

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

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**DATE:** DECEMBER 8, 2014

**TO:** DANA POINT PLANNING COMMISSION

**FROM:** COMMUNITY DEVELOPMENT DEPARTMENT

**SUBJECT:** A NEGATIVE DECLARATION, ZONE TEXT AMENDMENT ZTA14-0001, AND LOCAL COASTAL PROGRAM AMENDMENT LCPA14-0001 TO AMEND THE CITY'S ZONING ORDINANCE TO ALLOW POULTRY IN ALL SINGLE FAMILY RESIDENTIAL ZONING DISTRICTS.

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**RECOMMENDATION:** That the Planning Commission takes one of the following actions:

1. Adopt Resolution No. 14-12-08-XX recommending that the City Council adopt a Negative Declaration for the Zone Text Amendment (ZTA14-0001) and Local Coastal Program Amendment (LCPA14-0001) and Adopt Resolution No. 14-12-08-XX recommending that the City Council amend the City's Zoning Ordinance for the allowance of poultry in all single family residential districts.

**OR**

2. Make a motion to not recommend approval to the City Council for the Zone Text Amendment (ZTA14-0001) and Local Coastal Program Amendment (LCPA14-0001) to amend the City's Zoning Ordinance for the allowance of poultry in all single family residential districts.

**APPLICANT:** City of Dana Point

**REQUEST:** Request for approval and adoption of a Negative Declaration, Zone Text Amendment ZTA14-0001 and Local Coastal Program Amendment LCPA14-0001 to amend the City's Zoning Ordinance to allow poultry in all single family residential districts.

**LOCATION:** Citywide

**NOTICE:** A Notice of Intent to adopt a Negative Declaration and a public hearing was published in the Orange County Register on November 14, 2014, and was mailed to the County of Orange, County Clerk's office. It was also posted at the Dana Point City Hall, the Dana Point Post Office, the Capistrano Beach Post Office, the Dana Point Library, and the City's web site. This notice was also mailed to the "interest list" for this

project.

Additionally the Notice of Availability of the documents related to the LCPA will be posted at the City Hall, the City's web site, and local library.

### **ENVIRONMENTAL**

The City conducted an environmental review of the proposed project pursuant to the provisions of the California Environmental Quality Act (CEQA). As a result of that review, a Negative Declaration (ND) was issued for the project with the accompanying initial study. The ND was circulated for a twenty day public review period from November 14, 2014 to December 3, 2014. At the end of the comment period, the City received a total of ten (10) written comments.

The ND, its accompanying initial study and the comment letters are attached to this report as Exhibits 6 and 7.

### **ISSUES**

1. Is the proposal consistent with the goals and policies of the Dana Point General Plan?
2. Is the proposal consistent with the Dana Point Zoning Ordinance?
3. Is the proposal consistent with the California Coastal Act?
4. Is the proposal consistent with the Local Coastal Program Amendment procedures as set forth in Dana Point Zoning Ordinance, Section 9.61.080?

### **BACKGROUND**

On July 1, 2014, the City Council received and filed a staff report concerning the keeping of poultry in residential areas. This report was prepared based upon public comments expressed at several Council meetings earlier in the year. At the conclusion of the July 1, 2014 meeting, the City Council directed staff to explore revisions to the Dana Point Municipal Code (DPMC) to allow the keeping of poultry in residential neighborhoods. The minutes of the July 1, 2014 City Council meeting are attached as Supporting Document 3.

On September 22, 2014, the Planning Commission received and filed a report outlining the process necessary to make the necessary revisions to the DPMC. Following the September 22 Planning Commission meeting, Planning Staff conducted a survey of neighboring cities, reviewed Section 9.07.190 (Keeping of Animals in Residential Districts) and Chapter 9.75 (Definitions and Illustrations of Terms) contained within Title 9, Chapter 10.01 within Title 10 (Animal Control, Welfare and Licensing Requirements) as well as the Dana Point and Monarch Beach Specific Plans to determine what text changes would need to be made to the Municipal Code/Specific Plans to allow poultry. Upon further evaluation, Staff concluded that should the City decide to allow poultry, poultry would be considered an accessory use to the existing residential uses and therefore the Monarch

Beach and Dana Point Specific Plans would not need to be revised. The minutes of the September 22, 2014 Planning Commission meeting are attached as Supporting Document 4.

**Survey Results:**

The results of the Staff survey revealed that of the twenty (20) cities surveyed, 15 cities (75%) allowed chickens/poultry (either outright w/specific requirements or through a permit) and 5 cities (25%) did not allow them. Other information obtained through the survey included the number of chickens allowed, requirements of enclosure or coop to house the chickens, distance from coop to adjacent property lines and/or neighboring dwellings, permit/registration requirements and allowance for roosters. The majority of cities surveyed did not allow roosters and included requirements for chickens in part of their Municipal Codes versus the Zoning Code. A copy of the Staff survey and findings is included as Supporting Document 8.

In addition to the survey, Planning Staff also conducted on-line research relative to permitting chickens in residential zones. This research included an article focused on the greater urban agriculture movement prepared by Jaime Bouvier entitled *"Illegal Fowl: A Survey of Municipal Laws Relating to Backyard Poultry and a Model Ordinance for Regulating City Chickens"* (*Environmental Law Reporter, 2012*). The article included five distinct sections that discussed the benefits of backyard chickens, concerns that many people have with keeping chickens, background on chicken behavior that municipalities should understand before crafting an ordinance, a survey of ordinances related to chickens in the 100 most populous cities of the United States which, in turn, identified regulatory norms and particularly effective and ineffective means of regulation. The article concluded with a model ordinance that regulates chickens in an urban setting.

**Chicken Ordinance:**

Based upon the result of the survey and on-line research, Staff is proposing that specific standards to allow poultry in all single-family residential districts be included in a new Chapter (Chapter 10.13) within Title 10 of the City's Municipal Code.

**DISCUSSION**

In order to allow poultry in all single-family residential districts, the City will have to amend its Zoning Ordinance to allow this use in all single-family residential districts. Since this use is currently identified in Section 9.07.190 (d) of the City's Zoning Ordinance as a prohibited use, it is necessary to amend the Zoning Ordinance and Municipal Code.

Today's Planning Commission hearing is to consider such Zone Text and Local Coastal Program Amendments. The proposed Zone Text Amendment (Attached as Exhibit 2) encompasses revisions to Section 9.07.190 and Title 10 of the Municipal Code, which upon adoption by the City Council and the California Coastal Commission will allow chickens in all single family residential zoning districts, subject to Chapter 10.13 of the

City's Municipal Code.

The proposed Amendment includes specific standards related to poultry, should the City determine that poultry be allowed in single family residential areas. These standards include no more than six (6) hens, requirement for a coop/enclosure to house the hens, a minimum distance of 25 feet for the coop/enclosure from any adjacent dwelling or occupied structure, required five (5) foot setbacks for coops from the rear and side property lines with a prohibition of coops within the front yard and maintenance requirements for keeping coops in a clean and sanitary condition at all times. The proposed Zone Text Amendment also includes a prohibition for outdoor slaughtering and roosters.

***Local Coastal Program Amendment:***

The Planning Commission is also considering a Local Coastal Program Amendment (LCPAs) for this project. A LCPA is required for modifications to the text contained in the Zoning Ordinance. Should the City Council's final decision on this project be to allow poultry in residential areas, staff will submit the LCPA request to the California Coastal Commission for their approval.

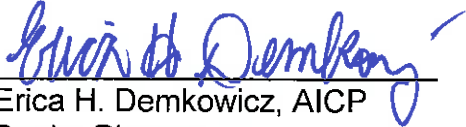
***Public Comments:***

To date, the City has received ten (10) letters during the comment period of the Negative Declaration. All of the letters received by the City expressed support for revising the Zoning Code to allow poultry within the City limits.

**CONCLUSION**

The proposed amendment to the City's Zoning Ordinance is consistent with the City's General Plan, Local Coastal Program and Municipal Code. The environmental review conducted for the project, in compliance with the CEQA, concludes that there will be no impacts on the environment since no development is proposed at this time and the project is for amendments to the City's Zoning Ordinance.

Therefore, staff is recommending that the Planning Commission take one of the two actions listed under the Recommendation section of the report.

  
Erica H. Demkovicz, AICP  
Senior Planner

  
Ursula Luna-Reynosa, Director  
Community Development Department

**ATTACHMENTS:**

**Action Documents**

1. Draft Planning Commission Resolution No. 14-12-8-xx (ND)
2. Draft Planning Commission Resolution No. 14-12-8-xx (ZTA and LCPA)

**Supporting Documents**

3. Minutes from City Council Meeting – July 1, 2014
4. Minutes from Planning Commission Meeting – September 22, 2014
5. PC Staff Report and attachments thereto dated September 22, 2014
6. Negative Declaration and Initial Study dated November 12, 2014
7. Comment letters received on the draft ND
8. Chicken Ordinance Survey of Surrounding Cities



**RESOLUTION NO. 14-12-08-xx**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF DANA POINT, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL ADOPT A NEGATIVE DECLARATION FOR THE ZONE TEXT AMENDMENT (ZTA14-0001) AND LOCAL COASTAL PROGRAM AMENDMENT (LCPA14-0001) TO AMEND THE CITY'S ZONING ORDINANCE FOR THE ALLOWANCE OF POULTRY IN ALL SINGLE FAMILY RESIDENTIAL DISTRICTS**

**Applicant:** City of Dana Point

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

WHEREAS, the applicant, City of Dana Point, filed a verified application for Zone Text Amendment, and Local Coastal Program Amendment to amend the Zoning Ordinance of the City of Dana Point to allow poultry in all single family residential districts; and

WHEREAS, said verified application constitutes a request as provided by the Dana Point Municipal Code; and

WHEREAS, the Planning Commission did, on the 8<sup>th</sup> day of December, 2014, hold a duly noticed public hearing as prescribed by law to consider said request; and

WHEREAS, at said public hearing, upon hearing and considering all testimony and arguments, if any, of all persons desiring to be heard, examining the attached initial study, analyzing the information submitted by staff, and considering any written comments received, said Commission considered all factors relating to the Negative Declaration.

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

- A) That the above recitations are true and correct.
- B) That based on the evidence presented at the public hearing, the Planning Commission hereby recommends that City Council adopt a Negative Declaration for the proposed project.
  - 1) That the Negative Declaration was circulated for a twenty (20) day review period effective November 14, 2014, to December 3, 2014, to the County of Orange County Clerk, and a Notice of Intent to Adopt was published in the Orange County Register.

***ATTACHMENT #1***

- 2) That ten (10) comment letters were received during the comment period. None of the letters received identified any potential environmental impacts. Letters are attached to the Planning Commission staff report.
- 3) That the attached Initial Study (City of Dana Point Environmental Checklist Form) shows that the project will not have a significant impact on the environment.
- 4) That the proposed project would not have a potential adverse impact on the environment. No mitigation measures are identified in the document.
- 5) That there was no evidence before the City that the proposed project would have any potential adverse affect on wildlife. As a result, the proposed project qualified for the De Minimis impact exemption from the Department of Fish and Game environmental review fees. The Director of Community Development is hereby authorized to declare the same on behalf of the City and Planning Commission.



PASSED, APPROVED, AND ADOPTED at a regular meeting of the Planning Commission of the City of Dana Point, California, held on this 8<sup>th</sup> day of December, 2014, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

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Liz Claus, Chairwoman  
Planning Commission

ATTEST:

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Ursula Luna-Reynosa, Director  
Community Development Department

# **NEGATIVE DECLARATION**

**IS ON FILE IN THE COMMUNITY  
DEVELOPMENT DEPARTMENT**

**(ZTA14-0001/LCPA14-0001)**

**RESOLUTION NO. 14-12-08-xx**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF DANA POINT, CALIFORNIA RECOMMENDING CITY COUNCIL AMEND THE DANA POINT ZONING CODE AND APPROVE ZONE TEXT AMENDMENT ZTA14-0001 TO ALLOW POULTRY IN ALL SINGLE-FAMILY RESIDENTIAL DISTRICTS, AND SUBMISSION AS PART OF LOCAL COASTAL PROGRAM AMENDMENT LCPA14-0001 FOR APPROVAL AND CERTIFICATION BY THE CALIFORNIA COASTAL COMMISSION.**

**Applicant:** City of Dana Point

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

WHEREAS, in January 1994 the City of Dana Point adopted its Zoning Code and Zoning Map; and

WHEREAS, the City desires to amend its Zoning Ordinance; Chapter 9.07 – Special Use Standards; to allow poultry in all single-family residential districts; and

WHEREAS, the Zone Text Amendment will be consistent with and will provide for the orderly, systematic and specific implementation of the General Plan; and

WHEREAS, the Planning Commission held a duly noticed public hearing as prescribed by law on December 8, 2014, to consider said Zone Text Amendment and Local Coastal Program Amendment; 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 ZTA14-0001 and LCPA14-0001; and

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;
- B. The Zone Text Amendment is attached hereto as Exhibit "A" and incorporated herein by reference;
- C. That the proposed action complies with all other applicable requirements of State law and local Ordinances;

***ATTACHMENT #2***

- D. That the Zone Text Amendment ZTA14-0001 is in the public interest;
- E. The Planning Commission has reviewed the Negative Declaration and forwarded it to the City Council for review and adoption;
- F. The preparation and adoption of the Local Coastal Program Amendment is statutorily exempt from the California Environmental Quality Act, pursuant to Section 21080.9 of the Public Resources Code;
- G. The proposed amendment to the Zoning Ordinance is consistent with the City's General Plan;
- H. The Planning Commission recommends that the City Council adopt Zone Text Amendment ZTA14-0001 for the reasons outlined herein including but not limited to: requiring that property owners of chickens/poultry maintain their hens and respective coop or enclosure in accordance with Chapter 10.13 of the Dana Point Municipal Code to safeguard the peace, safety and general welfare of the residents of Dana Point by eliminating excessive noise and odors related to chickens/poultry;
- I. That the Planning Commission adopt the following findings:
  - 1. That the public and affected agencies have had ample opportunity to participate in the LCPA process. **Proper notice in accordance with the LCP Amendment procedures has been followed.**
  - 2. That all policies, objectives, and standards of the LCPA conform to the requirements of the Coastal Act, including that the Land Use Plan is in conformance with and adequate to carry out policies of Chapter Three of the Coastal Act. **The amendment to the Zoning Code is consistent with the Coastal Act policies that encourage coastal access and preservation of coastal and marine resources.**
  - 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, locations, and intensity of land and water uses. **As a Zone Text Amendment, no specific development is proposed.**

4. That the level and pattern of development proposed is reflected in the Zoning Code. **The applicable sections are being amended accordingly to be consistent with state law.**
  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 LCPA. **Proper notice in accordance with the LCP Amendment procedures has been followed.**
  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. **The City's Zoning Ordinance is being amended concurrently with the LCP amendment.**
- J. That the Planning Commission recommends that the City Council include the following findings in the City Council resolution submitting the LCPA 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 includes the proposed amendment to the Zoning Code in its submittal to the Coastal Commission and states that the amendment to the Local Coastal Program is to the Implementation Plan (IP) only.
  3. The City certifies that the Land Use Plan is in conformance with and adequate to carry out the Chapter Three policies of the Coastal Act in that no changes are proposed to the land use plan.
  4. The City certifies that the implementing actions (Zoning Ordinance) 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 Zone Text Amendment, and Local Coastal Program Amendment numbers ZTA14-0001 and LCPA14-0001 when submitted to the Coastal Commission.

