

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

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**DATE:** JUNE 25, 2018

**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 LCPA18-0001/ZONING TEXT AMENDMENT ZTA18-0001,  
2018 ZONING CODE CLEANUP

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**RECOMMENDATION:** That the Planning Commission receive an introduction to the 2018 Zoning Code cleanup, 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, Zoning Ordinance "Code cleanups" should be conducted on a regular basis to update and clarify various requirements within the Code. This practice ensures Zoning Ordinance requirements are accurate, relevant, and consistent with State law. The goal of this workshop is to introduce the cleanup items, take public comments, and receive feedback from the Planning Commission.

**DISCUSSION:**

In 2017, staff initiated the first zoning ordinance clean-up in over 10 years. 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 had 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 needed to be addressed, staff was unable to include all the clean-up items in a single project. The 2018 Zoning Ordinance clean-up includes a number of the previously identified items as well as landscaping and Doheny Village related items directed for inclusion by the City Council. Moving forward, staff will be bringing forward Zoning Ordinance Clean-ups on an annual basis.

**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

**PLANNING COMMISSION WORKSHOP REPORT**

**LCPA18-0001/ZTA18-0001**

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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

**ATTACHMENTS:**

1. Proposed Zoning Ordinance Cleanup

# 2018 Zoning Code Clean Up

DRAFT

## *Art in Public Places (Goal: Update Commission and Process)*

### 9.05.240 “Art in Public Places” Program.

(a) Purpose. The purpose of this Section is to enhance the cultural and aesthetic environment of the City of Dana Point, and to encourage creativity, education, and an appreciation of the arts and our cultural heritage. The program also serves to implement a number of goals and policies of the Dana Point General Plan Urban Design Element and the Dana Point Community Cultural Plan.

(b) Definitions. The following definitions shall apply to the language contained in this Section:

(1) “Art in Public Places” shall mean public art installed, either on- or off-site, as a part of a new development project in conformance with the standards set forth in this Chapter.

(2) **“Arts and Culture Commission” shall mean the Dana Point Arts and Culture Commission as established by City Council Resolution No. 11-07-25-01; and any successor commission, agency, board, committee or other body empowered by the City Council with the same duties and responsibilities.** ~~“Community Services Commission” shall mean the Dana Point Community Services Commission as established by City Council Resolution No. 94-07-26-4 on July 26, 1994; and any successor commission, agency, board, committee or other body empowered by the City Council with the same duties and responsibilities.~~

(3) “New Development” shall mean the construction of new residential, commercial, mixed use, office, industrial, institutional and recreational projects, and the remodeling or renovation of such projects in excess of fifty (50) percent of the value of the entire development project.

(4) “Other discretionary review” shall mean any coastal development permit, site development permit, conditional use permit, variance, tentative map, zone change, zone text amendment, general plan amendment or local coastal program amendment as reviewed by the Dana Point Planning Commission, Dana Point City Council or California Coastal Commission.

(5) “Public art” shall include, but not be limited to, sculpture, paintings, graphic arts, mosaics, photographs, fountains, decorative arts, film and video, and preservation of features or resources of historical, archaeological or paleontological significance, located in or on a site open and accessible to the public. Public art may be either representational or non-representational (i.e., abstract).

(6) “Public art component” shall mean the piece of public art and any accompanying landscape, hardscape, lighting, public performance space, public art display space, and plaques, signs or narrative materials.

(7) “Total construction costs” shall mean the valuation of the proposed structures or improvements, as calculated based on the most recent building valuation data from the Uniform Building Code (UBC).

(c) General Requirements.

(1) Applicability. The provisions of this Section shall apply to all new development within the residential (Chapter 9.09), commercial (Chapter 9.11), mixed use (Chapter 9.13), office (Chapter 9.15), industrial (Chapter 9.17), institutional (Chapter 9.19) and

recreational (Chapter 9.21) districts as defined in the Dana Point Zoning Code. The “Art-in-Public-Places” Program described in this section is a mandatory program and the standards specified are minimum standards for compliance. Participation in the program by itself does not qualify project applicants for consideration of increased project density/intensity as discussed in the Land Use Plan of the Dana Point General Plan.

(2) General Guidelines/Content and Appropriateness. There are no mandated themes for the public art component of a project. Both representational and non-representational artworks are encouraged. Possible thematic content areas for public art may include, but should not be limited to:

- (A) The coastal/marine lifestyle;
- (B) The history of the City of Dana Point;
- (C) The archaeology and paleontology of the natural environment of the area; or
- (D) The cultures of indigenous peoples of the area. These themes are listed for general guidance only and are not intended to mandate a particular theme type or style of artwork.

(3) Media. The media used in the public art component of a new development project may include any of the features or element described in subsection (b)(5) above. The media employed should be appropriate to the artwork and the immediate physical surroundings. The media chosen should also incorporate non-visual elements (i.e., texture, sound, etc.) wherever possible for the benefit of the visually impaired.

(4) Location. The public art component should be prominently placed within the development project and oriented toward the pedestrian experience of the site. Particular consideration should be given to making the public art accessible to the physically handicapped. Site design should “showcase” the public art and provide viewing opportunities from many angles. Site landscaping and lighting design should complement and enhance the work. If there is no appropriate on-site location for the public art component, the applicant may propose an alternate location off-site.

(5) Cost. The minimum value requirement for the public art component of a development project is one-half (0.50) percent of the total construction costs of the subject project. The provisions of this Section may be satisfied by either:

- (A) The on- or off-site placement of public art as a component of the development project.
- (B) A contribution to a public art in-lieu fund in an amount equal to the minimum value for the public art component.

