

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

DATE: MARCH 9, 2020

TO: DANA POINT PLANNING COMMISSION

FROM: COMMUNITY DEVELOPMENT DEPARTMENT
BRENDA WISNESKI, DIRECTOR
SEAN NICHOLAS, SENIOR PLANNER

SUBJECT: WORKSHOP ON LOCAL COASTAL PLAN AMENDMENT LCPA19-0002/ZONING TEXT AMENDMENT ZTA19-0002, RELATED TO ACCESSORY DWELLING UNITS, JOINT PARKING, AND PUBLIC NOTIFICATION

RECOMMENDATION: That the Planning Commission receive a workshop presentation and provide feedback to staff.

APPLICANT: City of Dana Point

BACKGROUND:

At the July 8, 2019, Planning Commission meeting, staff introduced concepts associated with the “Joint Use of Parking Facilities” and landscape regulations. On November 18, 2019, staff presented follow-up information to questions posed at the July 8th meeting. Based on the feedback from the November 18th Planning Commission meeting, additional research is needed related to the landscape regulations.

At the May 14, 2018, Planning Commission meeting, the Commission requested staff evaluate ways to improve public awareness of public hearings. Staff has completed this analysis and has drafted potential improvements to the public notification process.

On January 1, 2020, new state-mandated requirements came into effect to streamline and promote the development of accessory dwelling units (ADUs) and junior accessory dwelling units (JADUs). The proposed Zoning Code amendment is developed to be consistent with the State law.

As a result, this workshop focuses on three potential code amendments: 1) accessory dwelling units/junior accessory dwelling units, 2) joint use of parking requirements, and 3) public notification requirements.

DISCUSSION:

This workshop includes a presentation and opportunity for input from the Planning Commission and the public.

Accessory Dwelling Units/Junior Accessory Dwelling Units

Attachment 1 compares the 2017 ADU State law, the 2020 ADU State law, and staff recommended local ADU requirements. The table also provides optional regulations that may be incorporated into the local ADU requirements to further encourage ADUs or increase limitations. Staff is seeking Planning Commission feedback on the optional requirements to determine if they should be incorporated into the draft Ordinance.

Joint Use of Parking Facilities

Pursuant to the Citywide Parking Implementation Plan and previous public workshops, staff has drafted language that will expand the distance parking facilities can be shared from 300 feet to ¼ mile. The following is the draft Ordinance language:

9.35.060 Parking Requirements

(c)(3) Joint Use of Parking Facilities. Multiple uses on multiple building sites may establish joint use parking facilities within one or more parking areas located within such multiple building sites, provided the following requirements are met:

*(A) A detailed joint use parking plan shall be approved by a **Minor** Site Development Permit issued by the Director of Community Development pursuant to Chapter 9.71. The plan shall show and explain all parking facilities, uses and structures that will use the parking and the pedestrian access from the parking facilities to the uses and structures.*

*(B) The boundary of the parking facilities shall be within ~~three hundred (300) feet~~ **¼ mile** of the uses they serve and connected to the site by an attractive and adequate pedestrian path or sidewalk to the satisfaction of the Director of Community Development.*

Public Notification Modifications

The 2018 Zoning Code Update included discussions related to story poles. From that discussion the public indicated a desire for improved notification of public hearings. In response, the Planning Commission asked staff to assess the public notification process and evaluate ways to improve public notification. Staff has developed the following to improve public hearing notification:

- 1) Increase the public notification mailers from ten (10) to fourteen (14) days prior to a public hearing. This will give interested parties additional time to contact staff with questions before a public hearing. It also makes notification of public hearings consistent with projects located in Town Center.
- 2) Non-residential projects shall provide on-site posting of public hearing notices. Posting of project sites is already occurring for projects requiring a Coastal Development Permit. Expanding the practice to non-residential development will have minimal impact to staff and improve visual notification of pending public hearings.

WORKSHOP FORMAT:

The workshop will be an informal meeting open to the public. Staff will lead a discussion, introduce the discussion items, and receive Planning Commission comments. Public comments will be taken during the workshop. After public comments, the Planning Commission can provide additional feedback, comments, and recommendations to staff.