6. The City certifies that the amendments will be submitted to the Coastal Commission for review and approval as a De Minimis Amendment to the Local Coastal Program. Said amendments are in accordance with Section 9.61.080 (e)(2)(C) of the City's Zoning Code and will have no impacts on public access or visitor serving resources and/or recreational opportunities.
- K. That the Planning Commission recommends that the City Council adopt the amendments to the City's Zoning Code as follows:

The allowance of poultry in all single-family residential districts shall be added in Chapter 9.07 of the Zoning Ordinance as shown in the attached "Exhibit A". This amendment to the Zoning Ordinance constitutes the LCPA.

PASSED, APPROVED, AND ADOPTED at a regular meeting of the Planning Commission of the City of Dana Point, California, held on this 8<sup>th</sup> day of December, 2014, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

\_\_\_\_\_  
Liz Claus, Chairwoman  
Planning Commission

ATTEST:

\_\_\_\_\_  
Ursula Luna-Reynosa, Director  
Community Development Department

**ZONE TEXT AMENDMENT ZTA14-0001**

Chapter 9.07 – Special Use Standards, to be amended as follows (deletions are shown as ~~strikeout~~ and additions are underlined):

**Chapter 9.07 – SPECIAL USE STANDARDS**

**Section 9.07.190 – Keeping of Animals in Residential Districts**

The keeping of animals in residential districts shall be allowed subject to Title 10 of the Dana Point Municipal Code. ~~subject to the following provisions:~~

~~(a) Number of Animals. The keeping of three (3) or fewer dogs, cats, or other small animals over the age of four (4) months is permitted in all residential districts. The keeping of between four (4) and six (6) domesticated animals over the age of four (4) months shall be in compliance with the applicable provisions of Section 10.03.190 of the Municipal Code. The use agreement shall serve as an official acknowledgement by the permit applicant of the provisions of this Section.~~

~~(b) Domesticated Livestock. The keeping of up to two (2) domesticated livestock, as defined in Section 9.75.120, is permitted in all residential districts subject to the execution of a use agreement with the City of Dana Point and the issuance of an animal permit by the Orange County Health Care Agency. The use agreement shall serve as an official acknowledgement by the permit applicant of the provisions of this Section. Approval of the permit shall be subject to the following findings as determined by the Director of Community Development:~~

~~(1) That the domesticated livestock animal(s) at the proposed location will not jeopardize, endanger, or otherwise constitute a menace to the public health or safety; and~~

~~(2) That the proposed site is adequate in size and shape to accommodate the number and type of animal(s) for which the permit is requested without harm to the animal(s) or material detriment to the use, enjoyment, or valuation of the property of other persons located in the vicinity of the site.~~

~~(3) That there shall be no more than one (1) animal on lots less than fifteen thousand (15,000) square feet in size and that a maximum of two (2) animals may be permitted on lots over fifteen thousand (15,000) square feet in size.~~



- ~~(4) That lots containing domesticated livestock shall have a solid, impenetrable fence or wall in accordance with the provisions of Section 9.05.120.~~
- ~~(5) That domesticated livestock shall be spayed or neutered and continuously registered with an applicable, nationally recognized animal association or organization.~~
- ~~(c) Location. Structures for the keeping of animals overnight (i.e. pens, cages, aviaries, corrals, stables, etc.) excepting dog houses or rabbit hutches, other than inside the subject residence are not permitted:
  - ~~(1) Within twenty-five (25) feet of any adjoining existing residential structure, or any area where a residential structure may be legally located if no residential structure exists; or~~
  - ~~(2) Within any required front yard setback area.~~~~
- ~~(d) Prohibited Uses. The following animal related uses are prohibited in residential districts:
  - ~~(1) The keeping of livestock (as defined in Section 9.75.120), poultry or bees;~~
  - ~~(2) The keeping of more than six (6) animals over the age of four (4) months;~~
  - ~~(3) Kennels, unless approved in accordance with a use agreement and animal permit pursuant to subsection (a) above;~~
  - ~~(4) Grooming parlors; or~~~~
- (a) Animals. Animals as defined in Chapter 10.01.010 of the City's Municipal Code are allowed in residential districts subject to requirements and standards specified in Title 10 of the Municipal Code.
- (b) Poultry. Poultry as defined in Chapter 10.13 of the City's Municipal Code are allowed in all single-family residential districts. Requirements and standards for poultry in single-family residential districts are stipulated in Chapter 10.13.
- (c) Prohibited Uses. The following animal related uses are prohibited in residential districts:
  - (1) Commercial breeding and sales of animals.

## Chapter 9.75 – DEFINITIONS AND ILLUSTRATION OF TERMS

### Section 9.75.110 –“K” Definitions

~~Kennel — See Section 9.75.270.~~

**Section 9.75.120 –“L” Definitions**

Land Use Decision — a discretionary decision of the City, including the issuance of a land use permit or a conditional use permit, the granting of a variance, the subdivision of property, and the modification of existing property lines pursuant to the Government Code. A land use decision also means a discretionary decision of the City concerning hazardous waste facility project pursuant to the Health and Safety Code.

Land Use Plan, Coastal — the Land Use Element, Urban Design Element, and Conservation/Open Space Element of the City of Dana Point General Plan. (Coastal Act/30108.5).

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.

Landscaping Plan — a plan which indicates the type, size and location of vegetative and accent material proposed for the covering of all areas of a site not covered by a building, including all irrigation and other devices necessary to maintain such landscaping.

Landscaping — areas devoted to or developed and maintained primarily with native or exotic plant materials including lawn, ground cover, 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.

Lateral Access — (See “Coastal Access, Lateral”). (Coastal).

Level of Service (LOS) — a measure of the operational quality of a road or intersection ranging from LOS A (best) to LOS F (worst).

~~Livestock — any animal in the bovine (cow), caprine, (goat), equine, (horse), ovine (sheep), or porcine (pig) families.~~

~~Livestock, Domesticated — any animal that requires an animal permit from the applicable animal control agency and can be reasonably kept in a residential environment without damage to the health, safety or welfare of adjacent property owners. Domesticated livestock require continuous registration with a nationally recognized association or organization. A list of approved domesticated livestock shall be kept by the Director of Community Development.~~

Loading Space — an off-street space or berth which is on the same lot as the building(s) it services, abuts a street, alley, or other appropriate means of access, and is used for the temporary parking of a commercial vehicle which is being loaded or unloaded with merchandise, materials or people.

Local Coastal Program (LCP) — a local government's (a) land use plans, (b) zoning ordinances, (c) zoning district maps, and (d) within sensitive coastal resources areas, other implementing actions, which, when taken together, meet the requirements of, and implement the provisions and policies of the California Coastal Act of 1976 (as amended) at the local level. The Local Coastal Program for the City of Dana Point is comprised of the Land Use Element, Urban Design Element, and Conservation/Open Space Element of the General Plan, the Zoning Code, the Dana Point Specific Plan/Local Coastal Program, and the Capistrano Beach Specific Plan/Local Coastal Program. (Coastal Act/30108.6).

Locker Facilities — an area containing enclosures that can be locked for storage of clothing and valuables in conjunction with shower facilities.

Lot — land which abuts at least one public street or any numbered or otherwise designated parcel of land which is shown on: (1) a recorded tract map, (2) a record of survey map recorded pursuant to an approved division of land, or (3) a parcel map.

Lot, Corner — a lot or parcel of land abutting upon two or more streets at their intersection, or upon two parts of the same street forming an interior angle of less than 135 degrees.

Lot, Cul-de-Sac — a lot located at any position on the circular portion of a cul-de-sac street.

Lot, Flag — a lot having access to a street by means of a private driveway access easement, or parcel of land not meeting the requirements of this Code for lot width, but having a dimension of at least twenty (20) feet at its narrowest point.

Lot, Interior — a lot other than a corner lot.

Lot, Key — the first interior lot to the rear of a reversed corner lot which is not separated therefrom by an alley.

Lot, Reversed Corner — a corner lot in which the rear lot line abuts the side lot line of the nearest lot to its rear.

Lot, Substandard — any lot which does not meet the minimum dimensions required by this Code. The area of any easement which restricts the normal usage of the lot may be included.

Lot, Through — a lot which fronts upon two streets which do not intersect at the boundaries of the lot.

Lot Coverage — the maximum percentage of the net lot area which is covered by all the buildings on a lot as seen from a plan view.

Lot Depth — the average linear measurement between the front and rear lot lines when measured at 90 degree angles from the front lot line.

Lot Line — the lines bounding a lot as defined herein.

Lot Line, Exterior Side — a side lot line adjacent to a street.

Lot Line, Front — the line separating the narrowest street frontage of the lot from the street right-of-way.

Lot Line, Interior Side — a side lot line not adjacent to a street.

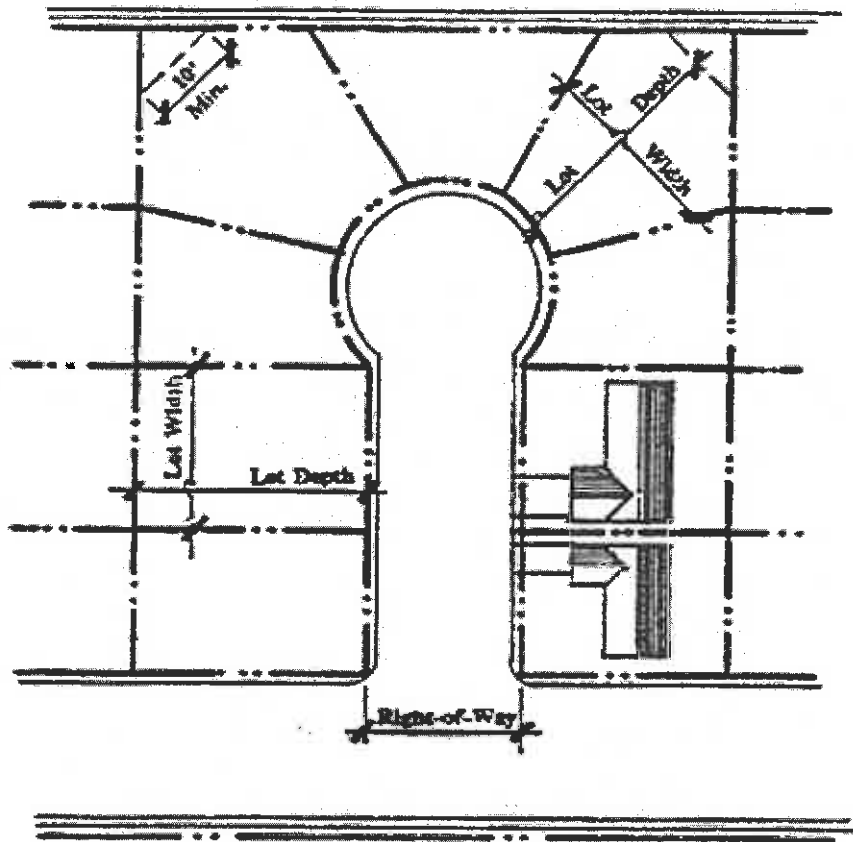
Lot Line, Rear — the lot line opposite and most distant the front lot line; or in the case of an irregularly shaped lot, a straight line not less than ten (10) feet long, within the lot, and most nearly parallel to and at the maximum distance from the front lot line.

Lot Line, Side — any lot lines other than the front or rear lot lines.

Lot Merger — the joining of two or more contiguous parcels of land under one ownership into one parcel pursuant to the Subdivision Map Act.

Lot Width — the average linear distance between side lot lines when measured parallel to the front lot line.

Lowest Floor — the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure usable solely for parking of vehicles, building access, or storage in an area other than a basement area is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of Chapter 9.31.



### Section 9.75.160 – “P” Definitions and Illustrations

Parapet — the extension of the main walls of a building above the roof level.

Parcel — an area of land under one ownership that has been legally subdivided, has a Certificate of Compliance or was combined in accordance with the Subdivision Map Act and which is shown as a single parcel on the latest equalized assessment roll.

Parcel Map — an instrument, processed in compliance with the Subdivision Map Act, for subdividing property into four (4) or less parcels, condominiums, a community apartment project with four (4) or less units or to convert a dwelling to a stock cooperative containing four (4) or less dwelling units. A parcel map may also be used to create more than four (4) lots where (1) the land before division contains less than five (5) acres, each parcel created abuts a public street and no dedications or improvements are required; (2) each parcel created has a gross area of more than 20 acres or more with approved access to a public street; (3) the land to be subdivided has access to a public street, is zoned for industrial or commercial development and has previous

approvals with regard to street widths and alignments; or (4) each parcel created has a gross area of not less than 40 acres or is not less than a quarter of a quarter section.

**Parking Area, Private** — an area, other than a street, designed for the parking of vehicles and available for general public use, whether free or for a fee.

**Parking Area, Public** — an area, other than a private parking area or street, used for the parking of vehicles and available for general public use, either free or for a fee.

**Parking Stall** — a permanent area for the parking of one motor vehicle which meets the minimum dimension and access requirements as established by the City.

**Parking Stall, Off-Street** — a permanent parking space which is not located on a dedicated street right-of-way.

**Parking Stall, On-Street** — a permanent parking space which is located on a dedicated street right-of-way.

**Parking Structure** — a structure that is designed and built for the purpose of providing off-street parking stalls with single or multiple levels which may include secondary uses such as storage, walkways, stairways, elevator shafts, mechanical or electrical equipment rooms and parking management facilities.

**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.

**Park, Public** — see Section 9.75.270.

**Parkway** — the area of a public right-of-way that lies between the curb of a street and the adjacent property line or physical boundary definition such as fences or walls, which is used for landscaping and/or passive recreational purposes.

**Peak-Period** — those hours of the business day between 6 a.m. and 10 a.m., and 4 p.m. to 7 p.m. inclusive, Monday through Friday.

**Permit** — written governmental permission issued by an authorized official, empowering the holder thereof to do some act not forbidden by law, but not allowed without such authorization.

Permitted Use — a use listed by the provisions of any particular district as a permitted use within that district and permitted therein as a matter of right when conducted in accord with the regulations established by the Code.

Person — any individual, firm, co-partnership, joint venture, association, social club, fraternal organization, company, joint stock association, corporation, estate, trust, organization, business, business trust, public agency, school district, State of California, and its political subdivisions or instrumentalities, receiver, syndicate or any group or combination thereof, acting as a unit, including any trustee, receiver or assignee.

Phase — any independent and contiguous part or portion of a project which is developed as a unit in the same time period.

Pilaster — an upright architectural member that is structurally a pier, but architecturally is treated as a column.

Plat — a map representing a tract of land, showing the boundaries and location of individual properties and streets.

Police Power — the authority of government to exercise controls to protect the public health, safety, morals, and general welfare.