(d) Exemptions. The following types of development projects shall be exempt from the provisions of this Section:

- (1) Individual single family residences and individual multiple family structures of four (4) or fewer units on existing, legal building sites (Chapter 9.09);
- (2) Projects subject to regulation under the Dana Point Harbor Revitalization Plan and District Regulations (Chapter 9.25); or
- (3) Projects with total construction costs of less than one million dollars (\$1,000,000.00) as defined under Subsection (b)(7) above.

(e) Review Procedures.

- (1) Projects Requiring Other Discretionary Review.

The review of the public art component of development projects shall be carried out by the Planning Commission and shall be completed and installed and/or in-lieu fees paid prior to certificate of occupancy for any project that meets the requirements in Sections 9.05.240(c)(1) and 9.05.240(d). ~~Dana Point Community Services Commission concurrent with the initial discretionary review of the entire new development project by the Dana Point Planning Commission or the Dana Point City Council.~~

(2) Application Processing.

(A) Placement of Public Art. The public art component of a development project ~~shall~~ may be submitted as a part of the application for the entire project, but must be installed prior to issuance of Certificate of Occupancy. The project plans, including the public art component will be provided to the Community Services Arts and Culture Commission for their review, ~~during the initial thirty (30) day review period for the project. During the thirty (30) day review period,~~ the Community Services Arts and Culture Commission will evaluate the public art component of the project, seeking, as necessary, responsible voluntary public and professional opinions and input in its deliberations, and submit recommendations feedback for approval ~~of or~~ denial to the Planning ~~Department Commission.~~

If deemed necessary by staff, the public arts component of a project may be ~~resubmitted to the reviewed multiple times by the Arts and Culture Community Services Commission for review during subsequent resubmittals of the project.~~ Comments from the Community Services Arts and Culture Commission will be compiled by the Planning Department along with the comments of other departments, agencies and/or interested parties. These comments will be forwarded to the applicant and Planning Commission as appropriate and used to determine the completeness of the project as a whole. If, however, the Community Services Arts and Culture Commission cannot provide a recommendation feedback before the public art is considered by the Planning Commission project is deemed complete, the review of the project public art will proceed and be undertaken solely by the Planning Commission.

Once the application has been deemed complete (pursuant with State law), the environmental review for the entire public art component of the project will be completed and the project will be scheduled for public hearing before the Planning Commission. A public hearing notice will be provided to the Community Services Arts and Culture Commission and the Community Services Arts and Culture Commission's Planning Department Liaison will have the opportunity to attend the public hearing and provide additional input on the project.

If the Community Services Arts and Culture Commission is not able to provide a recommendation feedback on the public art component prior to the Planning Commission hearing ~~on the entire project~~, the Planning Commission shall have authority to review and give final approval for the public art component. ~~The project may be granted a preliminary review and approval and be conditioned to permit the issuance of ministerial permits (i.e., building, grading) while the public art component is being reviewed. The public art component shall receive final approval from the Planning Commission, and shall be in place prior to issuance of Certificates of Use and Occupancy for the project.~~

(3) **Projects Not Requiring Other Discretionary Review.** The review process for projects which do not require other discretionary review is similar to that described under subsection (e)(2) above, with the exception that the recommendation of the **Community Services Arts and Culture** Commission will be made to the Director of Community Development. Final approval of the public art component of a development project will **still** be made by the Planning Commission, except in cases where the in-lieu contribution is chosen.

(4) **Public Art Component Application Requirements.** The application for the public art component of a development project shall include the following:

- (A) A rendering or model of the proposed work;
- (B) A colors and materials board;
- (C) Site, landscaping and lighting plans;
- (D) A statement from the artist applicant, detailing how the proposed work fulfills the purpose of this Section as described in Subsection (a) above;
- (E) A copy of the text of any plaque(s) or narrative material(s) accompanying the proposed work;
- (F) An estimate of the total construction cost of the development project as defined under Subsection (b)(7) above and the value of the proposed public art; and
- (G) Any other materials or information necessary to determine compliance with this Section as required by the Director of Community Development.

(5) **Findings.** In approving the public art component of a development project, the Planning Commission must make the following findings in the form of an adopted resolution:

- (A) That the work fulfills the purpose of this Section; and
- (B) That the work is an enhancement to the site, surrounding neighborhood, and the City as a whole.

(6) **Conditions of Approval.** The following standard conditions of approval shall apply to all development projects participating in the "Art-In Public-Places" program:

- (A) Prior to the issuance of Certificates of Use and Occupancy, the applicant must obtain approval of the public art component of the project from the Dana Point Planning Commission.
- (B) Prior to the issuance of Certificates of Use and Occupancy, the public art component of the project shall be installed in accordance with the approved plans and in a manner meeting with the approval of the Director of Community Development. If the public art component cannot be installed prior to the issuance of Certificates of Use and Occupancy, the applicant shall deposit surety with the City in an amount equal to the value of the required public art component to ensure installation within thirty (30) days of the issuance of Certificates of Use and Occupancy.
- (C) **On-Site Placement.** The maintenance of the public art component for the project shall be the responsibility of the applicant and the applicant's assigns and successors-in-interest.

OR

Off-Site Placement. The maintenance of the public art component for the project shall be the responsibility of the applicant and the applicant's assigns and successors-in-interest. The applicant shall provide evidence, to the satisfaction of the Director of Community Development, that the public art component will be

placed off-site with the approval of the owner of the property upon which the artwork will be located.

