 2	RSF 3	RSF 4	RSF 7	RSF 8	RSF 12
(55) Reserved						

LAND USES	RBR12	RMF12	RSF 14	RD 14	RMF 14	RBRD 18
(55) Reserved						

LAND USES	RSF 22	RMF 22	RMF 30	NC	CC/P	CC/V
(55) Reserved						

LAND USES	V/RC	C/R	P/r	P/A	I/B
(55) Reserved					

LAND USES	CF	REC	OS	CONS	TC	DPHRP
(55) Reserved						

LAND USES	RSF 2	RSF 3	RSF 4	RSF 7	RSF 8	RSF 12
(60) Hookah Lounge	X	X	X	X	X	X

*All numbers following 60 shall be re-numbered accordingly in Appendix A

LAND USES	RBR 12	RMF 12	RSF 14	RD 14	RMF 14	RBRD 18
(60) Hookah Lounge	X	X	X	X	X	X

*All numbers following 60 shall be re-numbered accordingly in Appendix A

LAND USES	RSF 22	RMF 22	RMF30	NC	CC/P	CC/V
(60) Hookah Lounge	X	X	X	X	X	X

*All numbers following 60 shall be re-numbered accordingly in Appendix A

LAND USES	V/RC	C/R	P/R	P/A	I/B
(60) Hookah Lounge	X	X	X	X	X

*All numbers following 60 shall be re-numbered accordingly in Appendix A

LAND USES	CF	REC	OS	CONS	TC	DPHRP
(60) Hookah Lounge	X	X	X	X	X	X

*All numbers following 60 shall be re-numbered accordingly in Appendix A

APPENDIX B PLANNED RESIDENTIAL DEVELOPMENT REGULATIONS

Refer to the standards of the underlying zoning designation, except for the following modifications:

Dana Point Specific Plan-Applicant Submittal

6. C-VC

"COASTAL VISITOR COMMERCIAL" DISTRICT

a. PURPOSE AND INTENT

The intent of the C-VC Coastal Visitor Commercial District is to provide the regulations which will permit the development and maintenance of a commercial area that will supply the needs of tourists and other visitors to the coast while preserving the unique and natural features of the environment.

b. LAND USES

- 1) Principal Permitted Use - The following uses are permitted on each building site, in compliance with the site development standards contained in subsection "c" below and subject to the provisions of a Coastal Development Permit approved in compliance with Section D of these district regulations. Approved CDP's for development located within the appeal areas depicted in Figure12 are subject to appeal to the Coastal Commission.
 - a) Hotels, motels, hostels.
 - b) Restaurants.
- 2) Other Permitted Uses- The following uses are permitted on each building site, in compliance with the site development standards contained in subsection "c" below and subject to the provisions of a Coastal Development Permit approved in compliance with Section D of these district regulations. Approved CDP's are subject to appeal to the Coastal Commission.
 - a) Cocktail lounges, bars.
 - b) Beach access bridges, ways or tunnels.
 - c) Bicycle and surfboard shops and rentals.
 - d) Trails for hiking and bicycling in conformance with Land Use Plan.
 - e) Time share projects.
 - f) Public commercial health, tennis, racquetball, swimming, boat, yacht clubs.

- g) Bus and taxi stops.
 - h) Convention and conference centers.
 - i) Retail and service businesses associated with the needs of visitors and tourists.
 - j) Museums and libraries.
 - k) Water sports retail establishments and rental except as provided in the prohibited uses below.
 - l) Parks and playgrounds.
 - m) Arboretums and horticultural gardens.
 - n) Boat rentals.
 - o) Bicycle rentals.
 - p) Boat repair, storage, sale.
 - q) Commercial recreation.
 - r) Public facilities ancillary to visitors and tourists.
- 3) Accessory Uses Allowed
- Any of the following uses and structures customarily incidental to the above permitted uses.
- a) Signs, in compliance with Section E.13.
 - b) Other accessory uses.
- 4) Prohibited Uses
- a) Automobile service, repair, sales, rental and washing.
 - b) Camping facilities.
 - c) Adult entertainment businesses and adult bookstores.
 - d) Permanent residential uses not provided under permitted uses.
 - e) Kennels.
 - f) Retail and personal services oriented to the daily needs of the immediate residential neighborhoods.
- 5) Permitted Uses above the Ground Floor – The following uses are permitted on floors that are above the ground floor, in compliance with the site development standards contained in subsection "C" below and subject to the provisions of a Coastal Development Permit approved in compliance with the CD District Regulations, and a Conditional Use Permit (CUP), except for permitted uses as specified in subsection b1 and b2 above are allowed without a CUP. Approved CDP's are subject to appeal to the Coastal Commission.
- a) Administrative and professional offices.
 - b) Personal services oriented to the daily needs of the immediate neighborhood, beauty shops, barber shops, and dry cleaners.
 - c) Banks and savings and loan association branches.
 - d) Optometry or Dental offices.

KEY:

Normal Text=Existing unmodified language

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Underline Text=Proposed language to be added

Misspelled Word (Typo)

9.65.060(c)(13)

(c) Conditions imposed by the Planning Commission for a conditional use may involve any pertinent factors affecting the establishment, operation, or maintenance of the requested use, including, but not limited to:

(13) Screening and proper orientation of ~~objectional~~ objectionable elements of the use.

Misspelled Word (Typo)

9.61.040(d)(1)

(d) Time Limit for Final Action on Development Project Applications.

(1) Applications Requiring an Environmental Impact Report. Those applications accepted as complete and requiring an Environmental Impact Report pursuant to the California Environmental Quality Act, (CEQA), the State Guidelines and the City of Dana Point CEQA Guidelines, shall be scheduled for a public hearing so that final action may be taken within one (1) year of the acceptance of the ~~complete~~ complete application unless the applicant requests, or consents to, an extension of time.

Minor Typo in RBRD Designation

9.09.010(d)

(d) High Density. High Density Residential Districts have maximum density of 30 dwelling units per acre. Districts in this classification include Residential Beach Road Duplex (RBRD 18), Residential Single Family 22 (RSF 22), Residential Multiple Family 22 and 30 (RMF 22, RMF 30). The Residential Beach Road Duplex 18 (RBRD 18) district provides for moderate density residential development consisting of duplexes at a maximum density of 18 dwellings per net acre of land. The Residential Multiple Family 22 and 30 (RMF 22 and RMF 30) districts provide for high density, multiple family residential neighborhoods. These districts include multiple family residential development at a maximum density of 22 and 30 dwellings per net acre of land, respectively.

SUPPORTING DOCUMENT #2

KEY:

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9.37.150(e)(2)

CLASS	TYPE	PERMIT REQUIRED	MAXIMUM NUMBER	AGGREGATE AREA	MAXIMUM HEIGHT	ADDITIONAL STANDARDS
(2) Tenant Identification Sign	Wall, Canopy, or Window	Yes	Four: (one sign allowed for each street frontage, parking lot frontage or interior courtyard frontage)	1 sq. ft. per lineal ft. of building frontage on any public right-of-way, parking lot interior courtyard	Wall: Below the eave line	(A) Signs may be located on building elevations with street frontage or main public entrances.

Home Occupations Clarifications

9.07.030(g)

(g) No actual retail sales shall be conducted on the premises other than sales by phone, ~~or mail,~~ **or internet.**

Clarification of Shallow/Narrow Building Sites Applicability

9.05.190 Building Setbacks on Shallow/Narrow Building Sites.

The following provisions for shallow and narrow lots will maintain consistency in older areas of the community, by allowing new construction of single family or multiple family projects to develop with reduced setbacks **only** if the said parcel is not consistent with the width and depth standards **of the underlying zoning district as required in Section 9.09.030:** ~~of the zoning district as follows:~~

(a) When a building site has an average depth of one hundred (100) feet or less but more than seventy-five (75) feet, any required front and rear building setbacks need not be more than twenty (20) percent of such average depth; and when a building site has an average depth of seventy-five (75) feet or less, any required front and rear building line setbacks need not be more than fifteen (15) percent of such average depth, but in no event shall any required front or rear building line setback be less than five (5) feet.

(b) When a building site has an average width of less than fifty (50) feet, any required building setback from the interior side property lines need not be more than ten (10) percent of such average width but in no event less than three (3) feet.

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Footnotes for Section 9.09.030:

- (5) For existing lots less than **the width and depth requirements of the underlying zone as specified in Section 9.09.030** ~~fifty (50) feet wide and/or less than one hundred (100) feet deep~~, see Section 9.05.190 for reduced front, side and rear building setbacks.