Porch — a covered pedestrian entrance to a building which is located on the first floor level.

Porte Cochere — a roofed structure open on at least two sides, through which a motor vehicle may be driven and which is attached to a principal building by a continuous roof leading to the principal entrance.

~~Poultry — any domesticated bird which can be kept or raised for eggs or meat.~~

Premises — a lot or building site, or a specified portion of a lot or building site, that meets the requirements needed for the location, maintenance and operation of a use on the property.

Principal Use — a use that constitutes the primary function of a household, building, structure, establishment, or property.

Property Owner — The legal owner of a parcel of real property.

Public Access Structures — structures, including but not limited to, stairways, ramps, and bike paths, which provide the general public access to the coast.

Public Lifeguard Towers — structures owned and operated by a public agency and used as an observation platform/shelter by a certified lifeguard employed to safeguard swimmers at a beach or pool.

Public Piers — a platform available for use by the general public, extending from a shore over water and supported by piles or pillars, which may be used to secure, protect and provide access to ships, boats, fishing opportunity, or commercial activities.

Public/Private Local Telecommunication Systems — local wireless telecommunication systems that are utilized only by local businesses, public agencies, utility services and emergency services, not including licensed commercial wireless telecommunication services.

Public Restrooms — a lavatory available for use by the general public.

Public Trust Lands — all lands subject to the Common Law Public Trust for commerce, navigation, fisheries, recreation and other public purposes. Public Trust lands include tidelands, submerged lands, beds of navigable lakes and rivers, and historic tidelands and submerged lands that are presently filled or reclaimed, and which were subject to the Public Trust at any time. (Coastal Act/30501, 30620.6; 14 Cal. Code of Regulations/13577(f)).

Public Vantage Point — any publicly accessible location on dedicated or publicly owned property, including but not limited to roadways, parks, and cultural or recreational facilities, which affords a view of the ocean, a coastal lagoon, a canyon or hillside area, or any other open space area identified in an adopted community plan. (Coastal)

Public Works — includes the following:

- (1) All production, storage, transmission, and recovery facilities for water, sewerage, telephone, and other similar utilities owned or operated by any public agency or by any utility subject to the jurisdiction of the California Public Utilities Commission, except for energy facilities.
- (2) All public transportation facilities, including streets, roads, highways, public parking lots and structures, ports, harbors, airports, railroads, and mass transit facilities and stations, bridges, trolley wires, and other related facilities.
- (3) All publicly financed recreational facilities, all projects of the State Coastal Conservancy, and any development by a special district.
- (4) All community college facilities. (Coastal Act/30114).



**Section 9.75.270 – Definitions of Use**

~~Kennel — shall mean any lot or property where four or more dogs, cats, or other small animals over the age of four months are kept, whether such keeping is for pleasure, profit, breeding, or exhibiting, including places where said animals are boarded, kept, bred, or trained.~~

**Title 10 – ANIMAL CONTROL, WELFARE AND LICENSING REQUIREMENTS**

**Chapter 10.01- GENERAL PROVISIONS**

**Section 10.01.010 – Definitions**

As used in this Title:

“Adoption fee” means any compensation or monetary exchange for the purpose of taking ownership or custody of an animal.

“Animal” means any vertebrate creature, domestic or wild, including, but not limited to, birds, fishes, reptiles and nonhuman mammals.

“Animal menagerie” means a place where wild and/or exotic animals are kept or maintained for any commercial purposes.

“Animal services officer” means any person designated by the General Manager of the Authority as a law enforcement officer who is qualified to perform such duties under the laws of this State.

“Animal shelter” means any facility operated by the cities served by the Authority or its authorized agents for the purpose of impounding or caring for animals held under the authority of this Title or State law.

“Approved rabies vaccine” means a vaccine which is approved for use in the animal concerned by the California Department of Health.

“Approved research institution” means a college, hospital, university or research laboratory conducting research under humane conditions, if the General Manager so finds and certifies in writing.

At large. A dog or cat shall be deemed to be “at large” when off the property of the owner and not under restraint.

“Auction” means any place or facility where animals (excluding dogs and cats) are regularly bought, sold or traded, except for those facilities otherwise defined in this Title. This definition does not apply to individual sales of animals by owners.

“Authority” means the person or persons designated to enforce the provisions of this Title. The Authority refers to the Coastal Animal Services Authority.

“Birth control measures” means the surgical alteration of female and male cats and dogs, popularly referred to as spaying and neutering; utilization of approved mechanical birth control devices, such as intrauterine devices; chemical birth control agents as approved by the Southern California Veterinary Medical Association.

“Board of Directors” means the policy-making body for the Authority consisting of elected officials from each jurisdiction served by the Authority and support staff.

“Care and Evaluation Committee” means an advisory committee to the General Manager or the Authority, whose purpose is to make recommendations to improve the quality of life and future well-being of animals.

“Cat” means and includes domesticated members of the species *Felis Catus*. This definition excludes other members of the family *Felidae*.

“Charitable auction” means any and all auctions carried out by a charitable organization for the purpose of fundraising.

“Charitable organization” means a non-profit organization which qualifies under Section 501(c)(3) of the Internal Revenue Code as a charitable organization.

“Circus” means a commercial variety show featuring animal acts for public entertainment.

“Coastal Animal Services Authority” or “CASA” means a joint powers authority created to facilitate the animal control, welfare, and licensing requirements of the cities served.

“Commercial” means operated or carried on primarily for financial gain.

“Commercial animal establishment” means any pet shop, commercial animal rescue shop, grooming parlor, animal auction, animal dealer who operates for profit, riding school or stable, zoological park, circus, performing animal exhibition, commercial kennel/cattery, or animal shelter.

“Commercial animal exhibition” means any display containing one (1) or more animals which are exposed to public view for entertainment, instruction or advertisement, excluding fairs, livestock shows, rodeos, purebred dog and pedigree cat shows, obedience trials and competitions, field trials, and any other fair or exhibition intended to advance agricultural arts and sciences.

“Commercial animal rescue shop” means a commercial establishment that offers dogs and/or cats for a non-profit adoption fee, and such dogs and/or cats are made available to the establishment by non-profit humane societies, animal shelters, bona fide animal rescue organizations, or the San Clemente-Dana Point Animal Shelter.

“Commercial breeder” means an owner/lessor/breeder of dogs and cats who is licensed to breed animals for resale, individually or in litter lots, whether any of these animals are also kept for personal use.

“Commercial exhibitor” means any person exhibiting any animals to the public for compensation, such term including carnivals, circuses and animal acts exhibiting such animals whether operated for profit or not.

“Commercial kennel/cattery” means any person maintaining, for profit, an establishment where animals of any species are kept for the purpose of breeding, grooming, boarding, or exhibiting such animals; or selling animals of any species (excluding dogs and cats); or engaged in the training of dogs.

“Dangerous animals” means any animal of a species which presents a threat to the safety of persons or property, as determined by the General Manager.

“Dealer” means any person who, for compensation or profit, buys for resale any animals (excluding dogs and cats), whether alive or dead, for research, experimentation, testing or exhibition (except as an exhibitor as herein described) or for use as pets.

“Dog” means and includes domesticated members of the species *Canis Familiaris*. This definition excludes other members of the family *Canidae*.

“Enclosed space” means a space other than a motor vehicle enclosed by four (4) walls of such dimensions that the animal could not escape the enclosure.

“Euthanasia” means the humane death of an animal brought about by an authorized person and by a method approved by the Authority and the local veterinary doctors.

“Garbage” means any waste consisting in whole or in part of animal wastes resulting from the handling, preparing, cooking and consuming of food, including the offal from animal carcasses or parts thereof.

“General Manager” means the individual serving as the director of the Authority.

“Grooming parlor” means any place where animals are groomed, clipped, bathed, or otherwise conditioned as pets and/or for show in exchange for a fee

except as a service offered by commercial or service kennel and cattery, or by a licensed veterinary hospital.

“Guard dog (sentry dog)” means any dog utilized, on a commercial basis, to guard any property within the cities served by the Authority, including guarding against fire or theft or both.

“Guide dog” means a properly trained dog certified by a licensed guide (Seeing Eye) dog agency and actually being used by a blind person.

“Horse stable” means any location where three (3) or more horses are maintained for any purpose.

“Humane society” means any nonprofit organization existing for the purpose of prevention of cruelty to animals, incorporated under the laws of any U.S. State.

“Impounded” means having been received into the custody of any animal shelter, or into the custody of the General Manager or authorized agent or deputy.

“Infectious disease” means any infectious, contagious or communicable disease sufficiently dangerous to the public health or to the health of animals within the cities served by the Authority to warrant putting into effect the provisions of this Title and any rules or regulations adopted pursuant thereto.

“Kennel” means any premises wherein any person engages in the business of boarding, breeding, letting for hire, or training for a fee, animals of any species; or buying and/or selling animals of any species (excluding dogs and cats).

“Kitten” means any *Felis Catus* under four (4) months of age.

“License” means a fee collected by the Authority program for: (a) commercial establishments keeping animals; (b) commercial establishments providing services related to animals; (c) commercial establishments selling domestic or nondomestic animals (excluding dogs and cats); and (d) individual household pets.

“Licensing authority” means the General Manager of the Authority or any designated representative thereof charged with administering the issuance and/or revocation of permits and licenses under the provisions of this Chapter.

“Livestock” means any domesticated animals including cattle, horses, ponies, stallions, colts, geldings, mares, sheep, rams, lambs, bulls, bullocks, steers, heifers, cows, calves, mules, jacks, jennets, burros, goats, kids, swine, confined and domesticated hares and rabbits, poultry, and equines which are kept in captivity or under the control or ownership of any person for any purpose.

“Neutered” means rendered permanently incapable of reproduction. To be acceptable, the neutering must be certified to by a licensed veterinarian.

“Nuisance” means a condition in which an animal: damages, soils, defiles or defecates on private property other than the owner’s or on public walks and recreation areas unless such waste is immediately removed and properly disposed of by the owner; causes unsanitary, dangerous or offensive conditions; causes a disturbance by excessive barking if confirmed by three (3) independent witnesses, or other noise making; or chases vehicles, or molests, attacks or interferes with persons or other domestic animals on public property.

“Operator” means the legal owner or person in actual control of any activity involving animals.

“Owner” means the actual custodian of an animal, whether or not that person is the legal owner, the caretaker, or merely the possessor of an animal. Legal ownership is established by a person being registered as the owner on a license or other legal document.

“Performing animal exhibition” means any spectacle, display, act or event other than circuses, in which performing animals are used.

“Permit” means an authorization from the Authority or any city served by the Authority, stipulating conditions under which nondomesticated animals may be kept in commercial and private establishments.

“Person” means any individual or business, partnership, firm, joint stock company, corporation, association, society, trust, estate, other legal entity, and every officer, agent or employee thereof who own, harbor, or keep animals within the cities served by the Authority.

“Pest breeding hazard” means the accumulation, existence or maintenance of any substance, matter, material or condition resulting in the breeding of flies, cockroaches, rats or other insects or rodents in an amount or manner such as to endanger public health or safety, or to create unreasonable interference with the comfortable enjoyment and use of life and property by others.

“Pet” means any animal kept for pleasure rather than utility.

“Pet shop” means any person, partnership or corporation, whether operated separately or in connection with another business enterprise, that buys for resale and sells at retail, any species of animal (excluding dogs and cats) bred by others, whether as owner, agent, or on consignment, and that sells or offers to sell to the general public at retail.

“Poultry” means all domesticated fowl and all game birds which are held in captivity.

“Primary enclosure” means any structure used to immediately restrict an animal or animals to a limited amount of space, such as a room, pen, run, cage, coop, compartment or hutch.

“Private animal owner” means a person having bred, adopted or purchased a dog, cat or other animal permitted by this Title, for his or her personal use and enjoyment, and who keeps or maintains said animal within the cities served by the Authority for a period of more than seven (7) days.

“Private animal refuge” means owners and harborers of unwanted animals of any species, including cross-breeds, who provide food, shelter, confinement, licensing, and spaying/neutering for a group of animals.

“Private breeder” means a dog or cat owner/fancier who breeds an occasional litter of purebred animals for his or her personal use and enjoyment, from animals personally owned or leased for the breeding, who neither sells the resultant offspring for resale to commercial outlets, nor for purposes of research, testing or laboratory experimentation.

“Private exhibitor” means any organization sponsoring and all persons participating in fairs, livestock shows, rodeos, purebred dog and cat shows, obedience trials, field trials, and any other fairs or exhibitions intended to advance agricultural arts and sciences.

“Private kennel/cattery” means the home and premises of a person who owns four (4) or more dogs and/or cats that are four (4) months of age or older for the pleasure and enjoyment of the owner.

“Public nuisance” means any animal or animals which (a) molests passersby or passing vehicles; (b) attacks other animals; (c) trespasses on school grounds; (d) is repeatedly at large; (e) damages private or public property; or (f) barks, whines or howls in an excessive, continuous or untimely fashion.

“Puppy” means any *Canis Familiaris* under four (4) months of age.

“Quarantine” means the strict confinement of an animal upon the premises of the owner or elsewhere as approved by the General Manager.

“Registration” means the method of identifying animals through an identification number at the animal shelter. It shall not be the same as a license.

Restraint. A dog or cat shall be considered under "restraint" if it is within the real property limits of its owner or secured by a leash or lead or under the control of a responsible person.

"Riding school or stable" means any place which has available for hire, boarding and/or riding instruction, any horse, pony, donkey, mule or burro.

"Run" means floor or surface and cage, exclusive of the sleeping box, used to continually contain or maintain dogs or cats.

"Spayed" means rendered permanently incapable of reproduction. To be acceptable, the spaying must be certified to by a licensed veterinarian.

"Stockyard" means any stockyard, corral or premises wherein public trading in livestock is carried on, or where yarding, feeding and watering facilities are provided and where federal, state or local inspection is maintained for the inspection of livestock for infectious diseases.

"Unaltered" means an animal which has not been spayed or neutered.

"Veterinarian" means a veterinarian with a valid license to practice veterinary medicine, dentistry and surgery, issued by the Board of Examination Veterinarian Medicine of the State of California.

"Veterinary medical facility" means any establishment maintained and operated by a licensed veterinarian for surgery, diagnosis and treatment of diseases and injuries of animals.

"Vicious animal" means any animal or animals that constitute a physical threat to human beings or other animals. An animal is "known to be vicious" when said animal has previously attacked either a person engaged in a lawful activity or another animal and such attack causes an injury involving a breaking of the skin, when that animal has caused a person of reasonable sensitivities, engaged in a lawful activity to believe that he or she or a domestic animal in his or her custody and under proper restraint are in imminent danger of great bodily harm, or when that animal has been declared to be vicious pursuant to the provisions of this Title.

"Vivisection" means the cutting of or operation on a living animal usually for physiological or pathological investigations.

"Wild/exotic animals" means animals which are being kept for exhibition purposes or as private pets including monkeys, raccoons, skunks, fox, snakes, leopards, panthers, tigers, lions, birds or any other warm-blooded animal which can normally be found in the wild state.