(D) In-Lieu Contribution. Prior to the issuance of Certificates of Use and Occupancy, the applicant shall deposit an amount equal to the required value of the public art component into a public art in-lieu fund.

#### ***Changes to Definitions (Goal: Consistency with other definitions)***

9.75.060 “F” Definitions and Illustrations.

Floor Area, Gross — the area included within the surrounding exterior finish wall surface of a building or portion thereof, exclusive of courtyards, **parking structures, and other non-habitable space** but including stairways, hallways, ~~mechanical rooms, and~~ restrooms, ~~and other non-habitable areas.~~

#### ***Off-Street Parking (Goal: Update to reflect new technology)***

9.35.110 Alternatives to Parking and Loading Standards.

The City recognizes that many uses and sites are unique and that certain components of parking and loading may be tailored to better comply with these standards based on factors such as awkward site shape and unique types or combinations of uses. As such, the City may consider modifications to certain provisions of the parking and loading standards to achieve safe and adequate parking and loading facilities, subject to the review and approval by the Planning Commission.

(a) Procedures for Alternative Standards. Alternative standards for certain elements of parking and loading standards may be permitted subject to the approval of the appropriate application as follows:

(3) A Site Development Permit shall be required for any modification to:

(A) The location, height and/or amount of landscaping in the parking area; or

(B) The setback of a parking area from property lines; or

(C) The required driveway “throat” length, drive aisle width and accessway width; or

(D) Number of loading spaces required; or

(E) Lighting standards-; **or**

**(F) Allow the use of car lifts to meet minimum parking requirements.**

9.35.080 Minimum Number of Required Parking Stalls.

#### **SECTION 9.35.080~~(E)~~(e)**

##### **MINIMUM NUMBER OF REQUIRED PARKING STALLS BY USE**

Residential Uses	
Use	Required Number of Stalls

(4) Duplex on lot less than 50' wide	<p>Two (2) covered and assigned parking stalls within a garage per dwelling units; or</p> <p><del>Two (2) covered and assigned parking stalls within a garage for one dwelling unit; and one covered and assigned parking stall within a garage and one uncovered tandem stall for the second dwelling unit</del> <u>A tandem parking design providing the required four (4) covered parking spaces shall be approved,</u> subject to the approval of a minor Conditional Use Permit by the Planning Commission and in accordance with the following standards:</p> <p>c. The setback and design of the garage and the driveway shall provide adequate articulation and structural details to the garages and front elevation. <del>This design could incorporate dimensions specified in Exhibit 9.35.10.</del></p>
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**Remove Exhibit 9.35-10**

9.75.030 "C" Definitions and Illustrations.

**Car lift-A hydraulic machine by which automobiles are hoisted above or below the level utilized for access onto the lift in order to provide access to other areas or additional parking.**

***Add Parking Requirement (Goal: Create parking requirement consistent with policy)***

SECTION 9.35.080~~(E)~~**(e)**  
MINIMUM NUMBER OF REQUIRED PARKING STALLS BY USE

<b><u>(45) Personal Services</u></b>	<b><u>1 stall/300 SF-GFA</u></b>
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Re-number subsequent uses.

***Condominium Conversions (Goal: Ensure DPZC compliance)***

9.09.040(b) Condominium, Stock Cooperative, and Community Apartment Conversions.



(2) Development Standards. ~~Where possible~~ The conversion shall be designed to comply with all applicable development standards of the zoning district in which it is located. In addition, the following standards shall apply:

***Building Separation Clarification (Goal: Clarify policy)***

9.09.030

<b>(I) Minimum Building Separation</b> (between primary and accessory buildings, <u>and/or primary to primary buildings</u> on the same lot):	10 ft
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***Appeal Procedure (Goal: Clarify procedure)***

9.61.110 Appeal Procedures.

(a) Decisions May Be Appealed. Any decision rendered by the Director of Community Development may be appealed by the applicant, the Planning Commission, the City Council, any property owner or resident of property within a five hundred (500) foot radius of the subject property, or any group or individual. Appeals of decisions by the Director of Community Development shall be heard by the Planning Commission as a DeNovo hearing.

Any decision rendered by the Planning Commission may be appealed by the applicant, the City Council, any property owner or resident of property within a five hundred (500) foot radius of the subject property, or any group or individual. Appeals of decisions by the Planning Commission shall be heard by the City Council as a DeNovo hearing.

***Landscaping (Goal: Update requirements)***

9.55.070 Definitions.

“Hardscapes” means any durable material or feature (pervious and non-pervious) installed in or around a landscape area, such as pavements or walls. Pools and other water features are considered part of the landscape area for water usage calculation and not considered hardscapes for purposes of this Chapter.

“Landscape area” means all the planting areas including: xeriscape, turf areas, and water features in a landscape design plan subject to the Maximum Applied Water Allowance and estimated applied water use calculations. The landscape area does not include footprints of buildings or structures, sidewalks, driveways, parking lots, decks, patios, gravel or stone walks, other pervious or non-pervious hardscapes, artificial turf, and other non-irrigated areas designated for non-development (e.g., open spaces and existing native vegetation).

9.75.120 “L” Definitions and Illustrations.

Landscaping — areas devoted to or developed and maintained primarily with native or **exotic non-native** plant materials including lawn, ground cover, **xeriscape**, trees, shrubs, and other plant materials. ~~Landscaping may also include small amounts of accessory decorative outdoor landscape elements such as ponds, fountains, and paved or decorated surfaces, (excluding driveways, parking, loading, or storage areas), and sculptural elements, all of which are suitably designed, selected, installed, and maintained to enhance a site.~~

Landscape Coverage — the percentage of the net lot area, excluding the area of the parking lot, which is covered by landscaping as seen from a plan view.