Clarification of Required Entitlement and Applicability for Alcoholic Beverage Outlets

9.07.040 Alcoholic Beverage Outlets.

The following regulations shall apply to alcoholic beverage outlets established after February 11, 1993. The establishment, operation, and maintenance of any alcoholic beverage outlet shall be subject to the following regulations:

(a) Establishment. The establishment of an alcoholic beverage outlet includes the opening of such a business, the relocation of such a business to a new location, the conversion of an existing use or premises to an alcoholic beverage outlet use, and/or the expansion or change of the type of alcoholic beverages to be sold at an existing alcoholic beverage outlet (i.e., a change in the type of retail liquor license within a license classification). For purposes of this Section, establishment shall not mean the transfer of an existing license from one operator to another at a location which is occupied by an existing alcoholic beverage outlet, unless there is a proposed change in the type of license.

(b) **Minor** Conditional Use Permit. A Minor Conditional Use Permit, shall be required for the establishment of an alcoholic beverage outlet in the following situations:

- (1) Sale of alcoholic beverages for off-site consumption when **a site is** located within:
 - (A) Five hundred (500) feet of any area zoned or used for any church, park, or educational institution utilized by minors; or
 - (B) Five hundred (500) feet of any hospital or public beach; or
 - (C) One hundred (100) feet of any area zoned or used for residential purposes.
- (2) Sale of alcoholic beverages for on-site consumption when **a site is** located within:
 - (A) Five hundred (500) feet of any area zoned or used for any church, park or educational institution utilized by minors; or
 - (B) One hundred (100) feet of any area zoned or used for residential purposes.
- (3) Any establishment conducting concurrent sale of alcoholic beverages and motor vehicle fuels.

(c) Findings. An application for a **Minor** Conditional Use Permit shall not be approved unless the following findings can be made in addition to the required for a findings for the approval of a Conditional Use Permit contained in Chapter 9.65.

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Clarification of the Definition of Sign (Multiple in Code)

9.37.020(s)

~~**Sign — Any structure, object, display verbiage, illustration, emblem, and/or logo used to direct or attract attention to an object, person, institution, organization, business, service, or event. A sign may include, but is not limited to, words, numbers, symbols, posters, pictures, and other objects or characters similar in nature used to attract attention.**~~

Sign — any representation used to convey information, or to identify, announce, or otherwise direct attention to a business, profession, commodity, service, or entertainment and placed on, suspended from, or in any way attached to, any structure, vehicle, or feature of the natural or man-made landscape.

Incorrect Code Reference (Internal Code Consistency)

9.69.100(a)

9.69.100 Notice of Final Action to Coastal Commission.

(a) The City's decision on the Coastal Development Permit application shall be considered final when both 1) all required findings have been adopted, including specific factual findings supporting the legal conclusions that the proposed development is or is not in conformity with the certified local coastal program and, where applicable, with the public access and recreation policies of Chapter Three of the Coastal Act; and 2) all rights to appeals before the Planning Commission and City Council, as described in Section ~~9.61.100~~ **9.61.110** of the Zoning Code, have been exhausted, or the fifteen (15) calendar day appeals period to the Planning Commission and City Council, as described in Section ~~9.61.100(b)~~ **9.61.110(b)** of the Zoning Code, expires without an appeal being filed. (Coastal Act/30333, 30620; 14 Cal Code of Regulations/13570).

Clarification of Reference to Underlying Zoning Requirements

APPENDIX B PLANNED RESIDENTIAL DEVELOPMENT REGULATIONS

Refer to the standards of the underlying zoning designation, except for the following modifications:

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9.11.020 Permitted Uses, Accessory Uses, Temporary Uses, and Conditional Uses.

SECTION 9.11.020(b)
COMMERCIAL DISTRICTS

LAND USES	NC	CC/P	CC/V	V/RC
<u>Hookah Lounges</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>

9.13.020 Permitted Uses, Accessory Uses, Temporary Uses and Conditional Uses.

SECTION 9.13.020(c)
MIXED USE DISTRICTS

LAND USES	C/R	R/C-18	P/R
<u>Hookah Lounges</u>	<u>X</u>	<u>X</u>	<u>X</u>

Clarification of Residential Use for Mixed-Use Projects in C/R and P/R Zoning Designations

9.13.020 Permitted Uses, Accessory Uses, Temporary Uses and Conditional Uses.

Footnotes for Section 9.13.020(c):

(2) Permitted only ~~as an accessory use to commercial or professional uses~~ in a mixed use project and located on the second floor only.***Clarification of the Process Required for Approval Based on Past Approvals***

9.63.080 Substitution of a Nonconforming Use.

Subject to Planning Commission approval **of a Conditional Use Permit pursuant to Chapter 9.65**, a nonconforming use may be replaced by another nonconforming use, provided that such substitute use is less detrimental to the public welfare and to the property of persons located in the vicinity thereof than is the original conforming use. Any such change of use shall not extend the termination date established for the original nonconforming use.

Removal of Group Dwelling Designation Consistent with State Law

9.09.020(b)

LAND USES	RSF 2	RSF 3	RSF 4	RSF 7	RSF 8	RSF 12
<u>Group Dwelling</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>

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LAND USES	RBR 12	RBRD 18	RD 14	RSF 22
Group Dwelling	C	C	C	C
LAND USES	RMF7	RMF14	RMF 22	RMF 30
Group Dwelling	C	C	C	C

9.19.020(b)

LAND USES	CF
Group Dwelling /Group Home	C

9.13.020(c)

LAND USES	C/R	R/C-18	P/R
Group Dwelling /Group Home	C	X	C

Clarification Based on Past Approvals

9.35.120 Parking Structure Design Standards.

Parking structures, including underground or subterranean structures, shall require a Site Development Permit and shall be designed to meet the following standards and guidelines:

- (g) Parking Structure Setbacks. The setbacks for the exterior walls of any underground or subterranean parking structure shall not encroach into the minimum above grade building setbacks unless approved through the Site Development Permit process pursuant to Chapter 9.71. **~~In no case may the setback for an underground or subterranean parking structure be less than three (3) feet.~~**

All underground or subterranean parking structures permitted by a Site Development Permit to have lesser setbacks than the minimum above grade building setback shall be designed to have adequate soil depth above the parking structure to ensure healthy tree and landscape growth based on the evaluation and recommendation of a licensed landscape architect.

Clarification of Substantial Conformance Process Based on Past Approvals**9.61.150 Substantial Compliance with Discretionary Approval.**

(a) Approval of a request for Substantial Compliance with Discretionary Approval can occur, provided the following findings can be made:

- (1) The proposed changes comply with the provisions, spirit, and intent of the original approvals.**

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(2) That the action would have been the same for the modifications as for the approved plan.

(b) Decisions on Substantial Compliance with Discretionary Approval applications shall be made administratively by the Director of Community Development. The Director shall include a determination of findings and additional conditions of approval as appropriate.

(c) At the discretion of the Director of Community Development, a Substantial Compliance with Discretionary Approval may be placed on the Planning Commission Agenda as a public hearing. If Planning Commission review is required, the public notification process used for the original discretionary action shall be completed.

Fences, Walls, and Hedges

9.05.120 Fences, Walls, and Hedges.

(c) Alternatives to the height limits for fences, walls and hedges specified in sections (a) and (b) above, **or (g) below**, and provisions for the placement of arbors, porticos, trellises or other entry features within required yards may be granted subject to the approval of a Minor Site Development Permit pursuant to the provisions of Chapter 9.65.

(g) Height measurements for retaining walls requiring guardrails and for multiple fences/walls.

(1) Retaining walls requiring guardrails as mandated by the California Building Code (CBC) shall be considered one wall for the purposes of measuring overall height when the guardrail is separated horizontally by less than 30 inches (as measured between their closest above grade surfaces). The overall height shall be measured from the finished grade at the base of the retaining wall to the top of the required guardrail and shall not exceed the maximum heights identified in (a), (b), and (d) above.

(2) Fences/walls and required guardrails separated horizontally by 30 inches or more (as measured between their closest above grade surfaces) shall be considered separate fences/walls and their heights shall be measured independently. Freestanding fences/walls less than 30 inches apart shall be considered one fence/wall and overall fence/wall height shall be measured from the finished grade at the base of the lower fence/wall to the top of the higher fence/wall. This provision applies to conditions where a retaining wall is the lower wall with a freestanding fence/wall above. When both walls are retaining walls, the requirements of Section 9.05.120(d) shall apply. The space between the two fences/walls shall be landscaped and maintained to provide screening to avoid negative massing impacts.