Sean Nicholas, AICP
Senior Planner



Brenda Wisneski, AICP
Director of Community Development

SUPPORTING DOCUMENTS:

1. ADU Requirement Comparison Table/Optional Regulations
2. Draft Ordinance Language

Supporting Document 1: ADU Requirement Comparison Table/Optional Regulations

Revised: 3/3/2020

Proposed ADU Ordinance Per 2017 and 2020 ADU Law

Development Standard/Issue	2017 ADU Law		2020 ADU Law		City Proposed ADU Ordinance		Optional Regulations
	Yes	No	Yes	No	Yes	No	
No discretionary review of ADUs							
Zoning designations allowed	All residential zones in conjunction with SFR		Must allow in areas zoned for single-family and multifamily residential		All residential zones in conjunction with existing or proposed SFR, or an existing MFR		Allow in additional zoning districts
Number of units	One ADU and one JADU per SFR		SFR zoning districts - One ADU and one JADU		SFR zoning districts - One ADU and one JADU		
			MFR zoning districts- At least one attached ADU, the equivalent of 25% of existing units in add ADUs, and no more than 2 detached ADUs		MFR zoning districts-At least one attached ADU, the equivalent of 25% of existing units in add attached ADUs, and no more than 2 detached ADUs		
Size limitation	If attached, 50% existing floor area not to exceed 1,200 sq. ft., if detached, 1,200 sq. ft.		City can establish maximum size of 850 sq. ft. or more for 1 bedroom or less; or 1,000 sq. ft. for 2+ bedrooms. Attached to existing dwelling, total floor area may not exceed 50% of existing primary dwelling. City can		850 sq. ft. for 1 bdrm or less 1,000 sq. ft. 2+ bedrooms Attached to existing dwelling: total floor area may not exceed 50% of existing primary dwelling		<ul style="list-style-type: none"> • Increase size or # of rooms • Decrease size, but not less than 150 sq. ft. • limit # of rooms

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Development Standard/Issue	2017 ADU Law	2020 ADU Law	City Proposed ADU Ordinance	Optional Regulations
Setbacks	As required for fire safety	City can establish maximum 4 foot side and rear yard setbacks for new construction	4 ft. side and rear. No setback required for existing structures.	Decreased setbacks
Height limitation	Based on local jurisdiction	City can establish height limitation of 16 feet or greater	16 feet	Additional height
Required Parking	1 space per bedroom or ADU, whichever is less	1 space per bedroom or ADU, whichever is less (tandem or parking in side yards permitted unless certain findings are made)	1 space per bedroom or ADU, whichever is less (tandem or parking in side yards permitted unless certain findings are made)	Require no parking
No Parking Required if...	No parking required if: <ul style="list-style-type: none"> - within ½ mile of public transit (bus stop) - part of existing dwelling or converted accessory structure - located in historic district 	No parking required if: <ul style="list-style-type: none"> - within ½ mile of public transit (bus stop) - part of existing dwelling or converted accessory structure - located in historic district 	No parking required if: <ul style="list-style-type: none"> - within ½ mile of public transit (bus stop) - part of existing dwelling or converted accessory structure - located in historic district - on street parking permits not offered to ADU - car vehicle share within 1 block 	

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Development Standard/Issue	2017 ADU Law	2020 ADU Law	City Proposed ADU Ordinance	Optional Regulations
	<ul style="list-style-type: none"> - on street parking permits not offered to ADU car vehicle share within 1 block 	<ul style="list-style-type: none"> - on street parking permits not offered to ADU car vehicle share within 1 block 		
ADU/JADU with a Historic Resource	<p>City may adopt standards that prevent adverse impacts on any real property that is listed in the California Register of Historic Resources</p> <p>City can impose standards on architecture and landscaping</p>	<p>City may adopt standards that prevent adverse impacts on any real property that is listed in the California Register of Historic Resources</p> <p>Can impose architectural and landscaping standards</p>	<p>Cannot impact historic resources listed on local, state, or national registry or inventory</p>	
Architectural Compatibility			<p>Any addition must be compatible with primary structure</p>	
Convert or demo an existing garage without replacing parking	No	Yes	Yes	
Sale of unit separate from primary unit	No	No	No	None
Owner Occupancy	May require ownership occupancy	May require owner occupancy of JADUs; cannot require owner	No owner occupancy required	Require owner occupancy of JADUs through deed restriction