**Landscape, Front Yard Setback Coverage – The front yard setback of all residentially zoned parcels shall be covered by landscaping with the minimum percentage identified in Zoning Code Section 9.09.030(k) of this Title and consistent with the “Landscaping” definition.**

#### 9.09.030 Development Standards.

DEVELOPMENT STANDARDS (1)	RESIDENTIAL ZONING DISTRICTS			
	RSF 2	RSF 3	RSF 4	RSF 7
(g) Minimum Front Yard <b>Building</b> Setback	20 ft	10 ft	20 ft	20 ft
(k) Minimum Landscape Coverage: <b>(14)</b>	25%	25%	25%	25%
<b><u>Front Yard Setback Minimum Landscape Coverage: (15)</u></b>	<b><u>35%</u></b>	<b><u>35%</u></b>	<b><u>35%</u></b>	<b><u>35%</u></b>

DEVELOPMENT STANDARDS	RESIDENTIAL ZONING DISTRICTS			
	RSF 8	RSF 12	RBR 12	RBRD 18
(k) Minimum Landscape Coverage: <b>(14)</b>	25%	25%	10%(11)	10% (11)
<b><u>Front Yard Setback Minimum Landscape Coverage: (15)</u></b>	<b><u>35%</u></b>	<b><u>35%</u></b>	<b><u>5%</u></b>	<b><u>5%</u></b>

DEVELOPMENT STANDARDS	RESIDENTIAL ZONING DISTRICTS			
	RSF 22	RD14	RMF 7	RMF 14
(k) Minimum Landscape Coverage: <b>(14)</b>	20%	15%	25%	25%
<b><u>Front Yard Setback Minimum Landscape Coverage: (15)</u></b>	<b><u>35%</u></b>	<b><u>35%</u></b>	<b><u>35%</u></b>	<b><u>35%</u></b>

DEVELOPMENT STANDARDS	RESIDENTIAL ZONING DISTRICTS			
	RMF 22	RMF 30		
(k) Minimum Landscape Coverage: <b>(14)</b>	20%	15%		
<b><u>Front Yard Setback Minimum Landscape Coverage: (15)</u></b>	<b><u>35%</u></b>	<b><u>35%</u></b>		

**(14) Landscaping may also include small amounts of accessory (25% or less of the required landscape coverage) decorative outdoor landscape elements such as ponds, fountains, artificial turf, mulch, and paved or decorated surfaces, (excluding driveways, parking, loading, or storage areas), and sculptural elements, all of which are suitably designed, selected, installed, and maintained to enhance a site.**

**(15) A reduction in landscaping may be approved through an Administrative Modification of Standards pursuant to requirements of Zoning Code Section 9.61.090.**

### ***Sign Program Process (Goal: Streamline process)***

#### **9.37.070 Sign Programs.**

The purpose and intent of a Sign Program is to integrate signs with building and landscape design into a unified architectural statement. Sign programs may also be used to consider signage alternatives for developments which have unique tenant visibility problems, such as obscured lease space or complex access patterns. A Sign Program shall be subject to the review of the design, placement, size, content, and compatibility of the proposed signage by the **Planning Commission Director of Community Development through a Minor Site Development Permit** and shall be in substantial compliance with Section 9.37.150 of this Chapter.

(b) Application Requirements. An application for any Sign Program shall be submitted for review and approval by the **Planning Commission Director of Community Development**

**through a Site Development Permit pursuant to Dana Point Zoning Code Section 9.71.034 in accordance with Chapter 9.61 of the Dana Point Zoning Code.**

Sign Program application requirements shall include:

- (1) A completed application form.
- (2) Plans, drawn to scale, including the following:
  - (A) All sign details including sign area, dimensions, colors, materials, letter style, proposed copy, letter height and method of illumination.
  - (B) A site plan indicating the location of all existing and proposed signs with sign area, dimensions, colors, materials, letter style, letters height and method of illumination; and definition of type of signage, such as center identification signage or tenant identification signage.
  - (C) All building elevations with sign area and location depicted.
- (3) A deposit or fee as required by a Resolution of the City Council.
- (4) A letter of justification delineating how the proposed Sign Program is consistent with the intent of this Chapter.
- (5) Any other information as may be required by the Director of Community Development.

**(c) Findings. Approval of a Sign Program shall be subject to the following findings (Section 9.71.050, Basis for Approval, Conditional Approval, or Denial of a Site Development Permit shall not apply):**

**(1) That the design, placement, size, and materials of the proposed signage is compatible with the project architecture.**

**(2) That the Sign Program is in general conformance with the Dana Point Sign Guidelines, and the Permitted Sign Types detailed in the City of Dana Point Zoning Code.**

#### 9.71.034 Minor Site Development Permits.

- (a) Application for Minor Site Development Permits are restricted to the following requests:
  - (1) Development with less than ten thousand (10,000) gross square feet of new residential building floor area.
  - (2) Four (4) or less residential dwelling units.
  - (3) Temporary uses and structures as described in Chapter 9.39.
  - (4) Any multifamily projects where a minimum twenty percent (20%) of total units are restricted to be affordable to lower income households or at least forty percent (40%) of total units are restricted to be affordable to moderate income households (for a period of time equal to provisions under State Density Bonus Law (California Government Code Section 65915)).
  - (5) **Sign Programs pursuant to Section 9.37.070.**
  - (6) Certain types of improvements as may be specified by this Code.