KEY:

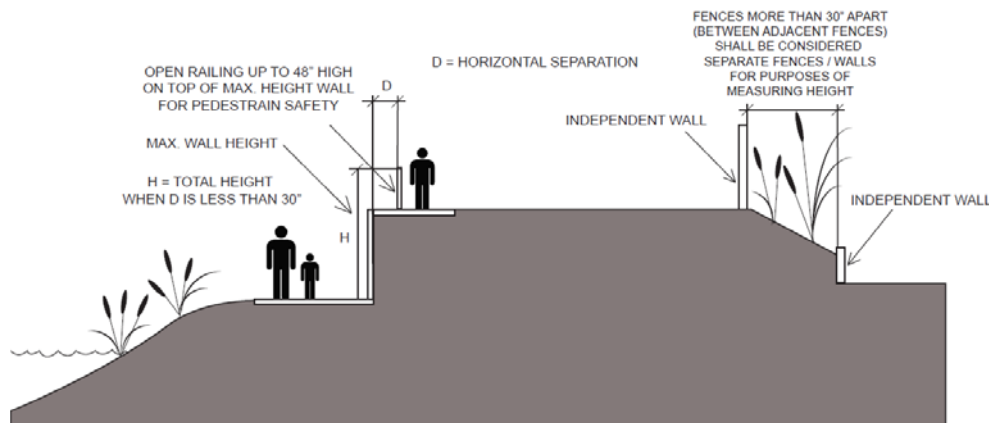
Normal Text=Existing unmodified language

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SECTION 9.05.120(g)(1) & (2)

MEASUREMENT OF HEIGHT LIMIT FOR MULTIPLE FENCES/WALLS



(h) Any freestanding walls, fences, or hedges located outside of a required setback shall be limited to a maximum height of seventy-two (72) inches, unless otherwise approved with a Minor Site Development Permit, as described in Chapter 9.71. Any retaining walls outside of a required setback shall comply with subsection (d) above.

Clarification of Requirements Associated with Outdoor Red Boxes, Amazon, Donation Bins, and Similar Facilities

9.07.120 Outdoor Display, Sales or Storage.

The following restrictions shall apply to the outdoor display, sales, or storage of goods and materials in non-residential districts:

(f) Outdoor Red Box, Amazon facility, Donation Bins, or similar facilities shall be allowed with the approval of a Minor Conditional Use Permit as outlined in Chapter 9.65 of this code.

Accessory Structure Requirements

Accessory Structure Height Requirements

9.05.110(a)(8)

(8) Accessory Structures- Accessory Structures shall be limited to the same maximum height as the primary structure provided that the Accessory Structure conforms to all required setbacks. Detached Accessory Structure located in required setbacks shall be limited to twelve (12) feet in height, except as provided in Section 9.05.260. All accessory structure building heights shall be measured as specified in Section 9.05.110(a)(2).

Accessory Structure General Requirements

KEY:

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Accessory Structure General Requirements

9.05.280 Accessory Buildings and Structures

Accessory Buildings and Structures are permitted, in any zoning district provided that they meet the following development standards:

- (a) **An Accessory Building or Structure meets the definition of an Accessory Building or Structure as specified in Section 9.75.010.**
- (b) **In residential districts, attached accessory structures shall conform to the development standards of the primary structure, and be less than 50% of the existing living area.**
- (c) **In all zones, the cumulative total of all attached and/or detached accessory structures shall be less than 50% of existing occupiable area (non-residential) or existing living area (residential).**
- (d) **In residential districts, no detached accessory structure can exceed 500 square feet, unless a Minor Site Development Permit is approved pursuant to Chapter 9.71. Required garages associated with a single family residence are permitted to exceed this requirement.**
- (e) **In residential districts, detached accessory structures shall be located in the rear ½ of the parcel, with the exception of entry features (i.e., arbors, porticos and trellises) and garages, unless a Minor Site Development Permit is approved pursuant to Chapter 9.71.**
- (f) **In residential districts, a detached accessory structure less than 500 square feet, and located wholly in the rear ½ of a parcel shall be allowed to encroach into the side and rear yard setbacks as allowed in Section 9.05.080, provided they meet the building separation requirements.**
- (g) **In residential districts, detached accessory structures 500 square feet or greater shall meet all applicable setback requirements.**
- (h) **In all zones, the minimum accessory structure to accessory structure setback shall comply with minimum California Building Code separation requirements.**
- (i) **All accessory structures count towards lot coverage requirements.**
- (j) **Barbeque structures, fire pits, and outdoor fire places are not subject to the building separation and setback requirements, but must be located outside of the front and exterior side yard setbacks, unless a Minor Site Development Permit is approved pursuant to Chapter 9.71.**
- (k) **Height limitations and measurements shall be in compliance with Section 9.05.110(a)(8).**

9.11.040 Special Development Standards.

- (a) Accessory Uses and Structures. Setbacks for detached accessory buildings or structures shall be **in compliance with Section 9.05.280.** ~~established through a Site Development Permit and shall be consistent with the provisions of Section 9.05.080, Maximum Projections into Required Yard Areas.~~

Clarifications and Amendments to Maximum Projections into Required Yard Areas

9.05.080-Maximum Projects into Required Yard Areas.

KEY:

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Item	<u>Front</u> Maximum Projection Into Front Yard Area	<u>Rear</u> Maximum Projection Into Rear Yard Area	<u>Side</u> Maximum Projection Into Side Yard Area (A)	Minimum Distance From Property Lines (B)	Maximum Projection Above Height Limit	Other Limitations
(a) Antennas	Not Permitted	8'0"	Not Permitted	1'0"	Not Permitted (C)	2 max (D)
(b) Arch. Projections: (i.e., Cornices, Eaves and Roof Overhangs)	2'6"	2'6"	2'6"	2'0"	Not Permitted	None
(c) Awnings	4'0" (no vertical supports)	3'0"	2'6"	2'0"	Not Permitted	None
(d) Balconies	2'6"	2'6"	2'6"	5'0"	Not Permitted	(E)
(e) Basement (Below Grade)	Not Permitted <u>To PL (H)</u>	Not Permitted <u>15'0"</u>	Not Permitted <u>To PL (H)</u>	N/A	N/A	None <u>(T)</u>
(f) Bay Windows	2'6"	2'6"	2'6"	3'0"	N/A	(E)
(g) Chimneys (Maximum 7' Width)	2'0"	2'0"	2'0"	3'0"	3'0"	(E)(F)(G)
(h) Decks/ Patios Less than 30" Above Grade	To PL (H)	To PL (H)	To PL (H)	N/A	N/A	(I)
(i) Decks/ Patios 30"+ Above Grade (Not to Exceed First Story Or 7'6" <u>as measured from top of the railing</u>)	Not Permitted	6'0"	2'6"	3'0"	N/A	(I)(J)

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Item	<u>Front</u> Maximum Projection Into Front Yard Area	<u>Rear</u> Maximum Projection Into Rear Yard Area	<u>Side</u> Maximum Projection Into Side Yard Area (A)	Minimum Distance From Property Lines (B)	Maximum Projection Above Height Limit	Other Limitations
(j) Detached Accessory Structures	Not Permitted	To PL (K)	To PL (K)	None (K)	Not Permitted	(L)(H)
(k) Flagpoles	15'0"	5'0"	2'6"	5'0"	15'0"	(M)
(l) HV AC/mech. equip. and window mounted air conditioners	Not permitted	3'0"	2'6"	2'0"	Not permitted	(N)
(m) Patio Covers/ Porch	6'0"	15'0"	2'6"	Front- 15'0" Side-3'0" Rear- 10'0"	Not permitted	(P)(O)
(n) Planter Boxes	2'0"	2'0"	2'6"	10'0" 2'0"	N/A	(P)(Q)
(o) Pool Equipment	Not permitted	N/A	N/A	5'0"(N)	N/A	(N)
<u>(o)</u> Porte Cochere	Permitted by <u>Minor</u> Site Development Permit only				Not permitted	None
<u>(p)</u> Exterior Stairways, <u>ramps</u> , and Stairway Landings <u>30 inches</u> <u>or more</u> <u>above</u> <u>grade</u>	2'6"	2'6"	2'6"	2'6"(R)	Not Permitted	(E)
<u>(q)</u> Swimming Pools and Spas	Not permitted	N/A	N/A	3'0"(S)	N/A	None
<u>(r)</u> <u>Pool Equipment</u>	<u>Not permitted</u>	<u>N/A</u>	<u>N/A</u>	<u>5'0"(N)</u>	<u>N/A</u>	<u>(N)</u>

Footnotes for Section 9.05.080:

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- (A) On a corner lot, projections permitted in a front yard setback also apply to a street side yard.
- (B) In any instance where there is a conflict between the allowable maximum projection and the minimum distance from property line standard, the ~~minimum distance from property line~~ **more restrictive** standard shall rule.
- (C) This provision shall not apply to television and radio antennas used to receive UHF, VHF, FM and AM signals. Such antennas may exceed the district height limit by ten (10) feet. FCC licensed amateur ham radio operators may apply for a Conditional Use Permit for a radio antenna tower greater than the maximum height limit but not exceeding seventy (70) feet.
- (D) For radio antennas only, see Section 9.07.020 for satellite dish antennas.
- (E) The total horizontal length of all projections (marked by this footnote) on a given building elevation shall not exceed the maximum percentage of building elevation length as specified below (building elevation length is measured at the first floor and not adjusted for multiple storied buildings):

<u>BUILDING ELEVATION:</u>	<u>Front</u>	<u>Side</u>	<u>Rear</u>
<u>MAXIMUM PERCENTAGE OF BUILDING ELEVATION LENGTH:</u>	60%	40%	80%

The above stated maximum percentages have been established as a measure to control the overuse or abuse of the projection provisions in this Table. The maximum percentages will help prevent aesthetically inappropriate architectural facades or features that would pose a detriment to adjacent properties. At the discretion of the Director of Community Development, the total length of all projections on a given elevation may be reduced to below the indicated maximums in order to implement this intent.

- (F) A maximum of two chimneys may project into required yards or above the height limit.
- (G) Maximum horizontal dimension of three (3) feet when above the height limit.
- (H) Provided **minimum district** landscape **coverage** requirements are met.
- (I) No deck may be constructed so as to extend beyond the top of slope with a grade of more than fifteen (15) percent, except as may be permitted through a minor Site Development Permit subject to the provisions of Section 9.05.270.
- (J) Including deck railings or deck structures.

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(K) Subject to the applicable provisions of the **Uniform Building Code California Building Code, and Uniform Fire Code, and provisions as provided in Footnote (L) below and Section 9.05.280 "Accessory Building and Structure"**.

(L) The maximum height of detached accessory structures is twelve (12) feet except as otherwise permitted in Section 9.05.260. Accessory structures shall be located in the rear half of the parcel, with the exception of entry features (i.e., arbors, porticos and trellises) and garages. Other exceptions for locating structures in the front half of the parcel require approval of a minor Site Development Permit.

(M) Flagpoles may not exceed fifty (50) feet in height in non-residential districts and forty (40) feet in residential districts. Requests to exceed **these height** limits may be permitted by approval of a minor Conditional Use Permit.

(N) **HVAC/mechanical equipment, window mounted air conditioners, and P**pool equipment may be placed adjacent to the rear or side property line subject to a minor Site Development Permit which shall include, but not be limited to, an acoustics report demonstrating compliance with the City's Noise Ordinance. **If the pool equipment is vaulted and an applicant can show compliance with the provisions of Chapter 11.10, Noise Control, than the equipment vault can encroach into the side and rear setbacks to the Property Line without going through the Minor Site Development Permit process.**

(O) Maximum coverage: Thirty (30) percent of rear yard setback area.

(P) Including vertical supports, **and overhangs.**

(Q) Only allowed on the 2nd floor as an extension of second floor framing; and may not exceed three (3) feet in height.

(R) Only if the sideyard setback is at a minimum five (5) feet wide.

(S) As measured from the edge of the water within the swimming pool or spa.

(T) Basement area must be fully subterranean, except for as provided in Section 9.75.020. Basement level may impact height calculation, see Section 9.05.110 for Building Height limitations.

Clarification of Definitions to Provide Clear Direction to General Public

9.75.010 "A" Definitions and Illustrations

Accessory Use — a use of a portion of land or building which is **customarily and** clearly incidental and subordinate **and less than 50% of to** the principal use **operation and/or of** the land or building which is located on the same lot as such principal use. Accessory uses typically are very small in proportion to the principal use and associated structures exceed six (6) feet in height.

9.75.020 "B" Definitions and Illustrations.

Basement — living or storage area which is constructed wholly underground, meaning below the exterior finished grade on all sides, with no more than 20% percent of the lineal footage of the exterior wall broken by light wells, no light well wider than four feet and no light well within six feet of another light well. An exception to these provisions, subject to a Minor Site Development Permit, would allow adequate daylighting to provide vehicular ingress and egress, **to a residential/nonresidential**

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~~**garages which shall be considered a basement. would permit subterranean residential garages to be considered as a basement for the Ritz Cove (PRD 4) area only.**~~ Any structural area meeting this definition shall not be considered a story.

9.75.020 “B” Definitions and Illustrations.

Bedroom — any habitable room other than a bathroom, kitchen, dining room or living room **with a closet.**

9.75.110 “K” Definitions and Illustrations.

Kitchen/**Cooking Facilities** — a room or portion of a room in a structure used for the purpose of preparing meals, containing the necessary appliances, ~~**and equipped with**~~ **including** a sink and running water, ~~**and one or more of the following: stove, shot plate, or similar portable or non-portable cooking device.**~~

9.75.120 “L” Definitions and Illustrations

Living Area- Means the interior habitable area of a dwelling unit including permitted habitable basements and permitted habitable attics, but does not include a garage or any accessory structure.

9.75.130 “M” Definitions and Illustrations

Mezzanine-~~**An intermediate level or levels between the floor and ceiling as defined, or as amended by the California Building Code.**~~ **a platform that projects from a maximum of two walls within a structure above the first or second level, is no more than one third of the area of the room in which it is located, and is surrounded by a rail or balustrade.**

9.75.150 “O” Definitions and Illustrations.

Occupiable Space, Non-Residential-A room or enclosed space designed for human occupancy in which individuals could congregate and which is equipped with means of egress and light and ventilation facilities meeting the requirements of the California Building Code.

9.75.160 “P” Definitions and Illustrations.

Parking, Subterranean or Underground — a parking structure that is built with a maximum of four (4) feet above the exterior finished grade provided that the four (4) feet is included in the structure’s building height measurement. **Subterranean parking structures shall be allowed to daylight for vehicular access without counting as a story nor against the height calculation if the vehicular access is the only area where a subterranean parking structure daylights.**

9.75.190 “S” Definitions and Illustrations.

~~**Sign — any representation used to convey information, or to identify, announce, or otherwise direct attention to a business, profession, commodity, service, or entertainment and placed on, suspended from, or in any way attached to, any structure, vehicle, or feature of the natural or man-made landscape.**~~

KEY:

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~~**Bold Strikethrough Text**~~=Proposed language to be removed

~~**Bold Underline Text**~~=Proposed language to be added

~~**Sign- See Section 9.37.020(s)**~~

9.75.270 Definitions of Use.

~~**Group Dwelling** — shall mean the residential occupancy of a structure by groups of more than five persons who are not related by blood, marriage or adoption, on a weekly or longer basis under a common housekeeping plan or as members of a structured organization. Typical uses would include, but not be limited to, retirement homes, boarding houses and lodging houses.~~

Educational Uses — shall mean establishments, public or private, which provide formal academic, artistic or athletic training. Typical uses would include, but not be limited to, art schools, martial arts schools, dance schools, ~~**day care centers**~~, gymnastics schools, technical schools, vocational schools and university/college extension programs or satellite facilities.

“Personal Service Uses” — shall mean establishments which provide services to an individual related to personal care and appearance, or the cleaning or repair of personal effects, excluding motor vehicles. Typical uses would include, but not be limited to, antique restoration, barber shops and beauty salons, cosmetologists (including incidental facial and scalp massage), ~~**botox, medical spas or similar procedure**~~, mortuaries and funeral parlors, shoe repair, dry cleaning, laundromats, reducing salons, nail salons, tailors, and pet grooming. Massage therapy, and similar such uses, may be considered a personal service use provided that the massage services are administered by a medical practitioner, chiropractor, acupuncturist, acupressurist, or physical therapist appropriately licensed by the State of California.