Revised: 3/3/2020

Development Standard/Issue	2017 ADU Law	2020 ADU Law	City Proposed ADU Ordinance	Optional Regulations
Rental Restrictions	None	occupancy of ADUs until 2025 Less than 30 days prohibited	Less than 30 days prohibited; deed restriction required	
Allowed in legally existing structures	Yes	Yes	Yes	
Utility charges	No	No	No	
Waiver of Development Impact Fees	No	Yes, if less than 750 sq. ft.	Yes, if less than 750 sq. ft.	Waivers for all ADUs and/or waive building permit
Fire sprinklers	Yes, if required for primary residence	Yes, if required for primary residence	Yes, if required for primary residence	None
Compliance with CA Building Code	Yes	Yes	Yes	
Count towards RHNA numbers	Yes	Yes	Yes	
Review Period	120 days	60 days	60 days	

Incentives for Affordability:

- Waive building fees
- Increased size of ADUs
- Eliminate or reduce parking requirements
- Reduced setbacks
- Consider "Permit Ready ADU" Program (requires partnership with design professionals)

Revised: 3/3/2020

The City May not:

- Limit ADUs due to lot size
- Limit ADUs due to density
- Limit ADUs less than 800 square feet overall
- Limit one bedroom or less ADU to less than 850 square feet
- Limit two or more bedroom ADUs to less than 1,000 square feet
- Take code enforcement action against ADU units before 2025
- Require more than one parking space per ADU
- Require discretionary review of an ADU
- Require owner occupancy
- Limit height to less than 16 feet
- Require side and rear setback greater than four feet for proposed ADU
- Impose standards which would limit the development of an “efficiency unit”

Supporting Document 2: Draft Ordinance Language

LCPA19-0002/ZTA19-0002
2019 Zoning Ordinance Update Draft Language
PC Workshop

Chapter 9.35 Access, Parking and Loading

9.35.060 Parking Requirements

(c)(3) Joint Use of Parking Facilities. Multiple uses on multiple building sites may establish joint use parking facilities within one or more parking areas located within such multiple building sites, provided the following requirements are met:

(A) A detailed joint use parking plan shall be approved by a Minor Site Development Permit issued by the Director of Community Development pursuant to Chapter 9.71. The plan shall show and explain all parking facilities, uses and structures that will use the parking and the pedestrian access from the parking facilities to the uses and structures.

(B) The boundary of the parking facilities shall be within ~~three hundred (300) feet~~ ¼ mile of the uses they serve and connected to the site by an attractive and adequate pedestrian path or sidewalk to the satisfaction of the Director of Community Development.

(C) Adequate assurance, to the satisfaction of the Director of Community Development, shall be provided to guarantee that required parking will continue to be maintained in compliance with applicable provisions of this Chapter. This assurance shall be recorded in the office of the Orange County Recorder on all properties utilizing the joint use parking facilities.

9.61.050 Notice and Conduct of Public Hearings.

(a) Notice of Hearings for Review of Applications. No less than ~~ten (10)~~ fourteen (14) calendar days prior to the date of a public hearing on development applications, the Director of Community Development shall give notice including the time and the place at which the application will be heard, the identity of the hearing body or officer, nature of the application (including but not limited to the date of filing of the application, the name of the applicant, the file number assigned to the application, and a description of the development), a brief description of the general procedure of the City of Dana Point concerning the conduct of hearing and local actions, and the general location of the property under consideration. If the application is for a coastal development permit which is appealable to the Coastal Commission, the notice shall indicate this fact and shall describe the process for local and Coastal Commission appeals, including any local fees required. (14 Cal. Code of Regulations/13565, 13568). The Director shall observe the following notice requirements:

(1) The notice shall be posted in three (3) places in the City of Dana Point designated by Resolution of the City Council.

(2) The notice shall be advertised in a newspaper circulated within the City of Dana Point.

(3) The notice shall be mailed via first class mail to the applicant(s); to the property owner(s) or the property owner's agent(s); to all persons listed as owners of property within five hundred (500) feet of the exterior boundary of the subject property on the notification list required in Section 9.61.040, and if the subject property is located in the Coastal Zone, to the office of the Coastal Commission having jurisdiction over the City of Dana Point and to all persons listed as occupants of dwelling units within one hundred (100) feet of the exterior boundary of the subject property on the notification list required in Section 9.61.040.