***Sign Ordinance Modifications (Goal: Cleanups and Clarifications)***

### 9.37.150 Permitted Signs.

(d) Permitted Permanent Signs in Mixed Use and Non-Residential Districts (for Commercial Centers).

Note: Total of all allowable signage is based on total street frontage unless otherwise noted.

CLASS	TYPE	PERMIT REQUI RED	MAXIMUM NUMBER	AGGREGA TE AREA <sup>1</sup>	MAXIMUM HEIGHT <sup>2</sup>	ADDITIONAL STANDARDS <sup>3</sup>
(1) Center Identification Sign	Freestanding <u>or Wall</u>	Yes, Minor Site Development Permit	Two: (One freestanding <u>or Wall</u> sign allowed for each street frontage)	1/3 of allowable sign area for the site up to 25 square feet  Up to 25 percent of additional sign area may be granted by the Community Development Director	6 feet <u>if freestanding, and wall sign design determined through Minor Site Development Permit process.</u> See Section 9.37.130(g) (or as determined by an approved Sign Program)	<del>(D) Sign shall be of a monument type.</del>

(e) Permitted Permanent Signs in Mixed Use and Non-Residential Districts (for Single Tenant Sites).

Note: Total of all allowable signage is based on total street frontage unless otherwise noted.

CLASS	TYPE	PERMIT REQUIRED	MAXIMUM NUMBER	AGGREGA TE AREA <sup>1</sup>	MAXIMUM HEIGHT <sup>2</sup>	ADDITIONAL STANDARDS <sup>3</sup>
<del>(1) Center Identification Sign</del>	<del>Freestanding</del>	<del>Yes, Minor Site Development Permit Required</del>	<del>Two: (One freestanding allowed for each</del>	<del>1/3 of allowable sign area for the site up to 25 square feet  Up to 25 percent of</del>	<del>6 feet. See Section 9.37.130(g) (or as determined by an approved</del>	<del>(A) Sign shall contain only the name and address of the tenant.</del>

			street frontage)	additional sign area may be granted by the Community Development Director	Sign Program)	(B) — A Sign Program may be required (see Section 9.37.070). (C) — Sign shall be a monument type.
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**Re-number remaining sign types accordingly**

(b) Permitted Permanent Signs in Residential Districts.

CLASS	TYPE	PERMIT REQUIRED	MAXIMUM NUMBER	AGGREGATE AREA <sup>1</sup>	MAXIMUM HEIGHT <sup>2</sup>	ADDITIONAL STANDARD S <sup>3</sup>
(1) Tract Identification	Freestanding or Wall	Yes, <u>Minor Site Development Permit</u>	One per street frontage or one on each side of an entrance	1 sq. ft. per lineal foot of street frontage up to 100 square feet maximum or as defined by an approved sign program <u>and/or Minor Site Development Permit</u>	Wall: 6 feet Freestanding: 5 feet	(C) Location to be determined at time of sign program <u>and/or Minor Site Development Permit</u> approval.

9.37.150 Permitted Signs.

(d) Permitted Permanent Signs in Mixed Use and Non-Residential Districts (for Commercial Centers).

Note: Total of all allowable signage is based on total street frontage unless otherwise noted.

CLASS	TYPE	PERMIT REQUIRE D	MAXIMUM NUMBER	AGGREGATE AREA <sup>1</sup>	MAXIMUM HEIGHT <sup>2</sup>	ADDITIONAL STANDARDS <sup>3</sup>
(6) Window Sign	Affixed to window only	No	Three signs per business	25% of exposed window area <b><u>of each individual window.</u></b> If allowable sign area is maximized, signs shall not exceed 10% of exposed window area <b><u>of each individual window.</u></b>	N/A	(A) The signs shall complement the building and permanent signage. The use of fluorescent, day-glo, and neon colors shall be limited. (B) Permanent window signage shall be included in the maximum aggregate area allowed for the business. (C) Text of permanent window signage shall be limited to business name and brief message identifying the product or service or pertinent information. (D) Window signage shall conform to the provisions of Section 9.37.110(I).

#### 9.37.110 Exemptions.

- (I) Temporary, removable non-illuminated, window signs with the following provisions:
- (1) The signs do not exceed twenty-five percent (25%) of the total exposed window area **of each individual window;**
  - (2) If maximum allowable sign area is met, window signage shall not exceed ten percent (10%) of the total exposed area **of each individual window;**

#### 9.37.170 Prohibited Signs.

Except as otherwise expressly permitted in this Chapter, all signs are expressly prohibited, including, but not limited to the following:

- (a) Flashing, moving, animated and intermittently lighted signs and advertising devices including animals and human beings, excluding public service signs such as time and temperature signs and traditional barber shop poles.
- (b) Roof signs as defined in Section 9.37.020(r).
- (c) Signs which project over public right-of-way or adjacent private property, **except for Blade Signs approved as part of a Sign Program subject to Section 9.37.070.**
- (d) Changeable copy signs with the exception of signs intended for the advertisement of civic activities and menu board signs.
- (e) Banners, flags, pennants, balloons, and other temporary signage except as may be permitted by Section 9.37.160 in conjunction with a Temporary Site Development Permit or Section 9.37.110(k).
- (f) Off-site signs and other similar signs installed for the purpose of advertising a project, subject, or business, unrelated to the premises upon which the sign is located, inclusive of “snipe” signs and billboards, but exclusive of garage/yard sale and open house signs.
- (g) Vehicular signs including signs attached by any means to automobiles, trucks, trailers, or other vehicles on private or public property for the purpose of advertising, identifying, or providing direction to a use or activity not related to the lawful use of the vehicle for rendering service or delivering merchandise.
- (h) Obscene or unlawful signs.
- (i) Signs in the public right-of-way and public property except those signs that are provided for in this Chapter.
- (j) Permanent pole signs exceeding five (5) feet in height, not including flag signs, with open space from ground level to the bottom of the sign exceeding thirty-five (35) percent of the overall height.
- (k) Audible signs or advertising devices.
- (l) Inflatable signs and advertising devices.
- (m) Canned monument signs.
- (n) Portable signs which include A-frame or sandwich board signs.
- (o) Internally illuminated monument signs.