Accessory Dwelling Units

9.07.210 ~~**Second Dwelling Units or Granny Flats.**~~

~~(a) — Purpose and Intent. This Section provides standards and procedures for the development of second dwelling units. These standards are established so that second dwelling units may be evaluated under conditions that will assure their compatibility and enhancement to the site and surrounding land uses, and provide a safe, desirable and affordable living environment.~~

~~(b) — Development Standards. Where a single family dwelling unit exists on a lot zoned for such purposes, the property owner may establish a second dwelling unit from the same lot, provided it be occupied by an individual adult or two senior adults and may be attached to or detached from the primary single family unit, but may not be sold as a separate dwelling unit. The following standards shall be met and shall not be modified or varied from:~~

~~(1) — The second dwelling unit shall not exceed thirty (30) percent of the living area of the primary residence when attached or one thousand two hundred (1,200) square feet when detached;~~

~~(2) — Second dwelling units whether attached or detached shall not encroach into any setback area required for the primary structure;~~

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~~(3) An additional parking stall, in accordance with the standards described in Chapter 9.35, shall be provided for the second dwelling unit;~~

~~(4) The second dwelling unit shall be compatible in height, setback and architectural design with the primary structure and the surrounding land uses;~~

~~(5) Second dwelling units must be affordable to persons of low and moderate income, and remain affordable for the life of the project. The life of the project shall be determined as the length of time the second dwelling unit is occupied; and~~

~~(6) Each second dwelling unit shall have adequate storage and private open space.~~

~~(c) Coastal Development Permit. If the second unit requires a Coastal Development Permit it shall be processed in accordance with Chapter 9.69, with the exception of the required public hearing. Per Government Code Section 65852.2, cities may not use a discretionary process for approving a second unit. The Coastal Development Permit will be processed ministerially. Public noticing and a Notice of Final Action will be filed in accordance with the Coastal Development Permit process.~~

~~(d) The ministerial decision to approve or deny a request for a second unit may be appealed to the Planning Commission in accordance with Section 9.61.110.~~

9.07.210 Accessory Dwelling Units

(a) Pursuant to the provisions of California Government Code Section 65852.2, or any successor statute, the following shall provide development standards to ensure the orderly development of accessory dwelling units in the City. Nothing in this section shall be construed to supersede or in any way alter or lessen the effect or application of the California Coastal Act (Division 20(commencing with Section 30000) of the Public Resource Code), except that the local government shall not be required to hold public hearings for coastal development permit applications for accessory dwelling units.

(b) If the existing residence is a legal non-conforming structure conforming to use, or located in the Coastal Zone, the provisions of Chapters 9.63 and 9.69 respectively shall apply, and any required Discretionary Permit, including a Coastal Development Permit, shall be approved prior to submittal for a building permit.

(c) Development Standards. The provisions as specified by reference in California Government Code Section 65852.2, or any successor statute, shall be utilized for the purpose of prescribing regulations for the development of Accessory Dwelling Units

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including maximum size and parking requirements, except for applicable requirements of the underlying zoning district, applicable overlay districts, and the local requirements as specified in subsection (d) below.

(d) Local Requirements for all Accessory Dwelling Units.

(A) Sale of Units. The accessory dwelling unit shall not be sold separately from the primary dwelling unit.

(B) Occupancy. The primary dwelling unit or the accessory dwelling unit shall be continuously occupied by at least one person having an ownership interest in the lot.

(C) Number of Units Allowed. Only one accessory unit may be located on each lot with a primary single family dwelling unit.

(D) Existing Development. A primary single family residential dwelling unit must exist on the lot or shall be constructed on the lot in conjunction with the construction of the accessory dwelling unit.

(E) Deed Restriction and Recordation Required. Prior to issuance of a Building and/or Grading permit for an accessory dwelling unit, the property owner shall record a deed restriction with the County Recorder's Office, the form and content of which is satisfactory to the City Attorney. The deed restriction document shall notify future owners of the owner occupancy requirement. This deed restriction shall remain in effect so long as the accessory dwelling unit exists on the property.

9.09.020 Permitted Uses, Accessory Uses, Temporary Uses and Conditional Uses.

(a) Several classes of uses are allowed in Residential Districts. Each of these classes must promote the residential character of the individual districts. These classes of uses are:

(1) Permitted Use — allowed by right if no discretionary review is required. Certain permitted uses, indicated by P*, are also regulated by provisions contained in Chapter 9.07.

(2) Accessory Use — allowed by right if accessory to a dwelling unit or a residential development, **indicated by A*, are also regulated by provisions contained in Chapter 9.07.**

(3) Temporary Use — allowed on a temporary basis in accordance with the provisions of Chapter 9.39.

(4) Conditional Use — allowed subject to the approval of a Conditional Use Permit in accordance with the provisions of Chapter 9.65. Certain conditional uses, indicated by a C*, are also regulated by provisions contained in Chapter 9.07.

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(5) Prohibited Use — not allowed in the subject residential district.

LEGEND:

P = Permitted Use

C = Conditional Use

T = Temporary Use

X = Prohibited Use

P* = Permitted Use subject to special use standards (see Chapter 9.07)

C* = Conditional Use subject to special use standards (see Chapter 9.07)

T* = Temporary Use subject to special use standards (see Chapter 9.39)

A = Accessory Use

A* = Accessory Use subject to special use standards (see Chapter 9.07)

SECTION 9.09.020(b)

RESIDENTIAL DISTRICTS

LAND USES	RSF 2	RSF 3	RSF 4	RSF 7	RSF 8	RSF 12
Granny Flat	C*	C*	C*	C*	C*	C*
Second Dwelling Unit	P	P	P	P	P	P
<u>Accessory Dwelling Unit</u>	<u>A*</u>	<u>A*</u>	<u>A*</u>	<u>A*</u>	<u>A*</u>	<u>A*</u>

LAND USES	RBR 12	RBRD 18	RD 14	RSF 22
Granny Flat	C*	C*	X	C*
Second Dwelling Unit	P	X	X	X
<u>Accessory Dwelling Unit</u>	<u>A*</u>	<u>A*</u>	<u>A*</u>	<u>A*</u>

LAND USES	RMF 7	RMF 14	RMF 22	RMF 30
Granny Flat	X	X	X	X
Second Dwelling Unit	X	X	X	X
<u>Accessory Dwelling Unit</u>	<u>A*</u>	<u>A*</u>	<u>A*</u>	<u>A*</u>

Additions to Appendix A Consistent with Modifications Above (Internal Code Consistency)

Appendix A Master Land Use Matrix

KEY:

Normal Text=Existing unmodified language

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LAND USES	RSF 2	RSF 3	RSF 4	RSF 7	RSF 8	RSF 12
(55) Group Dwelling Reserved	G	G	G	G	G	G

LAND USES	RBR12	RMF12	RSF 14	RD 14	RMF 14	RBRD 18
(55) Group Dwelling Reserved	G	G	G	G	G	G

LAND USES	RSF 22	RMF 22	RMF 30	NC	CC/P	CC/V
(55) Group Dwelling Reserved	G	G	G	X	X	X

LAND USES	V/RC	C/R	P/r	P/A	I/B
(55) Group Dwelling Reserved	X	G	G	X	X

LAND USES	CF	REC	OS	CONS	TC	DPHRP
(55) Group Dwelling Reserved	G	X	X	X	X	X

Appendix A Master Land Use Matrix

LAND USES	RSF 2	RSF 3	RSF 4	RSF 7	RSF 8	RSF 12
(60) <u>Hookah Lounge</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>

*All numbers following 60 shall be re-numbered accordingly in Appendix A

LAND USES	RBR 12	RMF 12	RSF 14	RD 14	RMF 14	RBRD 18
(60) <u>Hookah Lounge</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>

*All numbers following 60 shall be re-numbered accordingly in Appendix A

LAND USES	RSF 22	RMF 22	RMF30	NC	CC/P	CC/V
(60) <u>Hookah Lounge</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>

*All numbers following 60 shall be re-numbered accordingly in Appendix A

LAND USES	V/RC	C/R	P/R	P/A	I/B
(60) <u>Hookah Lounge</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>

*All numbers following 60 shall be re-numbered accordingly in Appendix A

LAND USES	CF	REC	OS	CONS	TC	DPHRP
(60) <u>Hookah Lounge</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>

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*All numbers following 60 shall be re-numbered accordingly in Appendix A

Appendix A Master Land Use Matrix

LAND USES	CF	REC	OS	CONS	TC	DPHRP
(45) Emergency Shelter	X <u>P (2)</u>	X	X	X	X	(1)

(2) Up to 20 bed maximum, pursuant to Section 9.19.020 and 9.19.040(b).

Dana Point Specific Plan-Applicant Submittal

6. C-VC

"COASTAL VISITOR COMMERCIAL" DISTRICT

a. PURPOSE AND INTENT

The intent of the C-VC Coastal Visitor Commercial District is to provide the regulations which will permit the development and maintenance of a commercial area that will supply the needs of tourists and other visitors to the coast while preserving the unique and natural features of the environment.

b. LAND USES

- l) Principal Permitted Use - The following uses are permitted on each building site, in compliance with the site development standards contained in subsection "c" below and subject to the provisions of a Coastal Development Permit approved in compliance with Section D of these district regulations. Approved CDP's for development located within the appeal areas depicted in Figure12 are subject to appeal to the Coastal Commission.