"Zoo" means a collection of living animals for public display.

“Zoological park” means any facility, other than a pet shop or kennel, displaying or exhibiting one (1) or more species of nondomesticated animals operated by a person, partnership, corporation or government agency. (Ord. 96-01, 1/9/96; amended by Ord. 12-01, 1/31/12; Ord. 12-02, 1/31/12)

**Title 10 – ANIMAL CONTROL, WELFARE AND LICENSING REQUIREMENTS**

**Chapter 10.06 – ANIMALS AT LARGE**

**Chapter 10.06.010 – Keeping Animals Near Residences**

It is unlawful for any person to keep or maintain on his or her premises or premises leased or occupied any animals, birds, fish, mammals or reptiles within one hundred (100) feet of any other family residence, his or her own not included, except as follows: (a) if expressly allowed by the Zoning Code Municipal Code in the jurisdictions served by the Authority; (b) poultry as specified in Chapter 10.13 (b) (c) domestic pets, including dogs, cats, caged birds, fish aquariums or other similar household pets; (e) (d) the use shall be deemed commercial if more than three (3) adult dogs, cats or other similar household pets are maintained on one (1) property. Animals shall be deemed adults at four (4) months of age. (Ord. 96-01, 1/9/96)

**Chapter 10.08- HUMANE TREATMENT**

**Section 10.08.080 – Sale as Novelty Prohibited**

It is unlawful for any unlicensed business or person to display, sell, offer for sale, barter or give away any rabbits, baby chicks, ducklings or other poultry or fowl: (a) as pets or novelties, whether or not dyed, colored or otherwise artificially treated; (b) which have been dyed, colored, or otherwise treated so as to impart to them an artificial color; (c) under two (2) months of age in any quantity less than six (6); (d) unless such person provides proper brooder facilities for the care of such fowl during the time they are in possession of such person. This Section shall not be construed to prohibit the display or sale of rabbits, natural chicks, ducklings, or other fowl in proper facilities by dealers, hatcheries, or stores engaged in the business of selling the same to be raised for food purposes. (Ord. 96-01, 1/9/96)

**Title 10 – ANIMAL CONTROL, WELFARE AND LICENSING REQUIREMENTS**

**Chapter 10.13 – Poultry**

**Sections:**

**10.13.10 Number of Hens Allowed**

**10.13.11 Setbacks**

**10.13.12 Enclosure**



**10.13.13 Sanitation**

**10.13.14 Slaughtering**

**10.13.15 Roosters**

**10.13.10 Number of Hens Allowed**

No more than six (6) hens shall be allowed for each single-family dwelling. Hens shall only be permitted in single-family residential districts.

**10.13.11 Setbacks**

Coops or cages housing poultry shall be kept at least twenty-five (25) feet from the door or window of any dwelling or occupied structure other than the owner's dwelling. Coops or cages shall not be located within five (5) feet of the side or rear property line. Coops or cages shall not be located in the front yard.

**10.13.12 Enclosure**

Hens shall be provided with a covered, predator-proof coop or cage that is well-ventilated and designed to be easily accessed for cleaning. The coop shall allow at least two square feet per hen. Hens shall have access to an outdoor enclosure that is adequately fenced to contain the birds on the property and to prevent predators from access to the birds. Hens shall not be allowed out of these enclosures unless a responsible individual, over 18 years of age, is directly monitoring the hens and able to immediately return the hens to the cage or coop if necessary.

**10.13.13 Sanitation**

The coop and outdoor enclosure must be kept in a sanitary condition and free from offensive odors. The coop and outdoor enclosure shall be cleaned on a regular basis to prevent the accumulation of waste.

**10.13.14 Slaughtering**

There shall be no outdoor slaughtering of poultry.

**10.13.15 Roosters**

Roosters – It is unlawful for any person to keep roosters.

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**CITY OF DANA POINT, CALIFORNIA  
CITY COUNCIL REGULAR MEETING MINUTES  
JULY 1, 2014**

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The motion carried by the following vote:

AYES: Council Member William Brough, Council Member Carlos N. Olvera,  
Council Member Scott Schoeffel, Mayor Pro Tem Steven Weinberg and  
Mayor Lisa Bartlett

NOES: None

**UNFINISHED BUSINESS**

There were no Unfinished Business items.

**NEW BUSINESS**

**14. KEEPING OF CHICKENS IN RESIDENTIAL AREAS**

City Manager Chotkevys provided a staff report.

Mayor Bartlett opened the Public Comments.

Phillip Duke, Capistrano Beach, stated that he supports allowing chickens in Dana Point.

Janell Cushman, Capistrano Beach, stated that she supports the Code change to allow chickens in Dana Point.

Joel Maclean, Capistrano Beach, stated that he supports amending the Ordinance to allow chickens.

Christine McClean, Capistrano Beach, stated that she supports allowing chickens in Dana Point.

Nancy Weagley, Capistrano Beach, felt that people should be able to have chickens if they choose. She asked the Council to send her submission to the Planning Commission for approval. She stated that she had turned in over 300 signatures of people who support the Code change.

John Tomlinson, Capistrano Beach, stated that he looks forward to helping staff craft an Ordinance to allow chickens.

Brad Mercer, Dana Point, stated that the City would need to limit the number of hens but that they make little to no noise. He asked the Council to consider allowing chickens.

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**CITY OF DANA POINT, CALIFORNIA  
CITY COUNCIL REGULAR MEETING MINUTES  
JULY 1, 2014**

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Mayor Bartlett closed public comments.

Council Member Schoeffel thanked those who have shown up for having respect for the process. He stated that he was inclined to send this item to the Planning Commission.

IT WAS MOVED BY COUNCIL MEMBER SCOTT SCHOEFFEL, SECONDED BY MAYOR PRO TEM STEVEN WEINBERG TO DIRECT THE PLANNING COMMISSION TO ADDRESS THE ISSUE.

The motion carried by the following vote:

AYES: Council Member William Brough, Council Member Carlos N. Olvera, Council Member Scott Schoeffel, Mayor Pro Tem Steven Weinberg and Mayor Lisa Bartlett

NOES: None

#### **PUBLIC COMMENTS**

There were no additional Public Comments received.

#### **STAFF REPORTS**

There were no Staff Reports.

#### **COUNCIL REPORTS, INCLUDING CITY RELATED MEETINGS ATTENDED**

Council Member Olvera stated that he will turn in his list of meetings attended to the City Clerk.

Council Member Brough reported that he attended the monthly American Legion meeting last night held at the Aventura Sailing Club. He wished everyone a happy Fourth of July.

Council Member Schoeffel reported that on June 20th he presented his "Excellence is Elementary" scholarships at Palisades, RH Dana and RH Dana ENF. He wished everyone a great summer.

Mayor Pro Tem Weinberg reported that he had turned in his list of meetings attended to the City Clerk. He stated that in response to someone who had mentioned rain barrels in their comments, he felt that rain barrels were great when it rained, but with a little water in them they are mosquito breeders. He urged people to be careful with standing water. He wished everyone a great and safe Fourth of July.

**CITY OF DANA POINT  
PLANNING COMMISSION  
REGULAR MEETING MINUTES**

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September 22, 2014  
6:02- 8:25 p.m.

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**Vice-Chairwoman O'Connor** opened the item for public comment and seeing that there were no requests to speak, clarified that the Public Hearing will remain open to allow public comments to continue at the next scheduled meeting.

**ACTION:** Motion made (Newkirk) and seconded (Whittaker) to continue the Public Hearing to the regular Planning Commission meeting on October 6, 2014 at this location. Motion carried 4-0-1. (AYES: Denton, Newkirk, O'Connor, Whittaker NOES: None RECUSE: Claus ABSTAIN: None)

**Vice-Chairwoman O'Connor** recessed the Planning Commission at 8:15 p.m.

**Vice-Chairwoman O'Connor** reconvened the Planning Commission at 8:20 p.m. with all members present. Vice-Chairwoman O'Connor handed over the chairmanship of the meeting to Chairwoman Claus who has returned to the meeting.

**E. NEW BUSINESS**

**ITEM 6: Keeping of Chickens in Residential Areas.**

Location: City-Wide

Recommendation: That the Planning Commission receive and file the report

**Ursula Luna-Reynosa** (Director of Community Development) reported an outline about the process necessary to make revisions to the Dana Point Municipal Code.

**Chairwoman Claus** received and filed the report.

**F. STAFF REPORTS**

There were no other Staff Reports.

**G. COMMISSIONER COMMENTS**

There were no Commissioner Comments.

**CITY OF DANA POINT  
PLANNING COMMISSION  
REGULAR MEETING MINUTES**

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September 22, 2014  
6:02- 8:25 p.m.


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**H. ADJOURNMENT**

**Chairwoman Claus** announced that a special meeting of the Planning Commission will be held on Monday, October 6, 2014, beginning at 6:00 p.m. (or as soon thereafter) in the Dana Point Community Center in the gym located at 34052 Del Obispo, Dana Point, CA. After the special meeting, the Planning Commission will adjourn to their regularly scheduled meeting be held on Monday, October 13, 2014, beginning at 6:00 p.m. (or as soon thereafter) in the Dana Point Community Center in the gym located at 34052 Del Obispo, Dana Point, CA.

**The meeting adjourned at 8:25 p.m.**

  
\_\_\_\_\_  
Liz Claus, Chairwoman  
Planning Commission

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

ITEM #6

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**DATE:**                **SEPTEMBER 22, 2014**

**TO:**                    **DANA POINT PLANNING COMMISSION**

**FROM:**               **COMMUNITY DEVELOPMENT DEPARTMENT**

**SUBJECT:**           **KEEPING OF CHICKENS IN RESIDENTIAL AREAS**

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**RECOMMENDATION:**     That the Planning Commission receive and file the report.

**BACKGROUND**

On July 1, 2014 the City Council received and filed a staff report concerning the keeping of chickens in residential areas. The Council requested this staff report in response to public comments at City Council meetings earlier this year. Some residents had expressed interest in code revisions to allow chickens in residential neighborhoods. The July 1, 2014 staff report and attachments are attached to this staff report as Supporting Document 1.

Different city codes address keeping of chickens in different ways; many cities that allow chickens require conditions such as fencing/coop requirements, minimum distances from adjacent dwellings or the requirement of an animal permit. A summary of other city regulations was provided in the July 1, 2014 staff report.

Currently the Dana Point Zoning and Municipal Code sections pertaining to chickens, defined as "poultry," prohibit them in residential districts. Applicable code sections are included in the July 1, 2014 staff report as Supporting Document C.

At the July 1, 2014 City Council meeting the City Council directed staff to explore revisions to the Dana Point Municipal Code (DPMC) to allow the keeping of chickens in residential neighborhoods. The minutes of the July 1, 2014 City Council meeting are attached as Supporting Document 2.

The purpose of this staff report is to outline the process necessary to make such revisions to the DPMC.

**DISCUSSION**

There are multiple sections of the DPMC that would need to be amended to allow the keeping of chickens within residential neighborhoods. Those sections include, but may not be limited to, the following;

***ATTACHMENT #5***

- Section 9.07.190 - Keeping of Animals in Residential Districts
- Multiple sections in Title 10 – Animal Control, Welfare and Licensing Requirements

Zone Text Amendments of the above-referenced sections would be city-wide in nature and therefore would affect areas within the Coastal Zone and necessitate amendments to Local Coastal Programs and the Dana Point Specific Plan. It should be noted that the other two Specific Plans in the City, the Monarch Beach Resort Specific Plan, and the Headlands Planned Development District have provisions in the plans that state that if a specific standard or procedure is not contained within these plans, then the provisions, standards or procedures contained within the Municipal Code or Zoning Code shall be utilized. Staff will need to determine that the two specific plans do not need to be amended for the allowance of the chickens within residential neighborhoods.

The following tasks and critical milestones are necessary steps to complete this process:

1. Comprehensive research of other cities' codes relative to keeping of chickens within residential neighborhoods.
2. Because the Code Text Amendment process is such a tedious task, evaluation of whether the sections being amended need any additional revisions (beyond amendments related to the keeping of chickens in residential neighborhoods).
3. Preparation of a presentation to take to the community in a study session to get input on various standards related to the keeping of chickens within residential neighborhoods (e.g., number of chickens, distance of coop from property line, etc.).
4. Critical Milestone – PC Study Session
5. Conduct research to determine if the Monarch Beach Specific Plan and/or the Headlands Planned Development District need to be amended
6. Draft ordinance language, Local Coastal Program Amendment, Specific Plan Amendment(s) and staff report, based on input from the Planning Commission and the community that was received at the Study Session.
7. Critical Milestone – PC Public Hearing
8. Prepare staff report for City Council
9. Critical Milestone – CC Public Hearing (First Reading of Ordinance)
10. Critical Milestone – CC Public Hearing (Second Reading of Ordinance)
11. After 15-day appeal period is over, submit a request to the California Coastal Commission (CCC) to consider amendment to multiple Local Coastal Programs.
12. Critical Milestone – CCC Public Hearing
13. The ordinance and related Local Coastal Program Amendments would be effective upon Coastal Commission approval.

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## **CONCLUSION**

It is difficult to project any timeframe associated with this effort. The Permit Streamlining Act legally requires the City to respond to applicant's submittals within 30 days. Due to the high volume of applications, the majority of staff resources are spent on current planning efforts to meet this timeframe. Staff's ability to dedicated resources to this effort, at this time, is limited. However, a staff member will be assigned to this effort and will commence with the above-references steps as time permits.



Ursula Luna-Reynosa, Director  
Community Development Department

## **ATTACHMENTS:**

### **Action Documents**

None

### **Supporting Documents**

1. July 1, 2014 City Council Staff Report
2. July 1, 2014 City Council Minutes



**CITY OF DANA POINT**  
**AGENDA REPORT**

<b>Reviewed By:</b>	
DH	<u>X</u>
CM	<u>X</u>
CA	<u>X</u>

**DATE:** JULY 1, 2014  
**TO:** CITY MANAGER/CITY COUNCIL  
**FROM:** URSULA LUNA-REYNOSA, COMMUNITY DEVELOPMENT DIRECTOR  
**SUBJECT:** KEEPING OF CHICKENS IN RESIDENTIAL AREAS

**RECOMMENDED ACTION:**

That the City Council receive, discuss and provide direction to staff.

**ISSUE:**

The City Council has received public comments on the topic of allowing the keeping of chickens in residential areas.

**DISCUSSION:**

During public comments at recent City Council meetings, some residents have expressed interest in code revisions to allow chickens in residential neighborhoods. An information packet with suggested revisions has been submitted to the City and is attached as Supporting Document A.

Different cities have codes that address keeping of chickens in different ways; many cities that allow chickens require conditions such as fencing/coop requirements, allowing hens while prohibiting roosters, minimum distances from adjacent dwellings or the requirement of an animal permit. A summary of other city's regulations is provided as Supporting Document B.

Currently the Dana Point Zoning and Municipal Code sections pertaining to chickens, referred to as "poultry," prohibit them in residential districts. Applicable City code sections are included in this report as Supporting Document C.

Changes to City of Dana Point codes to allow chickens would require changes to City Zoning regulations. In addition, such changes to zoning in the coastal zone may require Coastal Commission approval.