9.37.020(b)

**Blade Sign- A sign, other than a wall or projecting sign, which hangs from a building or wall fixture and extends perpendicular from the face of a building.**

***Animal Regulations in both the Zoning Ordinance and Municipal Code (Goal: Move animal related requirements into the Municipal Code)***

*Staff is continuing to evaluate this modification and will provide information at the formal Planning Commission hearing on the 2018 Zoning Code Cleanup.*



**SDP(M) clarification for Multi-family (Goal: Clarify requirement)**

9.71.020 Site Development Permit Required.

**(e) A Minor Site Development Permit is required for residential projects of two to four units on a previously subdivided parcel as well as other developments pursuant to Section 9.71.034.**

**Density Requirement in Residential Development Standards (Goal: Clarify requirements and General Plan consistency)**

9.09.030 Development Standards.

DEVELOPMENT STANDARDS	RESIDENTIAL ZONING DISTRICTS			
	RSF 2	RSF 3	RSF 4	RSF 7
(e) Minimum Land Area Per Unit (3)	17,500 sf	11,667 sf	8,750 sf	5,000 sf
<b><u>Maximum Density Per Acre (14)</u></b>	<b><u>2</u></b>	<b><u>3</u></b>	<b><u>4</u></b>	<b><u>7</u></b>

DEVELOPMENT STANDARDS	RESIDENTIAL ZONING DISTRICTS			
	RSF 8	RSF 12	RBR 12	RBRD 18
(e) Minimum Land Area Per Unit (3)	4,375 sf	2,917 sf	2,917 sf	1,945 sf
<b><u>Maximum Density Per Acre (14)</u></b>	<b><u>8</u></b>	<b><u>12</u></b>	<b><u>12</u></b>	<b><u>18</u></b>

DEVELOPMENT STANDARDS	RESIDENTIAL ZONING DISTRICTS			
	RSF 22	RD14	RMF 7	RMF 14
(e) Minimum Land Area Per Unit (3)	1,591 sf	2,500 sf	5,000 sf	<b><u>2,600 sf</u></b> <b><u>2,500 sf</u></b>
<b><u>Maximum Density Per Acre (14)</u></b>	<b><u>22</u></b>	<b><u>14</u></b>	<b><u>7</u></b>	<b><u>14</u></b>

DEVELOPMENT STANDARDS	RESIDENTIAL ZONING DISTRICTS			
	RMF 22	RMF 30		

(e) Minimum Land Area Per Unit (3)	1,591 sf	1,167 sf		
<b><u>Maximum Density Per Acre (14)</u></b>	<b><u>22</u></b>	<b><u>30</u></b>		

**(14) Maximum Density shall be calculated per acre consistent with the General Plan Land Use Element Land Use Intensity/Density provisions.**

***Community Facility Density Requirement (Goal: General Plan consistency)***

**9.19.010 Intent and Purpose.**

The Community Facilities District provides for public, quasi-public, and private community uses to serve the needs of residents, visitors, property owners, employers and employees of businesses in the City. The District includes both public and private community uses such as civic buildings, schools, churches, hospitals, cultural, recreational facilities and sanitary sewer facilities, and other public facilities. Development within this District should serve to create public places and city landmarks, which contribute to City design. The District also allows multifamily housing at a density of ~~twenty-two (22)~~ **thirty (30)** units per acre to permit high density residential projects in compliance with the adopted Housing Element.

***Beer/Distillery/Wine Manufacturing (Goal: Clarify requirements)***

**9.07.045 Alcoholic Beverage Manufacturing**

**The following regulations shall apply to Alcoholic Beverage Manufacturing establishment, operation, and maintenance subject to the following regulations:**

- (a) Applicability. Shall be for any Alcoholic Beverage Manufacturing use as defined in 9.75.270, including all tasting/tap room facilities within the City of Dana Point.**
- (b) Minor Conditional Use Permit. A Minor Conditional Use Permit pursuant to Section 9.65.040 shall be required for the establishment of any Alcoholic Beverage Manufacturing and/or associated tasting/tap room.**
- (c) General Provisions. The following shall apply to all Alcoholic Beverage Manufacturing and/or tasting/tap rooms:**
  - (1) The Director of Community Development may establish or modify hours of operation for tasting or tap rooms and/or outdoor patios associated with**

Alcohol Beverage Manufacturing business. Any decision of the Director of Community Development regarding the hours of operation may be appealed to the Planning Commission pursuant to Section 9.61.110.