- a) Hotels, motels, hostels.

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- b) Restaurants.
- 2) Other Permitted Uses- The following uses are permitted on each building site, in compliance with the site development standards contained in subsection “c” below and subject to the provisions of a Coastal Development Permit approved in compliance with Section D of these district regulations. Approved CDP's are subject to appeal to the Coastal Commission.
 - a) Cocktail lounges, bars.
 - b) Beach access bridges, ways or tunnels.
 - c) Bicycle and surfboard shops and rentals.
 - d) Trails for hiking and bicycling in conformance with Land Use Plan.
 - e) Time share projects.
 - f) Public commercial health, tennis, racquetball, swimming, boat, yacht clubs.
 - g) Bus and taxi stops.
 - h) Convention and conference centers.
 - i) Retail and service businesses associated with the needs of visitors and tourists.
 - j) Museums and libraries.
 - k) Water sports retail establishments and rental except as provided in the prohibited uses below.
 - l) Parks and playgrounds.
 - m) Arboretums and horticultural gardens.
 - n) Boat rentals.
 - o) Bicycle rentals.
 - p) Boat repair, storage, sale.
 - q) Commercial recreation.
 - r) Public facilities ancillary to visitors and tourists.
- 3) Accessory Uses Allowed

Any of the following uses and structures customarily incidental to the above permitted uses.

 - a) Signs, in compliance with Section E.13.
 - b) Other accessory uses.
- 4) Prohibited Uses

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- a) Automobile service, repair, sales, rental and washing.
- b) Camping facilities.
- c) Adult entertainment businesses and adult bookstores.
- d) Permanent residential uses not provided under permitted uses.
- e) Kennels.
- f) Retail and personal services oriented to the daily needs of the immediate residential neighborhoods.

5) Permitted Uses above the Ground Floor – The following uses are permitted on floors that are above the ground floor, in compliance with the site development standards contained in subsection "C" below and subject to the provisions of a Coastal Development Permit approved in compliance with the CD District Regulations, and a Conditional Use Permit (CUP), except for permitted uses as specified in subsection b1 and b2 above are allowed without a CUP. Approved CDP's are subject to appeal to the Coastal Commission.

- a) Administrative and professional offices.**
- b) Personal services oriented to the daily needs of the immediate neighborhood, beauty shops, barber shops, and dry cleaners.**
- c) Banks and savings and loan association branches.**
- d) Optometry or Dental offices.**

October 6, 2017

Mr. Matt Schneider
Planning Manager
CITY OF DANA POINT
33282 Golden Lantern
Dana Point, CA 92629

RE: SURVEY OF VISITOR-SERVING USES - DANA POINT COASTAL/HARBOR AREA

Dear Mr. Schneider:

At your request, Planning Systems has conducted a survey of visitor-serving land uses and businesses within the California Coastal Zone and also within a 3,500 foot radius of the Dana Marina Plaza, in Dana Point. The intent of this survey is to determine whether the number of visitor-serving uses have increased or decreased in the subject area since the Dana Marina Plaza was originally approved by the Coastal Commission and restricted to visitor serving uses.

The Dana Marina Plaza was approved through Coastal Development Permit #A-120-81 (later revised to CDP 5-02-101) which was issued on May 8, 1984. We have conducted an inventory of existing (2017) visitor serving uses/businesses within the survey area, and compared this inventory with those uses that existed at the time that the CDP was issued in 1984. The attached table and maps quantify our findings.

Our method of inventory of 2017 land uses involved field survey and Internet searches. The 1984 survey involved a review of a historical aerial photograph source from the usgs.gov website, Earth Explorer, National High Altitude Photography (NHAP), flown September 13, 1985, and personal interviews with representatives from the City Economic Development Dept, and the Dana Point Chamber of Commerce.

Our survey concludes that the number and scale of visitor serving uses within the survey area have increased during the period from 1984 to 2017 in the following amounts:

Visitor Serving Use	Visitor Serving Use Existed when original CDP issued in 1984	Visitor Serving Use Exists in 2017	Increase Since Dana Marina Plaza Original CDP
Hotels	2	4	+ 2 hotels (474 hotel rooms)
Restaurants	43	51	+ 8 restaurants & 6 bars
Other Visitor/Tourist Serving Uses (Museums, Tourist- Oriented Retail Shops, Services, Rentals, Etc.)	22	27	+ 1 interpretive ctr. + 1 art gallery +2 surf rental shop + 1 bike rental shop

Please let me know if you have any questions or comments on the attached survey.

Sincerely,



Paul J. Klukas
Director of Planning

SURVEY OF VISITOR-SERVING USES - DANA POINT COASTAL/HARBOR AREA

Map ID	Visitor Serving Use	Visitor Serving Use Existed when original CDP issued in 1984*	Visitor Serving Use Exists in 2017	Increase Since Dana Marina Plaza Original CDP
Map ID	HOTELS	Existed in 1984	Exists in 2017	
1	Laguna Cliffs Marriot Resort and Spa 25135 Park Lantern	No	Yes	+ 378 hotel rooms
2	Best Western Plus Marina Shores Hotel 34280 Pacific Coast Hwy	No	Yes	+ 87 hotel rooms
3	Dana Point Marina Inn 24800 Dana Point Harbor Drive	Yes	Yes	
4	Blue Lantern Inn 34343 Street of the Blue Lantern	Yes	Yes	
	HOTEL TOTAL	2	4	+ 474 hotel rooms
Map ID	RESTAURANTS	Existed in 1984	Exists in 2017	
1	Chart House 34442 Street of the Golden Lantern	Yes	Yes	
2	Cannon Seafood Grill 34344 Street of the Golden Lantern	Yes	Yes	
3	The Brig Restaurant 34461 Golden Lantern Street	Yes	Yes	
4	Gemmell's Restaurant 34471 Golden Lantern Street	Yes	Yes	
5	Harbor Grill Restaurant at Dana Point 34499 Golden Lantern Street	Yes	Yes	
6	El Torito 34521 Golden Lantern Street	Yes	Yes	
7	Harpoon Henry's Seafood Restaurant 34555 Golden Lantern Street	Yes	Yes	
8	Chocolate Soldier 34513 Golden Lantern Street	Yes	Yes	
9	Harbor Delicatessen 34667 Golden Lantern Street	Yes	Yes	
10	Jon's Fish Market 34665 Golden Lantern Street	Yes	Yes	
11	Davine Food & Wine 34673 Golden Lantern Street	Yes	Yes	
12	Turk's Restaurant 34683 Golden Lantern Street	Yes	Yes	
13	Proud Mary's Restaurant 34689 Golden Lantern Street	Yes	Yes	
14	Wind & Sea Restaurant 34699 Golden Lantern Street	Yes	Yes	
15	Coffee Importers 34531 Golden Lantern Street	Yes	Yes	

Map ID	Visitor Serving Use	Visitor Serving Use Existed when original CDP issued in 1984*	Visitor Serving Use Exists in 2017	Increase Since Dana Marina Plaza Original CDP
16	Waterman's Harbor 34661 Golden Lantern Street	Yes	Yes	
17	Beach Cities Pizza 34473 Golden Lantern Street	Yes	Yes	
18	Bonjour Cafe 24633 Del Prado Avenue	Yes	Yes	
19	Bubba Kahuna's 34320 Pacific Coast Hwy	Yes	Yes	
20	Caliente Coastal Cantina 34085 Pacific Coast Hwy	No	Yes	+ 1 restaurant
21	Carlos Mexican Restaurant 34224 Pacific Coast Hwy	Yes	Yes	
22	Blue Dolphin Restaurant 34130 Pacific Coast Hwy	Yes	Yes	
23	Gen Kai Japanese Restaurant 34143 Pacific Coast Hwy	Yes	Yes	
24	Hennessey's Tavern Wine Bistro 34111 La Plaza	Yes	Yes	
25	Jack's Restaurant 24462 Del Prado Avenue	Yes	Yes	
26	Jimmy's Famous American Tavern 25001 Dana Point Harbor Drive	Yes	Yes	
27	Luciana's Ristorante 24312 Del Prado Avenue	Yes	Yes	
28	Luxe Restaurant & Bar 24582 Del Prado Avenue	No	Yes	+ 1 restaurant & bar
29	Mahe 24961 Dana Point Harbor Drive	Yes	Yes	
30	R.J.'S Café 25001 Dana Point Harbor Drive	Yes	Yes	
31	Rib Joint Roadhouse 34294 Pacific Coast Hwy	Yes	Yes	
32	Slice Of New York 34667 Golden Lantern Street	Yes	Yes	
33	Stillwater At Renaissance 24701 Del Prado Avenue	Yes	Yes	
34	Taco Surf 34195 Pacific Coast Hwy	Yes	Yes	
35	Tavern On The Coast 34212 Pacific Coast Hwy., Suite A	No	Yes	+ 1 restaurant & bar
36	Thai Dara 24501 Del Prado Avenue	Yes	Yes	
37	The Little Kitchen Asian Café 24831 Del Prado Avenue	Yes	Yes	
38	The Point Restaurant 34085 Pacific Coast Hwy	No	Yes	+ 1 restaurant & bar
39	The Shwack Beach Grill 24502 Del Prado Avenue	Yes	Yes	