**FISCAL IMPACT:**

None.

**ALTERNATIVE ACTIONS:**

Alternatives as deemed appropriate and directed by the City Council.

**ACTION DOCUMENTS:**

None.

**SUPPORTING DOCUMENTS:**

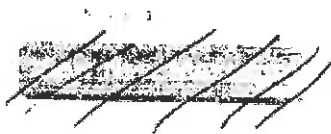
**PAGE NO.**

A. <a href="#">Information and Suggested Code Revisions from resident Nancy Weagley</a> .....	3
B. <a href="#">Regulation of Chickens in Other Cities</a> .....	20
C. <a href="#">Excerpt of Dana Point Municipal and Zoning Codes Regarding Chickens</a> .....	23

**SUPPORTING DOCUMENT A**

**INFORMATION AND SUGGESTED CODE REVISIONS FROM RESIDENT NANCY WEAGLEY**

Why Raise Chickens In Your Backyard? The Many Reasons & Benefits - BackYard Chic... Page 1 of 4



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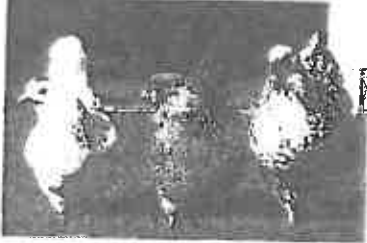
**Why Raise Chickens in Your Backyard? The Many Reasons & Benefits**

By: NITY-CHICKEN, BYC Project Manager, Support, and Revitalist

Read More - Last updated 5/6/14 - 53,269 views - 17 comments

**Are Chickens the new "dog"?**

Having a small backyard flock of chickens is a growing trend in countries around the world. And it is not just country folks who enjoy raising chickens, more and more cities are relaxing their laws and ordinances and allowing chickens, so city dwellers can enjoy this pleasurable hobby too. Many celebrities such as Jennifer Aniston, Barbra Streisand, Miley Cyrus, Chevy Chase, Reese Witherspoon and Martha Stewart raise backyard chickens. So why are pet chickens so popular? Let's have a look at some of the benefits of raising backyard chickens.



**Chickens are easy, inexpensive pets with benefits**

- Starting with and keeping chickens is relatively inexpensive. See here for a breakdown of start up and ongoing costs.
- Meat birds (Cornish Cross) are usually processed around the age of 7-8 weeks. So after feeding them for only 2 months, you can stock your freezer with your own wonderful, fresh, home-grown meat.
- When you raise your own chickens, you know what went into the meat and eggs. It's a safer and healthier alternative to factory farmed poultry and eggs.
- The meat of farm-raised chicken has significantly less fat (and fewer calories) than typical store-bought chicken.
- Backyard and free ranged hens produce eggs that are very nutritious and great tasting. Not to mention they are always fresh! Free ranged and backyard hens' eggs are also much healthier than battery hens' eggs. Here is a comparison between the nutrient content of free range vs battery eggs:

Nutrient Content - Battery Eggs	Nutrient Content - Free Range Eggs
Vitamin A - 0.97mg	Vitamin A - 7.37mg
Vitamin E - 467IU	Vitamin E - 783IU
Beta Carotene - 10mg	Beta Carotene - 76.2mg
Folate - 47mcg	Folate - 9.71g
Omega 3 - 0.033mg	Omega 3 - 29.2mg
Cholesterol - 423mg	Cholesterol - 231mg
Saturated Fat - 3.1	Saturated Fat - 2.31g

- Livestock Chickens
- Looking For Livestock Chickens? Find It By Location With Local.com!
- Chicken Coop Clearance
- Chicken Coops - Cheap
- Chicken Coops: Bargains
- Tree Cutting Experts
- Discount Egg Supplies
- Cheap Build Chicken Coop
- Poultry Equipment On Sale

Go Beyond Feed!

Feed, supplements, treats, pest control, smart toys! NaturePro has everything you need to raise your flock.

Learn more!

# A B C D E F G H I J K L M N O P Q R S T U V W X Y Z (All)

# INFORMATION AND SUGGESTED CODE REVISIONS FROM RESIDENT NANCY WEAGLEY

## Raise Chickens In Your Backyard? The Many Reasons & Benefits - BackYard Chic... Page 2 of 4

- Chickens make great pets for children and great 4-H projects.
- They are friendly, easy to manage, low maintenance and can be kept as "pets" as well.
- Chickens are a food source. Hens will provide you with wonderful fresh eggs and cockerets (and roosted hens) can be processed and eaten.
- Chickens are entertaining and keeping and spending time with your feathered friends, or just "watching chicken TV", can be rewarding and at times very funny, as the freedom discovered.

### Free range chickens are excellent, hard working gardeners

- Once you've harvested everything you want from your vegetable garden, your chickens will happily clear the beds, scratching out and eating unwanted weeds, slugs and seeds and fertilizing the soil while they're at it.
- Own an orchard or a few fruit trees? Chickens will devour the fallen fruit before it can attract insects.
- Chicken manure contains high levels of nitrogen, phosphorus and potassium.
- Chicken manure is more economically valuable than synthetic fertilizers.
- Chicken manure can be used to make fertilizer tea.
- Chickens love digging and scratching around in compost heaps and combining with chickens can be very beneficial for your compost, heaps too.
- Chickens will happily take care of crickets, grass hoppers, snails and other pests in the garden.

### Want even more excellent reasons to add chickens to your life?

See what our members say here: <http://www.backyardchickens.com/01499/what-are-the-many-reasons-you-have-chickens>



**Victory** Member since 1/1/14  
SITTING and watching them brings your blood pressure WAY DOWN!!!



**Agreed** Member since 1/1/14  
Love my flock!



**Herb burner** Member since 1/1/14  
Hens are much lower maintenance than conventional pets and are great for people like me, who need to be occasionally away from home for business.

**PHOTOGRAPHER** Member since 1/1/14  
They make great pets—they are some of the least expensive (as long as you don't get carried away), and they are so funny and cute! Chickens are just...perfect for me...!



**agreed!** Member since 1/1/14  
Agreed. I never knew how much joy they could bring. I even don't mind them digging in my garden, and I am a major control freak over how my yard looks.



**colleen** Member since 1/1/14  
Agreed. I don't regret one bit getting my hens, they're so much fun to watch!



**chickenbusiness** Member since 1/1/14  
Love raising, hatching chickens. Love the fresh eggs. Love it when the chickens see the grandchild-in coming and they run to them for snacks. Grandchildren love the chickens and you would be amazed of the creative writing and communication this helps in school. I have yet to meet someone who does not like fresh eggs. I am actually shocked at all the information that my grandchildren give out to others about their chickens and the how to do this and that etc. Wonderful egg/baby chicken sellers also may I add. Raising chickens is educational!!!



**chickenbusiness** Member since 1/1/14  
Chickens: if you click on my avatar you will see my baby, dogs, and a real live deer to the far right, the chickens were the last out of focus of course but real close to me dog and the deer in the background is just looking at it all. Chickens are friendly they will eat with and out of the dog food bowl if allowed to. They will come to your door peck and knock, to receive your attention and treats. They will fertilize your garden, eat your bugs, mosquitoes, ticks, and cheer you along your way all during the day. They will put themselves up at night and only ask for you to close and lock their house door.

**INFORMATION AND SUGGESTED CODE REVISIONS FROM RESIDENT NANCY  
WEAGLEY**

**SUGGESTED ADDITION TO SECTION 9.07.190:**

**(e) Poultry – (Definition: found in 9.75.120 "P")**

- (1) Residents may own up to six (6) hens.**
- (2) Roosters are prohibited.**
- (3) Coops must be a minimum of twenty-five (25) from any adjoining residences.**
- (4) Coops may not be within any required front yard set-back.**
- (5) Hens cannot be free range, but must be contained in a Coop and a fenced runway.**
- (6) In accordance with the provisions of Section 9.05.020, the Coop and runway shall, at all times, be maintained in a clean and sanitary condition.**
- (7) Chickens are not allowed on land with multiunit structures.**
- (8) Commercial sale of eggs is prohibited.**
- (9) Ownership of chickens does not require a permit or licensing; compliance with items (1) through (8) of this Section (e) is required.**

**INFORMATION AND SUGGESTED CODE REVISIONS FROM RESIDENT NANCY WEAGLEY**

9.05.020 Maintenance of Properties.

Untitled

All properties within the City, shall be kept and maintained in a clean, neat, orderly, operable, and usable condition. This Section applies to buildings, paving, fences, walls, landscaping, water, earth, and any other structures or natural features. (Added by Ord. 93-16, 11/23/93; amended by Ord. 94-21, 12/13/94)

*The above is referenced in (e) (b) of suggested addition.*



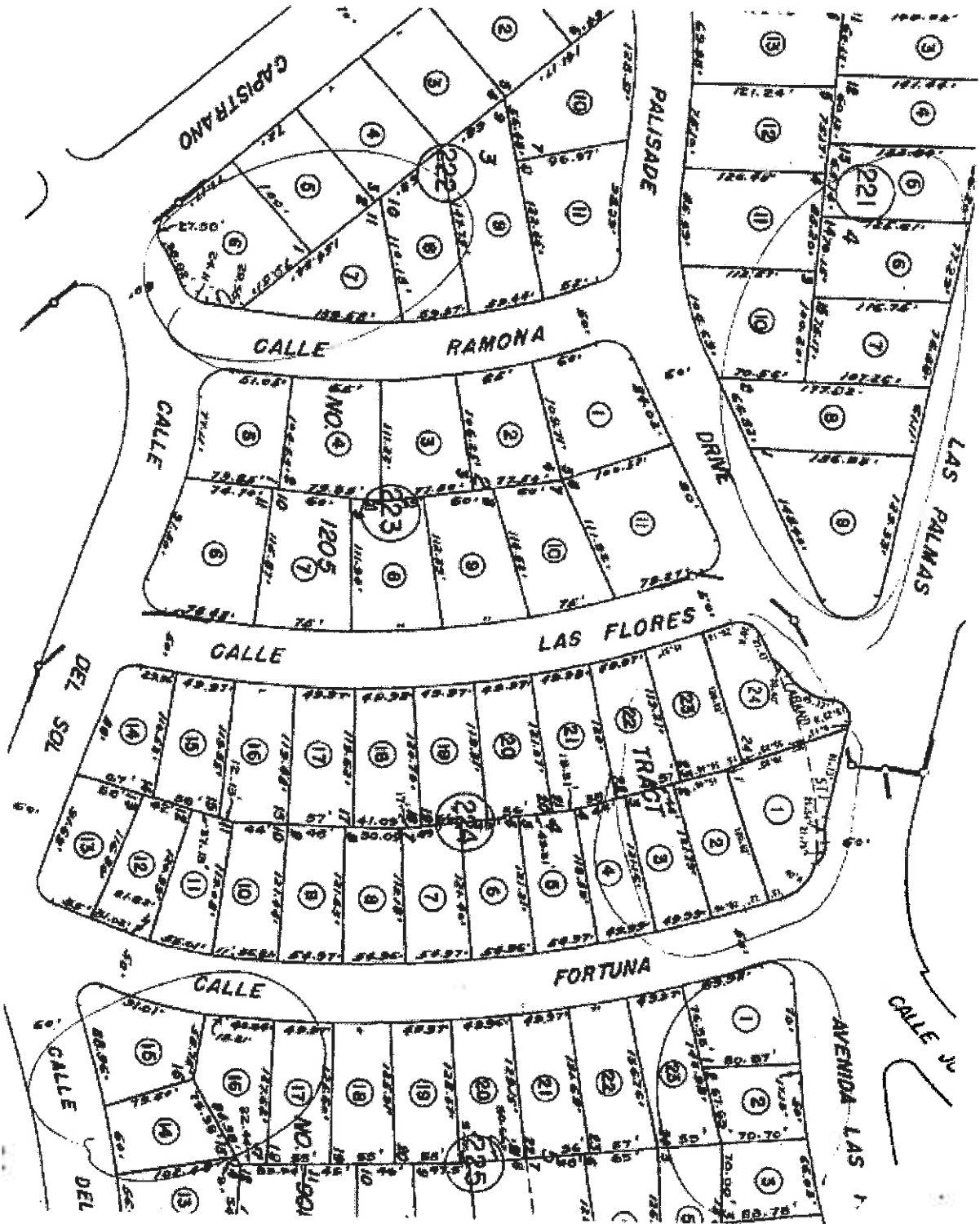
**INFORMATION AND SUGGESTED CODE REVISIONS FROM RESIDENT NANCY WEAGLEY**

**REASONING FOR SUGGESTED ITEM (e) (3)**

Because of the large variety of lot shapes and sizes in Dana Point, and the large variety of structure configurations on said lots, I believe it is unreasonable to designate a minimum lot size that would allow hens. In my opinion, it is more feasible to require Coops be a minimum of twenty-five (25) feet from surrounding residences.