- (2) All Alcohol Beverage Manufacturing owners and employees working in a tasting/tap room shall successfully complete the LEAD (License Education on Alcohol and Drugs) program through the Department of Alcoholic Beverage Control and/or other responsible beverage service program as approved by the Orange County Sheriff Department. Certification from the LEAD or equivalent program shall be completed prior to commencement of the tasting/tap room business. Proof of certification of LEAD or equivalent program shall be made available to the City of Dana Point upon request.
- (3) Outdoor Storage/Grain Silo/Outdoor Equipment shall be screened.
- (4) The real property upon which an Alcohol Beverage Manufacturing use is operated shall be permanently maintained in an orderly fashion by the provision of regular landscape maintenance, removal of trash and debris, and removal of graffiti within 48 hours from the time of occurrence.
- (5) There shall be no admission fee, cover charge, nor minimum purchase required.
- (6) Signs shall be posted inside the business/enclosed outdoor patio stating: "No alcohol allowed past this point."
- (7) The number of persons shall not exceed the maximum occupancy load as determined by the Building Official or their designee.
- (8) There shall be no live entertainment, amplified music, or dancing permitted at any time without issuance of applicable permits as required by the City of Dana Point Zoning Ordinance.
- (9) Food preparation and service shall be allowed.
- (10) The alcohol beverages served shall be limited to the products that are authorized to be sold by the alcoholic beverage manufacturer under its license issued by the California Department of Alcoholic Beverage Control.

SECTION 9.35.080(e)  
MINIMUM NUMBER OF REQUIRED PARKING STALLS BY USE  
Commercial Uses-Retail and Service

(48) <u>Alcohol Manufacturing</u> <u>(a) Alcohol Manufacturing Area</u> <u>(b) Tasting Room/Tap Room/Outdoor Patio</u>	<u>1 stall/400 SF-GFA</u> <u>1 stall/300 SF-GFA</u>
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Re-number following parking types accordingly

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
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<u><b>Alcohol Beverage Manufacturer</b></u>	<u><b>C*</b></u>	<u><b>C*</b></u>	<u><b>C*</b></u>	<u><b>C*</b></u>
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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><b>Alcohol Beverage Manufacturer</b></u>	<u><b>C*</b></u>	<u><b>C*</b></u>	<u><b>X</b></u>

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

SECTION 9.17.020(b)  
INDUSTRIAL/BUSINESS DISTRICTS

LAND USES	I/B
<u><b>Alcohol Beverage Manufacturer</b></u>	<u><b>P*</b></u>

9.75.270 Use Definitions

**“Alcoholic beverage manufacturing” means the manufacture or production within the City of Dana Point of beer, wine, brandy or distilled spirits by any person licensed by the Department of Alcoholic Beverage Control of the State of California and includes the sale or distribution of said products.**

***Trash Enclosure Requirements (Goal: Clarify requirements)***

9.07.150 Trash and Recycling Storage Areas.

(d) Size and Design Standards. Facilities for recycling shall be designed in accordance with the following standards.

(2) Design Standards.

- (l) **The design of the trash enclosure shall compliment the architectural style of the primary building onsite, and be appropriately designed to prohibit trash and debris from spilling or littering outside of the enclosure, and include a locking mechanism for safety. All trash enclosures shall be covered and subject to the height and setback requirements pursuant to Section 9.05.280, Accessory Buildings and Structures.**

**Accessory Structure Clarification (Goal: Clarify 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:

(j) Barbeque structures, fire pits, **and** outdoor fire places, **and other structures that do not require a building, electrical, plumbing, mechanical, or grading permit** 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.

**Parking Requirement Clarifications (Goal: Clarify requirements)**

9.35.080 Minimum Number of Required Parking Stalls.

SECTION 9.35.080(E)

MINIMUM NUMBER OF REQUIRED PARKING STALLS BY USE

(42) General Retail: Individual use on a separate lot	1 stall/300 SF-GFA
<b><u>(42a)</u></b> Multi-tenant with less than 25,000 SF-GFA <sup>2</sup> Multi-tenant with more than 25,000 SF-GFA <sup>2</sup> <b><u><sup>2</sup>Multi-tenant can include, but is not limited to: retail, restaurant, or similar uses and this parking requirement would apply.</u></b>	1 stall/220 SF-GFA <sup>1</sup> 1 stall/250 SF-GFA <sup>1</sup>  <sup>1</sup> If restaurant space occupies more than 20% of the total GFA, or if an individual restaurant contains more than 2,000 SF, then additional parking stalls shall be provided for all restaurant space above the 20% or the 2,000 SF, whichever is greater. The additional parking shall be calculated at the applicable restaurant rate.

**Yoga, Pilates, and Cycle Bar Parking Requirements (Goal: Clarify requirement)**

SECTION 9.35.080(e)

MINIMUM NUMBER OF REQUIRED PARKING STALLS BY USE

Commercial Recreation Uses	
Use	Required Number of Stalls

(54) Gyms, Spas, <del>and</del> Health Clubs, <b><u>and Yoga Studios</u></b>	1 stall/100 SF-GFA
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***Pervious Commercial Parking (Goal: Clarify use)***

9.35.040 General Provisions.

(d) Parking Facility Development Standards.