40	What A Dish Cafe & Catering 24921 Dana Point Harbor Drive	Yes	Yes	
41	Stacks Pancake Restaurant 34255 Pacific Coast Hwy Suite 110	No	Yes	+ 1 restaurant
42	Two Left Forks 34212 Pacific Coast Hwy	No	Yes	+ 1 restaurant & bar
43	Craft House 34094 Pacific Coast Hwy	Yes	Yes	
44	Coastal Kitchen 34091 Pacific Coast Hwy	Yes	Yes	
45	Boneyard Café 25300 Dana Point Harbor Drive	Yes	Yes	
46	Stuff Pizza 24821 Del Prado Avenue	Yes	Yes	
47	Peking Dragon Restaurant 34171 Pacific Coast Hwy	Yes	Yes	
48	Aurora's Taqueria 34146 Pacific Coast Hwy	Yes	Yes	
49	Harbor House Café 34157 Pacific Coast Hwy	Yes	Yes	
50	Vue Restaurant 25135 Park Lantern	No	Yes	+ 1 restaurant & bar
51	Overvue Lounge & Restaurant 25135 Park Lantern	No	Yes	+ 1 restaurant & bar
	RESTAURANT TOTAL	43	51	+ 8 restaurants & 6 bars
Map ID	Other Visitor/Tourist Serving Uses (Museums, Tourist-Oriented Retail Shops, Services, Rentals, Etc.)	Existed in 1985	Exists in 2017	
A	Ocean Institute 24200 Dana Point Harbor Drive	Yes	Yes	
B	Dana Point Nature Interpretive Center 34558 Scenic Drive	No	Yes	+ 1 interpretive center
C	The Mint Fine Art Gallery 34085 Pacific Coast Hwy	No	Yes	+ 1 art gallery
D	Girl in the Curl Surf Shop 34116 Pacific Coast Hwy	Yes	Yes	
E	Infinity Surfboards Inc. 24392 Del Prado Avenue	Yes	Yes	
F	Bike Religion 34150 Pacific Coast Hwy	Yes	Yes	
G	Bella Design Center & Boutique 34091 Pacific Coast Hwy	Yes	Yes	
H	K'Nini Surfboards & Rentals 34085 Pacific Coast Hwy	No	Yes	+ 1 surf rental shop
I	Dana Point Spa 34119 Pacific Coast Hwy	Yes	Yes	
J	Hobie Surf Shop Dana Point 34174 Pacific Coast Hwy	Yes	Yes	
K	EZ Green Bikes 34193 Street of the Golden Lantern	Yes	Yes	
L	Jig Stop Tackle and Tours 34186 Pacific Coast Hwy	Yes	Yes	
M	New Life Day Spa 34207 Pacific Coast Hwy	Yes	Yes	

<i>N</i>	OC Surf & Sport 34255 Pacific Coast Hwy #112	No	Yes	+ 1 surf rental shop
<i>O</i>	EZ Cruiser Bikes 34255 Pacific Coast Hwy #101	No	Yes	+ 1 bike rental shop
<i>P</i>	Beach City Scuba Center 34283 Pacific Coast Hwy	Yes	Yes	
<i>Q</i>	Jack's Surfboards 34320 Pacific Coast Hwy	Yes	Yes	
<i>R</i>	Capo Beach Watercraft Rentals 34512 Embarcadero Place	Yes	Yes	
<i>S</i>	Dana Wharf Sportfishing and Whale Watching 34675 Street of the Golden Lantern	Yes	Yes	
<i>T</i>	Curlew Charters Inc. 34675 Street of the Golden Lantern	Yes	Yes	
<i>U</i>	Gift Chateau 34507 Street of the Golden Lantern	Yes	Yes	
<i>V</i>	The Downstairs Store 34525 Street of the Golden Lantern	Yes	Yes	
<i>W</i>	White Pelican Gallery 34475 Street of the Golden Lantern	Yes	Yes	
<i>X</i>	Captain Dave's Dana Point Whale Watching 24440 Dana Point Harbor Drive	Yes	Yes	
<i>Y</i>	Art Sea 34503 Street of the Golden Lantern	Yes	Yes	
<i>Z</i>	Woody Hut 34493 Street of the Golden Lantern	Yes	Yes	
<i>AA</i>	Boutique Chez Nevine 34509 Street of the Golden Lantern	Yes	Yes	
	VISITOR RETAIL & SERVICE TOTAL	22	27	+ 1 interpretive ctr. + 1 art gallery +2 surf rental shop + 1 bike rental shop

* Name of business may have changed but use remained visitor serving.



LEGEND

1 ● HOTELS

1 ● RESTAURANTS


A ● OTHER VISITOR/TOURIST USES

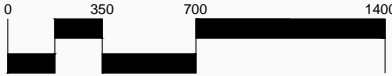
* HISTORICAL AERIAL PHOTOGRAPH INFORMATION SOURCE:
USGS.GOV WEBSITE; EARTH EXPLORER; NATIONAL HIGH ALTITUDE PHOTOGRAPHY (NHAP) (FLOWN SEPTEMBER 13, 1985)