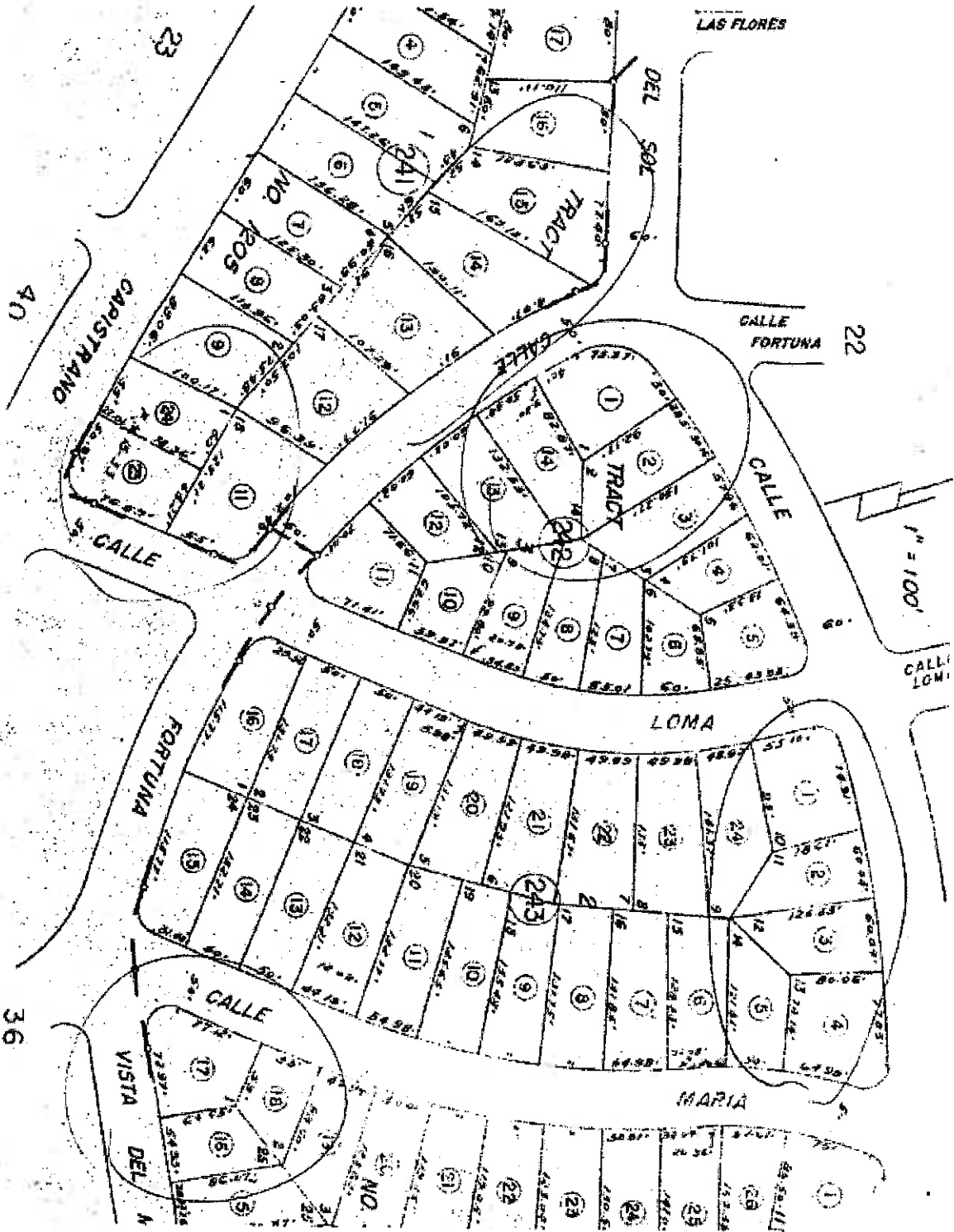
Examples attached

### INFORMATION AND SUGGESTED CODE REVISIONS FROM RESIDENT NANCY WEAGLEY





### INFORMATION AND SUGGESTED CODE REVISIONS FROM RESIDENT NANCY WEAGLEY



# INFORMATION AND SUGGESTED CODE REVISIONS FROM RESIDENT NANCY WEAGLEY

## 9.07.190 Keeping of Animals in Residential Districts.

Page 1 of 2

Dana Point Municipal Code

Up Previous Next Main

Title 9 ZONING

Chapter 9.07 SPECIAL USE STANDARDS

Existing Code

Search Print No Frames

### 9.07.190 Keeping of Animals in Residential Districts.

The keeping of animals in residential districts shall be subject to the following provisions:

(a) **Number of Animals.** The keeping of three (3) or fewer dogs, cats, or other small animals over the age of four (4) months is permitted in all residential districts. The keeping of between four (4) and six (6) domesticated animals over the age of four (4) months shall be in compliance with the applicable provisions of Section 9.07.190 of the Municipal Code. The use agreement shall serve as an official acknowledgment of the permit applicant of the provisions of this Section.

(b) **Domesticated Livestock.** The keeping of up to two (2) domesticated livestock defined in Section 9.75.120, is permitted in all residential districts subject to the execution of a use agreement with the City of Dana Point and the issuance of an animal permit by the Orange County Health Care Agency. The use agreement shall serve as an official acknowledgment by the permit applicant of the provisions of this Section. Approval of the permit shall be subject to the following findings as determined by the Director of Community Development:

(1) That the domesticated livestock animal(s) at the proposed location will not jeopardize, endanger, or otherwise constitute a menace to the public health or safety; and

(2) That the proposed site is adequate in size and shape to accommodate the number and type of animal(s) for which the permit is requested without harming the animal(s) or material detriment to the use, enjoyment, or valuation of the property of other persons located in the vicinity of the site.

(3) That there shall be no more than one (1) animal on lots less than fifteen thousand (15,000) square feet in size and that a maximum of two (2) animals may be permitted on lots over fifteen thousand (15,000) square feet in size.

(4) That lots containing domesticated livestock shall have a solid, impervious fence or wall in accordance with the provisions of Section 9.05.120.

(5) That domesticated livestock shall be spayed or neutered and continuously registered with an applicable, nationally recognized animal association or organization.

(c) **Location.** Structures for the keeping of animals overnight (i.e. pens, cages, aviaries, corrals, stables, etc.) excepting dog houses or rabbit hutches, other than inside the subject residence are not permitted:

(1) Within twenty-five (25) feet of any adjoining existing residential structure or any area where a residential structure may be legally located if no residential structure exists; or

(2) Within any required front yard setback area.

## INFORMATION AND SUGGESTED CODE REVISIONS FROM RESIDENT NANCY WEAGLEY

### 9.07.190 Keeping of Animals in Residential Districts.

Page 2 of 2

(d) Prohibited Uses. The following animal related uses are prohibited in residential districts:

- (1) The keeping of livestock (as defined in Section 9.75.120), ~~quantity of less~~ <sup>of less</sup>
- (2) The keeping of more than six (6) animals over the age of four (4) months.
- (3) Kennels, unless approved in accordance with a use agreement and animal permit pursuant to subsection (a) above;
- (4) Grooming parlors; or
- (5) Commercial breeding and sales of animals.

(Added by Ord. 94-09, 5/24/94; amended by Ord. 94-21, 12/13/94; Ord. 96-10, 8/11/96.)

**INFORMATION AND SUGGESTED CODE REVISIONS FROM RESIDENT NANCY WEAGLEY***Not*10.03.190 Animal Permit Required. Untitled

Any person owning or having custody of four (4) or more licensed dogs and/or four (4) or more cats that are four (4) months of age or older, for any purpose other than a commercial purpose shall file an application for a private kennel/cattery/animal refuge permit with the Authority or any city served by the Authority. The General Manager or authorized agent shall issue a permit for the keeping of such animals under the following conditions: (a) upon receipt of the fee established by the Authority; and (b) when, in the opinion of the General Manager, such animals may be kept or maintained without endangering the safety and comfort of such animals and the inhabitants of the neighborhood; and (c) the owner or custodian has complied with any other applicable laws, including zoning regulations. Each such animal shall be individually licensed. The permit shall specify the number and types of animals authorized to be kept thereunder and may contain any conditions regarding the keeping of animals thereunder deemed necessary by the General Manager or authorized agent. Animal permits shall be nontransferrable and must be renewed annually. Failure to comply with the aforementioned requirements or any conditions imposed by the General Manager shall constitute cause for denial or revocation of such permit. (Ord. 96-01, 1/9/96)

*The above is referenced in:  
9.07.190 (a) - Does not apply to chickens*

**INFORMATION AND SUGGESTED CODE REVISIONS FROM RESIDENT NANCY WEAGLEY**

Suggested changes needed to have the Municipal Code consistent throughout:

1. 10.01.010 - Definitions

The term "poultry" should be deleted from the definition of Livestock. Poultry are defined separately.

2. 9.07.190

The term "poultry" should be deleted in section (d) (1).  
*(Done on page 2 of existing code.)*

## INFORMATION AND SUGGESTED CODE REVISIONS FROM RESIDENT NANCY WEAGLEY

1  
Untitled

### 9.75.120 "L" Definitions and Illustrations.

**Land Use Decision** - a discretionary decision of the City, including the issuance of a land use permit or a conditional use permit, the granting of a variance, the subdivision of property, and the modification of existing property lines pursuant to the Government Code. A land use decision also means a discretionary decision of the City concerning hazardous waste facility project pursuant to the Health and Safety Code.

**Land Use Plan, Coastal** - the Land Use Element, Urban Design Element, and Conservation/Open Space Element of the City of Dana Point General Plan. (Coastal Act/30108.5).

**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.

**Landscaping Plan** - a plan which indicates the type, size and location of vegetative and accent material proposed for the covering of all areas of a site not covered by a building, including all irrigation and other devices necessary to maintain such landscaping.

**Landscaping** - areas devoted to or developed and maintained primarily with native or exotic plant materials including lawn, ground cover, 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.

**Lateral Access** - (See "Coastal Access, Lateral"). (Coastal).

**Level of Service (LOS)** - a measure of the operational quality of a road or intersection ranging from LOS A (best) to LOS F (worst).

**Livestock** - any animal in the bovine (cow), caprine, (goat), equine, (horse), ~~ovine~~ (sheep), or porcine (pig) families.

**Livestock, Domesticated** - any animal that requires an animal permit from the applicable animal control agency and can be reasonably kept in a residential environment without damage to the health, safety or welfare of adjacent property owners. Domesticated livestock require continuous registration with a nationally recognized association or organization. A list of approved domesticated livestock shall be kept by the Director of Community Development.

**Loading space** - an off-street space or berth which is on the same lot as the building(s) it services, abuts a street, alley, or other appropriate means of access, and is used for the temporary parking of a commercial vehicle which is being loaded or unloaded with merchandise, materials or people.

**Local Coastal Program (LCP)** - a local government's (a) land use plans, (b) zoning ordinances, (c) zoning district maps, and (d) within sensitive coastal resources areas, other implementing actions, which, when taken together, meet the requirements of, and implement the provisions and policies of the California Coastal Act of 1976 (as amended) at the local level. The Local Coastal Program for the City of Dana Point is comprised of the Land Use Element, Urban Design Element, and Conservation/Open Space Element of the General Plan, the Zoning Code, the Dana Point Specific Plan/Local Coastal Program, and the Capistrano Beach Specific Plan/Local Coastal Program. (Coastal Act/30108.6).

**Locker Facilities** - an area containing enclosures that can be locked for storage of clothing and valuables in conjunction with shower facilities.

## INFORMATION AND SUGGESTED CODE REVISIONS FROM RESIDENT NANCY WEAGLEY

### 9.75.160 "P" Definitions and Illustrations.

Page 2 of 3

**Permit** — written governmental permission issued by an authorized official, empowered by the holder thereof to do some act not forbidden by law, but not allowed without such authorization.

**Permitted Use** — a use listed by the provisions of any particular district as a permitted use within that district and permitted therein as a matter of right when conducted in accord with the regulations established by the Code.

**Person** — any individual, firm, co-partnership, joint venture, association, social club, labor or fraternal organization, company, joint stock association, corporation, estate, trust, partnership, business trust, public agency, school district, State of California, and its political subdivisions or instrumentalities, receiver, syndicate or any group or combination thereof, or trust as a unit, including any trustee, receiver or assignee.

**Phase** — any independent and contiguous part or portion of a project which is developed in a unit in the same time period.

**Pilaster** — an upright architectural member that is structurally a pier, but architecturally treated as a column.

**Plat** — a map representing a tract of land, showing the boundaries and location of individual properties and streets.

**Police Power** — the authority of government to exercise controls to protect the public health, safety, morals, and general welfare.

**Porch** — a covered pedestrian entrance to a building which is located on the first floor.

**Porte Cochere** — a roofed structure open on at least two sides, through which a motor vehicle may be driven and which is attached to a principal building by a continuous roof to the principal entrance.

**Poultry** — any domesticated bird which can be kept or raised for eggs or meat.

**Premises** — a lot or building site, or a specified portion of a lot or building site, that meets the requirements needed for the location, maintenance and operation of a use on the property.

**Principal Use** — a use that constitutes the primary function of a household, building, structure, establishment, or property.

**Property Owner** — The legal owner of a parcel of real property.

**Public Access Structures** — structures, including but not limited to, stairways, ramps, and walkways, which provide the general public access to the coast.

**Public Lifeguard Towers** — structures owned and operated by a public agency and used as an observation platform/shelter by a certified lifeguard employed to safeguard swimmers at a beach or pool.

**Public Piers** — a platform available for use by the general public, extending from a shore into water and supported by piles or pillars, which may be used to secure, protect and provide access to ships, boats, fishing opportunity, or commercial activities.

**Public/Private Local Telecommunication Systems** — local wireless telecommunication systems that are utilized only by local businesses, public agencies, utility services and emergency services, not including licensed commercial wireless telecommunication services.

**Public Restrooms** — a lavatory available for use by the general public.

INFORMATION AND SUGGESTED CODE REVISIONS FROM RESIDENT NANCY WEAGLEY

May 21, 2014

CITY OF DANA POINT

2014 JUN -9 P 2:14

To: Dana Point City Council:

The undersigned respectfully request that Dana Point City Council make a change to the Municipal Code, Section 9.07.190 Keeping of Animals in Residential Districts, to give residents the right to own up to six (6) hens (excluding roosters) on their private property as long as they are kept a minimum of 25 feet from neighboring buildings. We know that Dana Point is the one of the few cities that has not updated their code to allow chickens and ask that this be addressed as soon as possible.

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*[Handwritten signatures]*

**DISTRIBUTION:**  
 L. BARTLETT   
 B. BROUGH   
 C. OLVERA   
 S. SCHOEFFEL   
 S. WEINBERG   
 D. CHOTKEYS   
 M. KILLBREW   
 U. LUNA - REYNOSA



INFORMATION AND SUGGESTED CODE REVISIONS FROM RESIDENT NANCY WEAGLEY

2

May 21, 2014

To: Dana Point City Council:

The undersigned respectfully request that Dana Point City Council make a change to the Municipal Code, Section 9.07.190 Keeping of Animals in Residential Districts, to give residents the right to own up to six (6) hens (excluding roosters) on their private property as long as they are kept a minimum of 25 feet from neighboring buildings. We know that Dana Point is the one of the few cities that has not updated their code to allow chickens and ask that this be addressed as soon as possible.

~~Karen Prinaak~~

~~Brian Dorn~~

~~Richard K. Gerecht~~

~~Rocky Bardsell~~

~~Theresa Roth~~

~~Steve Roth~~

~~P.J. Albuquerque~~

~~Steve~~

~~Patrick Cullinan~~

~~John W. Fort~~

~~Polina Mignone~~

~~Gregory~~

~~Tim Ryan~~

JEFF FANGLMAN

~~John Smith~~

~~Ted & Dike Rosenfeldt~~

~~Davis & Susan Dinkelson~~

~~Christie Leach~~

~~James Christy~~

~~John & Nancy~~

Peogy Richardson



INFORMATION AND SUGGESTED CODE REVISIONS FROM RESIDENT NANCY WEAGLEY

4

May 21, 2014

CITY OF DANA POINT

To: Dana Point City Council:

2014 JUN 16 A 11:19

The undersigned respectfully request that Dana Point <sup>RECEIVED</sup> make a change to the Municipal Code, Section 9.07.190 Keeping of Animals in Residential Districts, to give residents the right to own up to six (6) hens (excluding roosters) on their private property as long as they are kept a minimum of 25 feet from neighboring buildings. We know that Dana Point is the one of the few cities that has not updated their code to allow chickens and ask that this be addressed as soon as possible.

