

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

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**DATE: FEBRUARY 28, 2022**

**TO: DANA POINT PLANNING COMMISSION**

**FROM: BRENDA WISNESKI, COMMUNITY DEVELOPMENT DIRECTOR**

**SUBJECT: DIRECTOR INTERPRETATION – TOWN CENTER OUTDOOR DINING**

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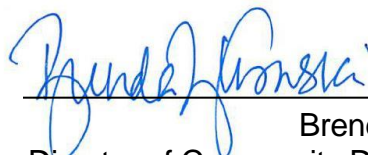
**RECOMMENDED ACTION:**

Receive and file.

**DISCUSSION:**

Pursuant to Zoning Code Section 9.61.020, the Community Development Director is charged with providing interpretations of the Zoning Code, which includes the Town Center Plan. Appeals of the Director's decisions may be filed pursuant to Section 9.61.110 and shall be heard by the Planning Commission. All interpretations of the Code by the Director shall be recorded in writing and made available to the public upon request.

While not required to do so, the attached interpretation is provided to the Planning Commission to notify the public of the Director's action. The Town Center Plan was approved by the voters in 2016. Any amendment to the Town Center Plan requires a vote of the people. The subject interpretation is consistent with the Town Center Plan and, therefore, does not constitute an amendment to the Town Center Plan.



Brenda Wisneski  
Director of Community Development

**ACTION DOCUMENT:**

1. Director Interpretation – Memo to File

**ACTION DOCUMENT 1: Director Interpretation – Memo to File**

**CITY OF DANA POINT  
M E M O R A N D U M**

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**TO: FILE**

**FROM: BRENDA WISNESKI, COMMUNITY DEVELOPMENT DIRECTOR**

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Establishment of outdoor dining has been a necessity for restaurants to be successful during the pandemic, and the option to dine outdoors is expected to be a long-term desire for customers. The City seeks to facilitate outdoor dining designs that meet the needs of businesses and the community, requiring the installation of barriers in accordance with the Alcoholic Beverage Control (ABC). Additionally, the City may seek to increase outdoor seating areas in the public right-of-way which may include affixed tables, raised platforms to establish level grades and shade structures.

The Town Center Plan Design Guidelines (Guidelines) state that “outdoor cafes” may project into the public right-of-way to create activity to the street, but no permanent structures shall be permitted (Town Center Plan pages 46-47). The Guidelines are advisory and are intended to prompt private developers and guide the development review process.

The purpose of this memo is to formalize the interpretation in accordance with Zoning Code Section 9.61.020, that barriers required for outdoor dining, raised platforms, affixed tables, and shade structures are consistent with the Town Center Design Guidelines based on consistency with the following Town Center Design Principle (page 42):

*Setback areas should be used to enhance the sidewalk and pedestrian environment with active uses such as outdoor cafes. Where landscaping is provided, it should convey the character of a beach community by using plants, paving, and street furniture that are associated with the seashore and with Dana Point's history.*

The Guidelines suggest low planters to separate outdoor cafes and sidewalks. It is this determination that a barrier, such as a decorative fence, could also be utilized. Consistent with the design guidelines, any barrier shall be no more than 4 feet in height and consist of high-quality, durable material. Raised platforms shall be comprised of wood, or similar material that can be removed, if needed.

Any private use or structure located within the public right-of-way shall obtain an Encroachment Permit from the City's Engineering Division.