Notice shall also be provided to anyone filing a written request and paying the cost for notification and to such other persons whose property might, in the Director's judgment, be affected by the proposed application. For coastal development permit applications, the Director shall also provide notice by first class mail free of charge to all persons who have requested to be on the mailing list for that development project or the mailing list for all coastal decisions within the City of Dana Point.

(4) For all non-residential projects requiring a public hearing, at least fourteen (14) calendar days prior to the date of public hearing, the applicant shall post at the project site three (3) notices of public hearing in conspicuous places, with at least two (2) of the notices located adjacent and facing the public right-of-way so that they may be visible to both pedestrians and vehicular traffic. The required public notices will be provided by the Planning Division to the applicant, and the applicant shall provide visual evidence and a signed affidavit of posting.

~~(4)~~**(5)** If the Director finds that the posting and mailing of notices prescribed in this Section may not give sufficient notice to the affected property owners, then additional notices may be posted at locations which are best suited to reach the attention of, and properly inform those persons who may be affected.

~~(5)~~**(6)** When the proposed entitlement affects more than 1,000 (one thousand) property owners, the required notice may be provided by placing a 1/8 page display advertisement in a newspaper circulated within the City of Dana Point. Such notice shall be considered an acceptable substitute for the published notice required in subsection (2) and the mailed notice required in subsection (3). However, in the case of coastal development permit applications, newspaper notice shall not substitute for the mailed notice required in subsection (3) above.

~~(6)~~**(7)** The notice shall be sent to public officers, departments, bureaus, or agencies which, in the determination of the Director of Community

Development, could be affected by the application or otherwise require noticing.

~~(7)~~**(8)** When a Negative Declaration is recommended for adoption pursuant to the California Environmental Quality Act (CEQA), notice of intent to adopt a Negative Declaration shall be published no less than twenty-one (21) days prior to the hearing date, or thirty (30) days prior to the hearing date for applications which require circulation of the Negative Declaration to the State Clearinghouse.

~~(8)~~**(9)** Notice for Timeshare Properties.

(A) If a timeshare property falls within the one hundred (100) foot occupant-notification radius for Coastal Development Permits described in (8) above, all shareholders shall be notified as described in subsection (3) above.

(B) If a timeshare property falls outside the one hundred (100) foot occupant-notification radius described in subsection (8) above, but within the five hundred (500) foot property owner-notification radius described in subsection (3) above, notices shall be sent to the property manager/sales agent for the timeshare, the shareholders association for the timeshare where one exists, and one notice to each physical unit in the timeshare, addressed to "Occupant."

(b) Notice for General Plan Amendments. Prior to any amendment to the General Plan, the Community Development Department shall forward the proposed action to the following entities:

(1) Any City or County within or abutting the area covered by the proposal, and any special district which may be significantly affected by the proposed action.

(2) Any elementary, high school, or unified school district within the area covered by the proposed action.

(3) The Local Agency Formation Commission.

(4) Any area-wide planning agency whose operations may be significantly affected by the proposed action.

(5) Any Federal Agency if its operations or land within its jurisdiction may be significantly affected by the proposed action.

(c) Notice of Public Hearings for Revocations. The Director of Community Development, in giving notice of a public hearing to revoke a Conditional Use Permit, Variance, or Site Development Permit, Coastal Development Permit, or other entitlement, shall observe the noticing requirements set forth as follows:

(1) Notification shall be provided as prescribed in Section 9.61.050; and

(2) The Director shall serve the owner of the premises involved written notice of such hearing, by registered or certified mail, return receipt requested and by posting a copy of said notice in a conspicuous location on the property.

(d) Continuances. If, for any reason, testimony on a case cannot be heard or completed at the time set for such hearing, the Planning Commission may continue or extend the hearing to another time. Before adjournment or recess, the Planning Commission chairman shall publicly announce the time and place at which the hearing will be continued.

(e) Failure To Receive Notice. The failure of any person or entity to receive notice pursuant to this Section shall not constitute grounds to invalidate the proceedings or actions of the City in regards to the item for which the notice was given.

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 9.61.140.~~

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 (ADU) 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) Improvements (including, but not limited to garages, retaining walls, etc.) that are not necessary for the physical construction of an accessory dwelling unit may be subject to a discretionary permit and/or public hearing, if required by Title 9 of the Municipal Code.