** AERIAL PHOTOGRAPH SOURCE: GOOGLE EARTH (FLOWN OCTOBER 18, 2016)


SURVEY - Visitor/Recreation Commercial - 1985

Dana Point, California


NORTH

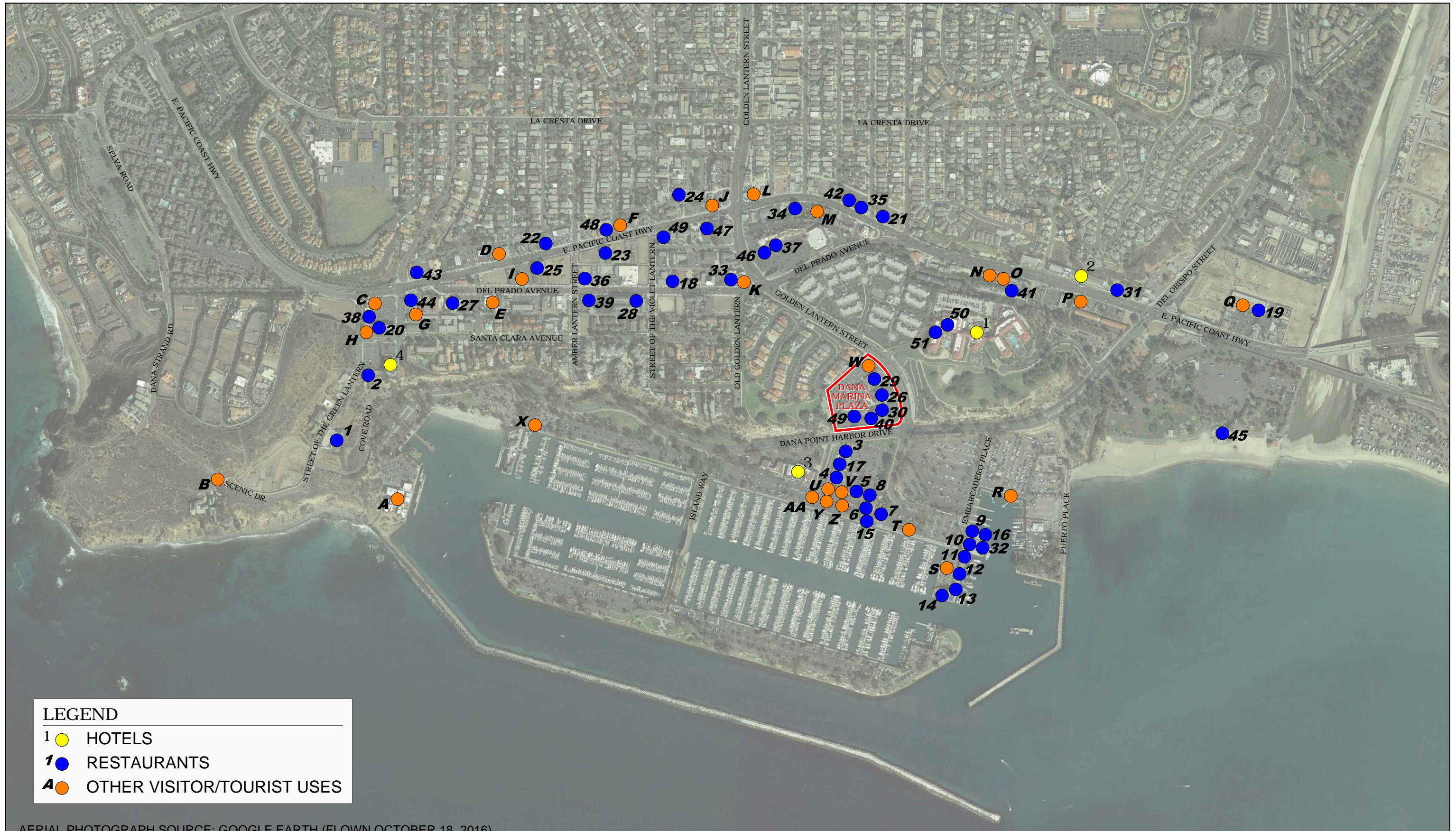

SCALE: 1" = 700'

October 4, 2017


PLANNING SYSTEMS

LAND USE, COASTAL PLANNING
LANDSCAPE ARCHITECTURE
POLICY AND PROCESSING
ENVIRONMENTAL MITIGATION

1030 LAMADAY AVENUE, SUITE 100, CARLSBAD, CA 92009
(760) 931-0700 FAX (760) 931-5744



LEGEND

1 ● HOTELS

1 ● RESTAURANTS

A ● OTHER VISITOR/TOURIST USES

AERIAL PHOTOGRAPH SOURCE: GOOGLE EARTH (FLOWN OCTOBER 18, 2016)

SURVEY - 2017 Visitor/Recreation Commercial Dana Point, California

0 350 700 1400 FT

SCALE: 1" = 700'

NORTH

October 4, 2017

PLANNING SYSTEMS

LAND USE, COASTAL PLANNING, LANDSCAPE ARCHITECTURE, POLICY AND PROCESSING, ENVIRONMENTAL MITIGATION

1030 FARMADAY AVENUE, SUITE 100, CARLSBAD, CA 92009
(760) 931-0700 FAX (760) 931-5744

**CITY OF DANA POINT
PLANNING COMMISSION
WORKSHOP REPORT**

DATE: OCTOBER 23, 2017

TO: DANA POINT PLANNING COMMISSION

FROM: COMMUNITY DEVELOPMENT DEPARTMENT
URSULA LUNA-REYNOSA, DIRECTOR
SEAN NICHOLAS, SENIOR PLANNER

SUBJECT: PLANNING COMMISSION WORKSHOP ON LOCAL COASTAL PLAN
AMENDMENT LCPA17-0003/ZONING TEXT AMENDMENT ZTA17-
0001/SPECIFIC PLAN AMENDMENT SPA17-0001, 2017 ZONING CODE
CLEANUP

RECOMMENDATION: That the Planning Commission receive an introduction to Zoning Code cleanup items, take public comments, provide feedback, and direct staff to bring a formal amendment to a regularly scheduled Planning Commission meeting.

APPLICANT: City of Dana Point

BACKGROUND:

As a best management practice, periodic Zoning Ordinance “Code cleanup” should be conducted to update and clarify various requirements within the Code. This ensures requirements are accurate, relevant, and compliant with State law. It has been several years since staff has completed a Code cleanup. The goal of this workshop is to introduce the cleanup items, take public comments, and receive feedback from the Planning Commission.

DISCUSSION:

Staff has identified approximately 61 modifications to the Zoning Ordinance. In order to identify the proposed code changes, staff conducted multiple roundtable discussions as well as reviewed notes from previous staff and identified Zoning Ordinance corrections and clarifications that have been discovered through the course of the day to day implementation of the Zoning Ordinance. Based on the number and scope of Zoning Ordinance issues that need to be addressed, staff developed the three following guiding principles to determine whether a cleanup item would be part of this first cycle of updates or follow in a subsequent clean-up:

- 1) Does the proposed change fix a typo/incorrect citation/redundant or no longer applicable code reference/section?
- 2) Does the proposed change clarify an existing regulation to remove confusion and provide better guidance to the general public?
- 3) Is the proposed change associated with a State law change?

WORKSHOP FORMAT:

The Code cleanup workshop will be an informal meeting open to the public in the Public Works Conference Room. Staff will lead a roundtable discussion, introduce all of the proposed changes (Attachment 1), and address Planning Commissioner questions. As this is a public workshop, public comment will be taken during the workshop. After public comments, the Planning Commission will be able to provide additional feedback and comments to staff. At the conclusion of the workshop, staff recommends that the Planning Commission direct staff to make any necessary revisions to the project as a result of the workshop and schedule the Zoning Ordinance Update for a regularly scheduled Planning Commission hearing in order for the Commission to take action and provide a formal recommendation to City Council.

Sean Nicholas, AICP
Senior Planner

Ursula Luna-Reynosa
Director of Community Development

**CITY OF DANA POINT
PLANNING COMMISSION
SPECIAL & REGULAR MEETING ACTION MINUTES**

October 23, 2017
4:06 P.M. – 6:19 P.M.

City Hall Offices
Council Chamber (#210)
33282 Golden Lantern
Dana Point, CA 92629

CALL TO ORDER SPECIAL MEETING

Chairman McKhann called the Special Meeting of the Dana Point Planning Commission to order at 4:06 p.m.

ROLL CALL

Planning Commission Members Present: Chairman Scott McKhann, Vice-Chair Danni Murphy, Commissioner Mary Opel, Commissioner Eric Nelson, Commissioner Roy Dohner

Staff Present: Jennifer Farrell (Deputy City Attorney), Matt Schneider (Planning Manager), Sean Nicholas (Senior Planner), Kurth Nelson (Principal Planner), Danny Giometti (Associate Planner), and Shayna Sharke (Senior Administrative Assistant)

A. SPECIAL MEETING – WORKSHOP: 2017 ZONING CODE CLEANUP

ITEM 1: Planning Commission Workshop on Local Coastal Plan Amendment LCPA17-0003, Zoning Text Amendment ZTA17-0001, Specific Plan Amendment SPA17-0001, 2017 Zoning Code Cleanup

Applicant: City of Dana Point Community Development

Address: Citywide

Recommendation: That the Planning Commission receive an introduction to Zoning Code cleanup items, take public comments, provide feedback, and direct staff to bring a formal amendment to a regularly scheduled Planning Commission meeting.

Sean Nicholas (Senior Planner) presented, answered questions and received feedback from the Planning Commission.

PUBIC COMMENTS

Bob Theel (Dana Point) asked if amending the zoning code would be required to go to a vote of the people if any of the changes would affect Town Center. Mr. Theel discussed concerns regarding the 250 square foot accessory structure size limitations.

**CITY OF DANA POINT
PLANNING COMMISSION**

October 23, 2017 **SPECIAL & REGULAR MEETING ACTION MINUTES**
4:06 P.M. – 6:19 P.M.

PAGE 2

Additionally, he raised concerns regarding the requirements for landscaping or groundcover and had questions regarding mezzanine requirement changes.

Sean Nicholas (Senior Planner) clarified that the mezzanine sentence should be struck out on the document.

Toni Nelson (Capistrano Beach) discussed concerns regarding developed lots that do not maintain landscaping. She provided a document showing pictures of homes in Capistrano Beach that have little to no landscaping. Ms. Nelson provided a suggested modification to the public nuisance section of the municipal code to clarify the provision and ensure it is enforceable.

ADJOURNMENT OF SPECIAL MEETING

Chairman McKhann adjourned the Special Meeting at 6:01 p.m.

CALL TO ORDER REGULAR MEETING

Chairman McKhann called the Regular Meeting of the Dana Point Planning Commission to order at 6:10 p.m.

PLEDGE OF ALLEGIANCE

Danny Giometti (Associate Planner) led the Pledge of Allegiance.

B: APPROVAL OF MINUTES

ITEM 2: Minutes of the Regular Planning Commission Meeting of October 9, 2017

ACTION: Motion made (Nelson) and seconded (Murphy) to approve the Minutes of the Regular Planning Commission Meeting of October 9, 2017. Motion carried 5-0-0.

AYES: Dohner, McKhann, Murphy, Nelson, Opel
NOES: None
ABSENT: None
ABSTAIN: None