MICHELLE HUTCHINSON  
 MONICA ANDERSON  
 VANCE BRENNAN  
 Pamela Vanderlice  
 Margaret Cherry  
 James Cherry  
 Robert L. Noffen  
 Emma Jackson  
 Bruce Dacey  
 Alex Valdez  
 Mary O'Donnell  
 David Marinone  
 Ed Jones  
 Peter Jones  
 PETER TRESSELT  
 Ronda Mulligan  
 Christy Posey  
 Craig Cory  
 George Smith  
 [Signature]  
 [Signature]

- DISTRIBUTION: 6/16/14
- L. BARTLETT
  - B. BROUGH
  - C. OLVERA
  - S. SCHOEFFEL
  - S. WEINBERG
  - B. GHOTKEYS
  - M. KILLEBREW
  - U. LUNA-REYNOSA
  - JOHN TILTON

**SUPPORTING DOCUMENT B****Regulations of Chickens in Other Cities**

City	No. of Chickens Allowed in Residential District	Regulations Imposed
<b>Orange County Cities</b>		
Aliso Viejo	N/A	<ul style="list-style-type: none"> <li>• Not permitted</li> </ul>
Costa Mesa	Five over four months of age	<ul style="list-style-type: none"> <li>• Must be kept on own property.</li> <li>• Subject to noise compliance and must be kept in enclosure.</li> </ul>
Dana Point	N/A	<ul style="list-style-type: none"> <li>• Not permitted</li> </ul>
Huntington Beach	Six to twenty four under eight weeks of age	<ul style="list-style-type: none"> <li>• Must be kept on own property.</li> <li>• Must be kept 25 feet from any other dwelling unit, church, school, or hospital.</li> <li>• No roosters over four months old me be kept in City limits.</li> <li>• Residential animal permit required.</li> </ul>
Irvine	Two over four months	<ul style="list-style-type: none"> <li>• Must be confined is suitable house or coop with enclosed runway (under such conditions, the maximum number shall not exceed a total of four poultry and/or rabbits).</li> <li>• House or coop shall be maintained in a clean and sanitary condition, be protected from weather, and be free from offensive odors.</li> <li>• No person shall maintain any house or coop within 30 feet of any dwelling unit other than that of the owner of the poultry and/or rabbits.</li> </ul>
Laguna Beach	Determined by Permit	<ul style="list-style-type: none"> <li>• Must be confined within a suitable house or coop with enclosed runway</li> <li>• Coop and Runway shall be maintained in a clean and sanitary condition at all times</li> </ul>

Mission Viejo	N/A	<ul style="list-style-type: none"> <li>Only household pets (animals and birds ordinarily permitted in residential zones) shall be kept for the company and pleasure provided to the occupants. <ul style="list-style-type: none"> <li>Household pets shall not include animals which normally constitute agricultural uses such as pigs, cows, goat, sheep, chickens, ducks, geese game birds or other fowl.</li> </ul> </li> <li>Allowed in agricultural districts</li> </ul>
Newport Beach	Determined by Permit	<ul style="list-style-type: none"> <li>No wild fowl or game birds except parakeets, canaries or similar size domesticated birds can be kept out doors without obtaining a Newport Beach Wild Animal Permit</li> </ul>
San Clemente	Determined by Permit	<ul style="list-style-type: none"> <li>It shall be unlawful for a person in a residential structure to maintain any fowl within 100 feet of any other residential structure occupied by a person other than the animals owner and/or keeper unless expressly allowed by the zoning code.</li> </ul>
San Juan Capistrano	No Limitation	<ul style="list-style-type: none"> <li>Must be in conjunction with the residential use of a lot, wherein the lot size is greater than 15,000 square feet. Permitted species shall include rabbits, chickens, and animals of similar size.</li> </ul>
Seal Beach	N/A	<ul style="list-style-type: none"> <li>Not permitted</li> </ul>
<b>Other Cities</b>		
Beverly Hills	N/A	<ul style="list-style-type: none"> <li>Not permitted.</li> </ul>
Cerritos	N/A	<ul style="list-style-type: none"> <li>Not permitted.</li> </ul>
Long Beach	20	<ul style="list-style-type: none"> <li>Must be kept 50 feet from any single or two family dwelling or 100 feet from any hotel or dwelling designed for occupancy of 3 or more families.</li> <li>One live fowl may be kept on any lot or parcel provided its pen, coop, or other such enclosure is 20 feet away from any habitable structure.</li> </ul>

Oceanside	No Limitation	<ul style="list-style-type: none"><li>• Not allowed within 35 feet of any other dwelling unit.</li><li>• Only allowed temporarily for the purpose of sale at any shop or place of business where the same are bought, sold, or dealt in.</li></ul>
Riverside	Five or Fifty	<ul style="list-style-type: none"><li>• Minimum lot size of 20,000 net square feet.</li><li>• Must be housed, kept or penned at least 50 feet from any other dwelling.</li><li>• Where poultry are housed, kept or penned at least 100 feet from any other dwelling, 50 are permitted.</li></ul>
San Diego	25	<ul style="list-style-type: none"><li>• Must be kept 50 feet away from any other dwelling.</li><li>• All food for fowl shall be stored in containers which offer protection against rodents.</li><li>• Site shall be maintained in a sanitary condition.</li></ul>

**SUPPORTING DOCUMENT C****Excerpts of Dana Point Zoning and Municipal Codes Regarding Chickens****DANA POINT ZONING CODE****9.07.190 Keeping of Animals in Residential Districts.**

The keeping of animals in residential districts shall be subject to the following provisions:

- (a) Number of Animals. The keeping of three (3) or fewer dogs, cats, or other small animals over the age of four (4) months is permitted in all residential districts. The keeping of between four (4) and six (6) domesticated animals over the age of four (4) months shall be in compliance with the applicable provisions of Section 10.03.190 of the Municipal Code. The use agreement shall serve as an official acknowledgement by the permit applicant of the provisions of this Section.
- (b) Domesticated Livestock. The keeping of up to two (2) domesticated livestock, as defined in Section 9.75.120, is permitted in all residential districts subject to the execution of a use agreement with the City of Dana Point and the issuance of an animal permit by the Orange County Health Care Agency. The use agreement shall serve as an official acknowledgement by the permit applicant of the provisions of this Section. Approval of the permit shall be subject to the following findings as determined by the Director of Community Development:
  - (1) That the domesticated livestock animal(s) at the proposed location will not jeopardize, endanger, or otherwise constitute a menace to the public health or safety; and
  - (2) That the proposed site is adequate in size and shape to accommodate the number and type of animal(s) for which the permit is requested without harm to the animal(s) or material detriment to the use, enjoyment, or valuation of the property of other persons located in the vicinity of the site.
  - (3) That there shall be no more than one (1) animal on lots less than fifteen thousand (15,000) square feet in size and that a maximum of two (2) animals may be permitted on lots over fifteen thousand (15,000) square feet in size.
  - (4) That lots containing domesticated livestock shall have a solid, impenetrable fence or wall in accordance with the provisions of Section 9.05.120.
  - (5) That domesticated livestock shall be spayed or neutered and continuously registered with an applicable, nationally recognized animal association or organization.
- (c) Location. Structures for the keeping of animals overnight (i.e. pens, cages, aviaries, corrals, stables, etc.) excepting dog houses or rabbit hutches, other than inside the subject residence are not permitted:

- (1) Within twenty-five (25) feet of any adjoining existing residential structure, or any area where a residential structure may be legally located if no residential structure exists; or
- (2) Within any required front yard setback area.

(d) Prohibited Uses. The following animal related uses are prohibited in residential districts:

- (1) The keeping of livestock (as defined in Section 9.75.120), **poultry** or bees;
- (2) The keeping of more than six (6) animals over the age of four (4) months;
- (3) Kennels, unless approved in accordance with a use agreement and animal permit pursuant to subsection (a) above;
- (4) Grooming parlors; or
- (5) Commercial breeding and sales of animals.

#### **9.75.160 "P" Definitions and Illustrations.**

**Poultry** — any domesticated bird which can be kept or raised for eggs or meat.

#### **DANA POINT MUNICIPAL CODE**

#### **10.01.010 Definitions.**

"Livestock" means any domesticated animals including cattle, horses, ponies, stallions, colts, geldings, mares, sheep, rams, lambs, bulls, bullocks, steers, heifers, cows, calves, mules, jacks, jennets, burros, goats, kids, swine, confined and domesticated hares and rabbits, **poultry**, and equines which are kept in captivity or under the control or ownership of any person for any purpose.

"**Poultry**" means all domesticated fowl and all game bird which are held in captivity.

#### **TITLE V HEALTH AND SANITATION**

#### **6.14.002 Public Nuisances Designated.**

It shall be unlawful and a misdemeanor subject to punishment in accordance with Section 1.01.200 of this Code, and it is hereby declared to be a public nuisance, from any person owning, leasing, occupying, or having charge of any residential, agricultural, commercial, industrial, business park, office, educational, religious, vacant, or other property within the City of Dana Point, to maintain such property in such a manner that any of the following conditions are found to exist thereon:

- (v) Animals, livestock, **poultry** or bees kept, bred or maintained for any purpose and in violation of any provision of the City Municipal Code.



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**CITY OF DANA POINT, CALIFORNIA  
CITY COUNCIL REGULAR MEETING MINUTES  
JULY 1, 2014**

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*PROVIDING FOR THE COLLECTION ON THE REGULAR TAX BILL.*

The motion carried by the following vote:

AYES: Council Member William Brough, Council Member Carlos N. Olvera,  
Council Member Scott Schoeffel, Mayor Pro Tem Steven Weinberg and  
Mayor Lisa Bartlett

NOES: None

**UNFINISHED BUSINESS**

There were no Unfinished Business items.

**NEW BUSINESS**

**14. KEEPING OF CHICKENS IN RESIDENTIAL AREAS**

City Manager Chotkevys provided a staff report.

Mayor Bartlett opened the Public Comments.

Phillip Duke, Capistrano Beach, stated that he supports allowing chickens in Dana Point.

Janell Cushman, Capistrano Beach, stated that she supports the Code change to allow chickens in Dana Point.

Joel Maclean, Capistrano Beach, stated that he supports amending the Ordinance to allow chickens.

Christine McClean, Capistrano Beach, stated that she supports allowing chickens in Dana Point.

Nancy Weagley, Capistrano Beach, felt that people should be able to have chickens if they choose. She asked the Council to send her submission to the Planning Commission for approval. She stated that she had turned in over 300 signatures of people who support the Code change.

John Tomlinson, Capistrano Beach, stated that he looks forward to helping staff craft an Ordinance to allow chickens.

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**CITY OF DANA POINT, CALIFORNIA  
CITY COUNCIL REGULAR MEETING MINUTES  
JULY 1, 2014**

---

Brad Mercer, Dana Point, stated that the City would need to limit the number of hens but that they make little to no noise. He asked the Council to consider allowing chickens.

Mayor Bartlett closed public comments.

Council Member Schoeffel thanked those who have shown up for having respect for the process. He stated that he was inclined to send this item to the Planning Commission.

IT WAS MOVED BY COUNCIL MEMBER SCOTT SCHOEFFEL, SECONDED BY MAYOR PRO TEM STEVEN WEINBERG TO DIRECT THE PLANNING COMMISSION TO ADDRESS THE ISSUE.

The motion carried by the following vote:

AYES: Council Member William Brough, Council Member Carlos N. Olvera, Council Member Scott Schoeffel, Mayor Pro Tem Steven Weinberg and Mayor Lisa Bartlett

NOES: None

### **PUBLIC COMMENTS**

There were no additional Public Comments received.

### **STAFF REPORTS**

There were no Staff Reports.

### **COUNCIL REPORTS, INCLUDING CITY RELATED MEETINGS ATTENDED**

Council Member Olvera stated that he will turn in his list of meetings attended to the City Clerk.

Council Member Brough reported that he attended the monthly American Legion meeting last night held at the Aventura Sailing Club. He wished everyone a happy Fourth of July.

Council Member Schoeffel reported that on June 20th he presented his "Excellence is Elementary" scholarships at Palisades, RH Dana and RH Dana ENF. He wished everyone a great summer.



To: County Clerk  
County of Orange  
211 W. Santa Ana Boulevard  
Santa Ana, CA 92701

### NEGATIVE DECLARATION

**PROJECT NUMBER:** ZTA14-0001/LCPA14-0001/SPA14-0001/SPA14-0002/LCPA14-0002

**PROJECT ADDRESS/LOCATION:** Citywide

**PROJECT DESCRIPTION:** The City of Dana Point is proposing to amend its Zoning Ordinance, the Dana Point Specific Plan and the Monarch Beach Specific Plan to allow chickens in all single-family residential districts.

The City has conducted an environmental review of the above described project pursuant to the guidelines for Implementation of the California Environmental Quality Act. As a result of this review, a Negative Declaration (declaration that the project will not have a significant impact on the environment) is hereby issued for the project. Justification for this action is on file in the Community Development Department.

A copy of the Negative Declaration with supportive documents is on file in the Community Development Department, 33282 Golden Lantern, Dana Point, California 92629 and on the City's website at [www.danapoint.org](http://www.danapoint.org). Comments from the public are invited. Please submit comments in writing to Erica H. Demkowicz, Senior Planner, within twenty (20) days of date of issuance.

Ursula Luna-Reynosa, Director  
Community Development Department

DATED: 11/12/14  
FILE NO: ZTA14-0001/LCPA14-0001/SPA14-0001/SPA14-0002/LCPA14-0002  
APPLICANT: City of Dana Point  
PUBLISH DATE: ASAP

Exempt per Government Code 6103

**ATTACHMENT #6**

## ENVIRONMENTAL CHECKLIST FORM

1. **Project Title:** Allowance of chickens in all single-family residential districts within the City.
2. **Lead Agency Name and Address:** City of Dana Point  
33282 Golden Lantern  
Dana Point, CA 92629
3. **Contact Person and Phone Number:** Erica H. Demkowicz, AICP  
Senior Planner  
(949) 248-3588
4. **Project Location:** Citywide
5. **Project Sponsor's Name and Address:** City of Dana Point  
33282 Golden Lantern  
Dana Point, CA 92629
6. **General Plan Designation:** Various
7. **Zoning:** Various
8. **Description of Project:** The City is proposing to amend its Zoning Ordinance and the Dana Point Specific Plan to allow chickens in all single-family residential districts. The Zone Text Amendment, the Dana Point Specific Plan Amendment and the Monarch Beach Specific Plan documents are attached as Exhibit "A", Exhibit "B" and Exhibit "C" respectively to this checklist.
9. **Surrounding Land Uses and Setting:** N/A
10. **Other public agencies whose approval is required: (e.g., permits, financing approval, or participation agreement):** California Coastal Commission

**ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:**


The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

- Aesthetics
- Agriculture and Forestry Resources
- Air Quality
- Biological Resources
- Cultural Resources
- Geology / Soils
- Greenhouse Gas Emissions
- Hazards & Hazardous Materials
- Hydrology / Water Quality
- Land Use / Planning
- Mineral Resources
- Noise
- Population / Housing
- Public Services
- Recreation
- Transportation/Traffic
- Utilities/Service Systems
- Mandatory Findings of Significance

**DETERMINATION:** (To be completed by the Lead Agency)

On the basis of this initial evaluation:

- X I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- \_\_\_ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- \_\_\_ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- \_\_\_ I find that the proposed project MAY have a "potentially significant or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- \_\_\_ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

  
 \_\_\_\_\_  
 Ursula Luna-Reynosa  
 Director of Community Development

November 12, 2014  
 \_\_\_\_\_  
 Date

## Evaluation of Environmental Impacts

- 1) A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g. the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g. the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
- 2) All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
- 3) Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect is significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.
- 4) "Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from Section XVII, "Earlier Analyses," may be cross-referenced).
- 5) Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c) (3) (D). In this case, a brief discussion should identify the following:
  - a) Earlier Analyses Used. Identify and state where they are available for review.
  - b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
  - c) Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
- 6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g. general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.