(c) Development Standards. The development standards set forth below shall apply to all ADUs. In addition, for any development standard not explicitly identified below, the requirements of the underlying zoning district may apply, unless superseded by State Law.

(1) Zoning. Accessory dwelling units shall only be allowed in single family residential and multi-family residential zoning districts.

(2) Sale and Rental of Units. The accessory dwelling unit shall not be sold separately from the primary dwelling unit and shall not be rented for less than thirty (30) days.

(3) Deed Restriction. A Deed Restriction prepared by the City shall be recorded on the subject lot prior to issuance of building permits stating that the ADU is subject to the requirements of this Section.

shall not be sold separately from the primary dwelling unit, and shall not be rented for less than 30 days.

(4) Number of Units Allowed.

(A) Single Family Residential Zoning Districts. In single family residential zoning districts, an applicant shall be allowed to construct one (1) detached or attached ADU per lot. Pursuant to Government Code 65852.2, in addition to the one (1) attached or detached ADU allowed in this this Section, an applicant may also construct one (1) junior accessory dwelling unit so long as it complies with the requirements of Section 9.07.215.

(B) Multi-Family Zoning Districts. In multi-family zoning districts, an applicant shall be allowed to construct at least one (1) ADU per lot zoned for multi-family development. In addition, an applicant may be allowed to construct a number of ADUs that is equivalent to up to twenty-five percent (25%) of the existing units on the multi-family lot if City Staff determines that all building code standards can be met and the applicant acquires a city-approved building permit. Notwithstanding the foregoing, no more than two (2) detached ADUs may be constructed on a parcel with an existing multi-family development.

(5) Setbacks/Height Limitation. Attached or detached ADUs shall have four (4) foot side and rear yard setback, and shall be limited to sixteen (16) feet in height. No portion of an attached or detached ADU shall project into the required front yard setback of the underlying zoning district.

(6) Legally existing detached accessory structures which do not meet the minimum setbacks requirements of Subsection (6), may be converted to an ADU, subject to the approval of a building permit and other applicable provisions of this Section.

(7) Unit Size. An attached ADU shall not exceed fifty (50) percent of the habitable area of the existing primary residence, and attached/detached ADUs shall not exceed 850 square feet for one bedroom or less, or 1,000 square feet for two (2) bedrooms or more.

(8) Architectural compatibility. Any attached or detached ADU must maintain the general character of a single-family neighborhood as

determined by the Community Development Director. Architectural design shall be consistent with the primary residential dwelling unit.

(9) Historic Resources. An ADU shall not negatively impact a Historic Resource(s) that is on a local, state, or national registry or inventory.

(10) Parking. Subject to the exceptions listed below, one (1) parking space shall be provided per bedroom or per ADU, whichever is less. The required parking spots may be provided as tandem parking in a driveway or in setback areas in locations determined by the Community Development Director, unless the Director determines that said parking is not feasible based upon specific site or regional topographical or fire life safety conditions.

(A) The parking standards set forth above shall not apply in the following circumstances:

1. The ADU is located within a 1/2 –mile walking distance of public transit (including bus stops); or
2. The ADU is located within an architecturally and historically significant district; or
3. The ADU is part of the proposed or existing primary residence or existing accessory structure.
4. In areas where on-street parking permits are required, but not offered to ADU occupants; or
5. When the ADU is located within one block of a car share vehicle.

(11) Access. All ADUs are required to have separate exterior access from the primary residence.

(12) Fire Sprinklers. Fire sprinklers shall not be required for any attached or detached ADU, unless required for the primary residence due to the construction of a new ADU.

(13) Flood Plain Zone. For lots located within the identified Floodplain Overlay District, all ADUs shall meet the requirements specified in Chapter 9.31.

(14) Other Provisions.

(A) All ADUs shall include sufficient permanent provisions for living, sleeping, eating, cooking, and sanitation, including but not limited to washer dryer hookups and kitchen facilities.

(B) All ADUs must meet the requirements of the California Building Code, as adopted and amended by Title 8 of the City of Dana Point Municipal Code.