(1) Paving Materials. All required access, parking, and loading spaces shall be paved with:

(A) Decorative paving, concrete, or asphalt-type surfacing as per City standards and requirements for all non-residential parking facilities. **Pervious paving may be utilized for non-residential development if all water quality requirements can be met, and the aesthetics are in keeping with other improvements on-site subject to approval by the Director of Community Development, Public Works Director, and approval of a Minor Conditional Use Permit pursuant to section 9.65.040.**

***Landscape Requirement Expansion to MU (Goal: Clarify applicability)***

Chapter 6.15 LANDSCAPE AND MAINTENANCE OF VACANT PROPERTY IN COMMERCIAL **OR MIXED USE** DISTRICTS

6.15.001 Landscaping of Vacant Property.

(a) Definitions. For purposes of this Chapter, unless otherwise apparent from the context, certain words and phrases used in this Chapter are defined as follows:

- (1) "Director" shall be as defined in Section 6.15.003 of this Code and shall include any persons duly designated by the Director of Community Development.
- (2) "Landscaping" shall be as defined in Section 9.75.120 of this Code.
- (3) "Vacant Property" shall mean any lot, parcel, or other division of land in commercial **or mixed use** districts **as delineated on the City Zoning Map** that is not currently in use and has less than seventy-five percent (75%) of its surface area covered by any properly maintained landscaping, permanent structures, or other physical improvements such as walls, paving, fencing or benches, but not including plastic sheeting. Furthermore, the surface area not covered by any landscaping, permanent structures, or other improvements shall have remained uncovered for a period of sixty (60) days prior to the determination that the property is vacant pursuant to this Chapter.

***Substantial Conformance Clarification (Goal: Clarify and update process)***

Following the May 30<sup>th</sup> Planning Commission meeting, staff is working with the City Attorney to clarify and update this process to ensure appropriate due process. An amendment will be provided at the formal Planning Commission review.

**Appendix A Updates (Goal: Update per recommendations above)**

Appendix A

LAND USES	RSF 2	RSF 3	RSF 4	RSF 7	RSF 8	RSF 12
(12) <u>Alcohol</u> <u>Beverage</u> <u>Manufacturer</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>

\*All numbers following 12 shall be re-numbered accordingly in Appendix A

LAND USES	RBR12	RMF12	RSF 14	RD 14	RMF 14	RBRD 18
(12) <u>Alcohol</u> <u>Beverage</u> <u>Manufacturer</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>

\*All numbers following 12 shall be re-numbered accordingly in Appendix A

LAND USES	RSF 22	RMF 22	RMF 30	NC	CC/P	CC/V
(12) <u>Alcohol</u> <u>Beverage</u> <u>Manufacturer</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>C*</u>	<u>C*</u>	<u>C*</u>

\*All numbers following 12 shall be re-numbered accordingly in Appendix A

LAND USES	V/RC	C/R	P/R	P/A	I/B
(12) <u>Alcohol</u> <u>Beverage</u> <u>Manufacturer</u>	<u>C*</u>	<u>C*</u>	<u>X</u>	<u>X</u>	<u>P*</u>

\*All numbers following 12 shall be re-numbered accordingly in Appendix A

LAND USES	CF	REC	OS	CONS	TC	DPHRP
(12) <u>Alcohol</u> <u>Beverage</u> <u>Manufacturer</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>

\*All numbers following 12 shall be re-numbered accordingly in Appendix A

**Doheny Village (Goal: Clarify nonconforming requirements for Doheny Village)**

9.63.030 Expansion, Improvement and Maintenance of Nonconforming Structures.

Nonconformities may be continued subject to the following conditions.

**(c) Expansions, Improvements, and Maintenance of Nonconforming Structures Conforming to Use in Doheny Village. Expansions, improvements, and maintenance of Nonconforming Structures shall be permitted. All expansions, improvements, and maintenance shall be compliant to current Zoning and Building Code requirements, including the provisions in Chapter 9.31, Floodplain Overlay District. The provisions of this subsection (c) shall only be applicable to the geographic area shown in Figure 9.63.030 below, and shall expire December 31, 2025.**

**Figure 9.63.030**  
**Doheny Village Area**



9.63.035 Expansion, Improvement and Maintenance of Nonconforming Uses.

Nonconforming uses shall not be enlarged or expanded except as provided herein.

**(d) Expansions, Improvements, and Maintenance of Structures Containing Nonconforming Uses in Doheny Village. Expansions, improvements, and maintenance of Nonconforming Residential and Non-Residential Uses located in the geographical area shown in Figure 9.63.030 shall be permitted and exempt from the one-time expansion limitation provided that all expansions, improvements, and maintenance are compliant to current Zoning and Building Code requirements. The provisions of this subsection (d) shall only be applicable to the geographic area shown in Figure 9.63.035 below, and shall expire December 31, 2025.**

**(1) Properties located in the geographical area shown in Figure 9.63.030 and located within the Floodplain Overlay District, shall comply with the provisions of Chapter 9.31.**



**The provisions of this subsection (d)(1) shall only be applicable to the geographic area shown in Figure 9.63.030, and shall expire December 31, 2025.**

9.63.040 Destruction and Restoration of Nonconformance.

(b) Voluntary Demolition of Nonconforming Structures.

**(3) Any nonconforming structure lawfully existing at the time of adoption of this Code located in the geographic area as shown in Figure 9.63.030 which is demolished beyond seventy-five (75) percent of the total linear length of all walls, shall be reconstructed to conform to the current requirements of this Code. The provisions of this subsection (3) shall expire December 31, 2025.**

(d) Voluntary Demolition of Structures containing Nonconforming Uses. When a structure containing a nonconforming use is voluntarily demolished beyond fifty (50) percent of the total linear length of all walls, that structure shall be reconstructed to conform to the requirements of this Code and the nonconforming use shall be converted to a use which conforms to the current zoning designation of the site.

**(1) Voluntary Demolition of Structures containing Nonconforming Uses in Doheny Village. When a structure containing a nonconforming use in the geographic area shown in Figure 9.63.030 is voluntarily demolished beyond seventy-five (75) percent of the total linear length of all walls, that structure shall be reconstructed to conform to the requirements of this Code and the nonconforming use shall be converted to a use which conforms to the current zoning designation of the site. The provisions of this subsection (1) shall expire December 31, 2025.**