9.07.215 Junior Accessory Dwelling Units

- (a) Pursuant to the provisions of California Government Code Section 65852.22, or any successor statute, the following shall provide development standards to ensure the orderly development of junior accessory dwelling units (JADU) 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) Development Standards. The development standards set forth in subsection (c) shall apply to all JADUs. In addition, for any development standard not explicitly identified in subsection (d), the requirements of the underlying zoning district shall apply.
- (c) Local Requirements for all Junior Accessory Dwelling Units.
 - (1) Sale, Rental and Occupation of Units. The JADU shall not be sold separately from the primary dwelling unit and shall not be rented for less than thirty (30) days. In addition, either the JADU or the primary dwelling in which the JADU is located shall be occupied by the property owner at all times, unless the property is owned by a government agency, land trust or housing organization.
 - (2) Deed Restriction. A Deed Restriction prepared by the City shall be recorded on the subject property prior to issuance of building permits stating that the JADU is subject to the requirements of this Section, shall not sold separately from the primary dwelling unit, shall not be rented for less than 30 days, and that either the JADU or the primary dwelling in which the JADU is located shall be occupied by the property owner at all times.
 - (3) Number of Units Allowed.
 - (A) Single Family Residential Zoning Districts. In single family residential zoning districts, an applicant shall be allowed to construct one (1) JADU within the walls of an existing or proposed primary residence. Pursuant to Government Code 65852.2, in addition to the one (1) junior accessory dwelling unit allowed in this Section, an applicant may also construct one (1) attached or

detached ADU allowed so long as it complies with the requirements of Section 9.07.215.

(B) Multi-Family Zoning Districts. A JADU may be created within a legal multi-family residential unit. All JADUs may require building permits and must meet building code standards.

(4) Unit Size and Construction.

(A) A JADU shall not exceed 500 square feet.

(B) A JADU must be contained within the walls of an existing or proposed primary dwelling, except an application for a JADU may allow for an expansion of no more than one hundred fifty (150) square feet beyond the same physical dimensions of the existing structure if necessary to accommodate ingress and egress.

(5) All JADUs must include an efficiency kitchen, which includes all of the following:

1. Kitchen facility with appliances;
2. Food preparation counter of reasonable size in relation to the size of the JADU; and
3. Storage cabinets that are of reasonable size in relation to the size of the JADU.

(6) Exterior access must be provided for all JADUs separate from the main entrance to the primary residence.

(7) Any new construction which provides exterior access shall be architecturally consistent with the existing primary residential unit.

(8) Historic Resource. No JADU shall negatively impact a Historic Resource(s) that is on a local, state, or national registry or inventory.

(9) All JADUs must meet the requirements of the California Building Code, as adopted and amended by Title 8 of the City of Dana Point Municipal Code.

(10) Fire sprinklers shall be required for a JADU, if they are required for the primary residence.

- (11) Parking. No additional parking shall be required for a JADU, other than that which is required for the primary residence.
- (12) Flood Plain Zone. All JADUs constructed within the Floodplain Overlay District shall meet the requirements set forth in Chapter 9.31.

9.75.010 "A" Definitions and Illustrations.

"Accessory Dwelling Unit"- means an attached or a detached residential dwelling unit that provides complete independent living facilities for one or more persons and is located on a lot with a proposed or existing primary residence. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family or multifamily dwelling is or will be situated.

9.75.070 "G" Definitions and Illustrations.

~~Granny Flat — See Section 9.75.270.~~

9.75.100 "J" Definitions and Illustrations.

~~None.~~

"Junior Accessory Dwelling Unit"- means a unit that is no more than 500 square feet in size and contained entirely within a single-family residence. A junior accessory dwelling unit may include separate sanitation facilities, or may share sanitation facilities with the existing structure.

9.75.190 "S" Definitions and Illustrations.

~~"Second Dwelling Units" — See Section 9.75.270.~~

9.75.270 Definitions of Use.

~~"Granny" Flat — shall mean an additional dwelling unit on a parcel designated for a single family residence intended for the sole occupancy of one or two adult persons who are 62 years of age or older pursuant to Government Code Section 65852.1.~~

~~Second Dwelling Unit — shall mean an additional dwelling unit on a lot which is zoned for single family or multiple family use and which contains an existing~~

~~single family dwelling. The unit is not intended for sale and may be rented. The additional dwelling unit may be attached or detached from the primary residence and must be developed pursuant to Government Code Section 65852.2.~~