- 7) Supporting Information Sources. A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
- 8) This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.
- 9) The explanation of each issue should identify:
  - a) the significance criteria or threshold, if any, used to evaluate each question; and
  - b) the mitigation measure identified, if any, to reduce the impact to less than significance.

	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
<b>I. AESTHETICS – Would the project:</b>				
a. Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

The proposed project is for the approval of a Zone Text Amendment, Specific Plan Amendments, and Local Coastal Program Amendments to allow chickens in all single-family residential districts in the City. No development is proposed at this time and therefore the implementation of the project i.e. approval of amendments to the City's Zoning Code, the Dana Point Specific Plan and the Monarch Beach Specific Plan will not result in any significant impacts on any scenic resources in the City.



	Less Than			
Potentially	Significant	Less Than		
Significant	With	Significant		No
Impact	Mitigation	Impact		Impact

**II. AGRICULTURAL AND FORESTRY RESOURCES** – In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state’s inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project:

- |  |                          |                          |                          |                                     |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a. Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b. Conflict with existing zoning for agricultural use, or a Williamson Act contract?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c. Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 12220(g)), timberland (as defined by Public Resources Code Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g))? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d. Result in the loss of forest land or conversion of forest land to non-forest use?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e. Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

The proposed project is for the approval of a Zone Text Amendment, Specific Plan Amendments, and Local Coastal Program Amendments to allow chickens in all single-family residential districts in the City. No development is proposed at this time and therefore the implementation of the project i.e. approval of amendments to the City’s Zoning Code, the Dana Point Specific Plan and the Monarch Beach Specific Plan will not result in any significant impacts to agricultural and forestry resources in the City.

	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
<b>III. AIR QUALITY</b> – Where available, the significance criteria established by the applicable air quality management or pollution control district may be relied upon to make the following determinations. Would the project:				
a. Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e. Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

The City of Dana Point is included within the South Coast Air Quality Management District and subject to the requirements of the Clean Air Act at both the Federal and State level. The South Coast Air Quality Management Plan (AQMP) is the primary planning document to monitor if air quality standards and objectives are being achieved in the South Coast Air Basin. The air quality objectives in the AQMP are based upon population and growth projections provided in a City's General Plan.

No development is proposed at this time and therefore the implementation of the project i.e. approval of amendments to the City's Zoning Code, the Dana Point Specific Plan and the Monarch Beach Specific Plan will not result in significant long-term air quality impacts, nor would it significantly result in any cumulative net increase of any pollutants that have non-attainment status.

The proposed project is for the approval of a Zone Text Amendment, Specific Plan Amendments, and Local Coastal Program Amendments to allow chickens in all single-family residential districts in the City. The Zoning Text Amendments will include specific language identifying the maximum number of chickens allowed, minimum setbacks for coops and the keeping the chicken coops in a clean and sanitary condition at all times. With these specific standards, the potential for odors emanating from chickens and/or their respective coops will not result in any significant impacts.

	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
<b>IV. BIOLOGICAL RESOURCES - Would the project:</b>				
a. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Have a substantial adverse effect on federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) either individually or in combination with the known or probable impacts of other activities through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. Interfere substantially with the movement of any resident or migratory fish or wildlife species or with established resident or migratory wildlife corridors, or impede the use of wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Communities Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

The proposed project is for the approval of a Zone Text Amendment, Specific Plan Amendments, and Local Coastal Program Amendments to allow chickens in all single-family residential districts in the City. No development is proposed at this time and therefore the implementation of the project i.e. approval of amendments to the City's Zoning Code, the Dana Point Specific Plan and the Monarch Beach Specific Plan will not result in any significant impacts to biological resources in the City.

	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
V. CULTURAL RESOURCES - Would the project:				
a. Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Cause a substantial adverse change in the significance of a unique archaeological resource pursuant to §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

The proposed project is for the approval of a Zone Text Amendment, Specific Plan Amendments, and Local Coastal Program Amendments to allow chickens in all single-family residential districts in the City. No development is proposed at this time and therefore the implementation of the project i.e. approval of amendments to the City's Zoning Code, the Dana Point Specific Plan and the Monarch Beach Specific Plan will not result in any significant impacts to cultural resources in the City.

	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
<b>VI. GEOLOGY AND SOILS - Would the project:</b>				
a. Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994) creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e. Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of waste water?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

According to the City's General Plan there are no active earthquake faults or Alquist-Priolo Earthquake Zones within Dana Point. Therefore, potential seismic and liquefaction impacts are not considered to be significant.

The proposed project is for the approval of a Zone Text Amendment, Specific Plan Amendments, and Local Coastal Program Amendments to allow chickens in all single-family residential districts in the City. No development is proposed at this time and therefore the implementation of the project i.e. approval of amendments to the City's Zoning Code, the Dana Point Specific Plan

and the Monarch Beach Specific Plan will not result in any significant impacts related to geology and soils.

	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
<b>VII. GREENHOUSE GAS EMISSIONS - Would the project:</b>				
a. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

The proposed project is for the approval of a Zone Text Amendment, Specific Plan Amendments, and Local Coastal Program Amendments to allow chickens in all single-family residential districts in the City. While chickens do produce methane as a natural byproduct of digestion, just like any other animal (including humans), the amount produced would be negligible in comparison to other livestock. No development is proposed at this time and therefore the implementation of the project i.e. approval of amendments to the City's Zoning Code, the Dana Point Specific Plan and the Monarch Beach Specific Plan will not result in any significant impacts to greenhouse gas emissions.

	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
<b>VIII. HAZARDS AND HAZARDOUS MATERIALS - Would the project:</b>				
a. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Create a significant hazard to the public or the environment through the reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. Be located on a site, which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f. For a project within the vicinity of a private air strip, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h. Expose people or structures to the risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

The proposed project is for the approval of a Zone Text Amendment, Specific Plan Amendments, and Local Coastal Program Amendments to allow chickens in all single-family residential districts in the City. No development is proposed at this time and therefore the implementation of the project i.e. approval of amendments to the City's Zoning Code, the Dana Point Specific Plan and the Monarch



Beach Specific Plan will not result in any significant impacts related to hazards and hazardous materials.

	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
<b>IX. HYDROLOGY AND WATER QUALITY - Would the project:</b>				
a. Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (i.e., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner, which would result in substantial erosion or siltation on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner, which would result in flooding on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e. Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f. Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g. Place housing within a 100-year floodplain, as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h. Place within a 100-year floodplain structures that would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i. Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
j. Inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
k. Result in an increase in pollutant discharges to receiving waters. Consider water quality parameters such as temperature, dissolved oxygen, turbidity and other typical stormwater pollutants (e.g. heavy metals, pathogens, petroleum derivatives, synthetic organics, sediment, nutrients, oxygen-demanding substances, and trash).	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
l. Result in significant alteration of receiving water quality during or following construction?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
m. Could the proposed project result in increased erosion downstream?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
n. Result in increased impervious surfaces and associated increased runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o. Create a significant adverse environmental impact to drainage patterns due to changes in runoff flow rates or volumes?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
p. Tributary to an already impaired water body, as listed on Clean Water Act Section 303(d) list? If so, can it result in an increase in any pollutant for which the water body is already impaired?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
q. Tributary to other environmentally sensitive areas? If so, can it exacerbate already existing sensitive conditions?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
r. Have a potentially significant environmental impact on surface water quality to either marine, fresh, or wetland waters?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
s. Have a potentially significant adverse impact on groundwater quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
t. Cause or contribute to an exceedance of applicable surface or groundwater receiving water quality objectives or degradation of beneficial uses?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
u. Impact aquatic, wetland, or riparian habitat?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

The proposed project is for the approval of a Zone Text Amendment, Specific Plan Amendments, and Local Coastal Program Amendments to allow chickens in all single-family residential districts in the City. No development is proposed at this time and therefore the implementation of the project i.e. approval of amendments to the City's Zoning Code, the Dana Point Specific Plan and the Monarch Beach Specific Plan will not result in any significant impacts related to hydrology and water quality.

	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
<b>X. LAND USE AND PLANNING - Would the project:</b>				
a. Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

The proposed project entails amendments to the City's Zoning Code, the Dana Point Specific Plan and the Monarch Beach Specific Plan and does not grant entitlements for any new development. The proposed project would not physically divide any established community. No adverse land uses impacts would be associated with the implementation of the proposed project.

According to the City's Local Coastal Program, a portion of the potentially affected properties are within the Coastal Zone. However, since new development is not directly associated with the proposed project, a coastal development permit is not required. The proposed project would not be in conflict with the City's General Plan, Local Coastal Program, Natural Communities Conservation Plan or any other relevant planning program in the City.

	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
<b>XI. MINERAL RESOURCES -</b> Would the project:				
a. Result in the loss of availability of a known mineral resource that would be of value to the region and residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

The proposed project is for the approval of a Zone Text Amendment, Specific Plan Amendments, and Local Coastal Program Amendments to allow chickens in all single-family residential districts in the City. No development is proposed at this time and therefore the implementation of the project i.e. approval of amendments to the City's Zoning Code, the Dana Point Specific Plan and the Monarch Beach Specific Plan will not result in any significant impacts related to mineral resources.

	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
<b>XII. NOISE - Would the project:</b>				
a. Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f. For a project within the vicinity of a private air strip would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Implementation of the proposed project would not result in any long-term operation noise impacts or long-term ground borne vibration impacts in excess of local or state noise standards. According to the City's General Plan, Dana Point is not significantly impacted by aircraft noise. Additionally, there are no private airstrips in the city. Implementation of the proposed project would not expose people residing in or working in Dana Point to excessive aircraft noise impacts.

Hens are not particularly noisy when compared to roosters. Roosters are noisy, but will not be permitted with the proposed Zone Text Amendment to allow chickens in single-family residential districts. While hens do cluck, the clucking is neither loud nor frequent. Chickens also have a homing instinct to return to their coops at night to sleep, which further reduces any potential noise and disturbance of a neighborhood at night. As a result, noise from chickens will not result in any significant impacts.

	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
<b>XIII. POPULATION AND HOUSING - Would the project:</b>				
a. Induce substantial population growth in an area, either directly (for example, by proposing new homes and business) or indirectly (for example, through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

The proposed project is for the approval of a Zone Text Amendment, Specific Plan Amendments, and Local Coastal Program Amendments to allow chickens in all single-family residential districts in the City. The project would not lead to the displacement of existing housing or population. No development is proposed at this time and therefore the implementation of the project i.e. approval of amendments to the City's Zoning Code, the Dana Point Specific Plan and the Monarch Beach Specific Plan will not result in any significant impacts related to housing in the City.

	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
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**XIV. PUBLIC SERVICES** - Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

- |                             |                          |                          |                          |                                     |
|-----------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a. Fire protection?         | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b. Police protection?       | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c. Schools?                 | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d. Parks?                   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e. Other public facilities? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Implementation of the proposed project would not increase the demand for additional public services over current levels of service being provided in the City. The proposed project is for the approval of a Zone Text Amendment, Specific Plan Amendments, and Local Coastal Program Amendments to allow chickens in all single-family residential districts in the City. No development is proposed at this time and therefore the implementation of the project i.e. approval of amendments to the City's Zoning Code, the Dana Point Specific Plan and the Monarch Beach Specific Plan will not result in any significant impacts related to public services.



	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
<b>XV. RECREATION</b>				
a. Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Implementation of the proposed project would not impact any existing or proposed recreational areas within the City or would not have significant impact on recreation facilities for the public. The proposed project is for the approval of a Zone Text Amendment, Specific Plan Amendments, and Local Coastal Program Amendments to allow chickens in all single-family residential districts in the City. No development is proposed at this time and therefore the implementation of the project i.e. approval of amendments to the City's Zoning Code, the Dana Point Specific Plan and the Monarch Beach Specific Plan will not result in any significant impacts related to recreation.

	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
<b>XVI. TRANSPORTATION/TRAFFIC - Would the project:</b>				
a. Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e. Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f. Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Implementation of the proposed project would not generate traffic that would have an adverse impact on project area street segments or intersections. Nor would the proposed project result in traffic that would exceed the County of Orange Congestion Management Plan. Implementation of the proposed project would not have any adverse impacts on air traffic patterns or emergency access, would not result in any closing of area roadways, or displacement of existing on street parking, or conflict with any policies that support alternative transportation.

The proposed project is for the approval of a Zone Text Amendment, Specific Plan Amendments, and Local Coastal Program Amendments to allow chickens in all single-family residential districts in the City. No development is proposed at this time and therefore the implementation of the project i.e. approval of amendments to the City's Zoning Code, the Dana Point Specific Plan and the Monarch Beach Specific Plan will not result in any significant impacts related to transportation and traffic.

	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
<b>XVII. UTILITIES AND SERVICE SYSTEMS - Would the project:</b>				
a. Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e. Result in a determination by the wastewater treatment provider, which serves or may serve the project determined that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f. Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g. Comply with federal, state, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Implementation of the proposed project would not increase the demand for additional utilities and service systems over current levels of service being provided in the City. No adverse impacts to utility service systems or drainage system would be associated with the proposed project. The proposed project is for the approval of a Zone Text Amendment, Specific Plan Amendments, and Local Coastal Program Amendments to allow chickens in all single-family residential districts in the City. No development is proposed at this time and therefore the implementation of the project i.e. approval of amendments to the City's Zoning Code, the Dana Point Specific Plan and the Monarch Beach Specific Plan will not result in any significant impacts related to utilities and service systems.

	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
<b>XVIII. MANDATORY FINDINGS OF SIGNIFICANCE - Would the project:</b>				
a. Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, effects of other current projects, and the effects of probable future projects.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Implementation of the proposed project would not result in any unavoidable adverse impacts to any plant or wildlife species or historical property. Implementation of the proposed project would not directly result in any significant cumulative impacts, in that the proposed project is for the approval of a Zone Text Amendment, Specific Plan Amendments, and Local Coastal Program Amendments to allow chickens in all single-family residential districts in the City. No development is proposed at this time.

**DETERMINATION**

Based upon the evidence in light of the whole record documented in the above evaluation and cited references, I find that the proposed project would not have a significant impact on the environment and a Negative Declaration has been prepared.

**REFERENCES**

- City of Dana Point General Plan, 1993
- City of Dana Point Zoning Code, 1996
- City of Dana Point Local Coastal Plan, 1986
- Dana Point Specific Plan, 1980
- California Environmental Quality Act Guidelines, as amended 2014

**PREPARERS/ CITY OF DANA POINT STAFF**

- Ursula Luna-Reynosa, Community Development Director
- Erica H. Demkowicz, AICP, Senior Planner

## **Exhibit "A"**

### **ZONE TEXT AMENDMENT ZTA14-0001**

The following Zoning Code Chapter is proposed to be amended as follows  
(Inserts are underlined):

#### **Chapter 9.07**

#### **SPECIAL USE STANDARDS**

##### **Section 9.07.190 Keeping of Animals in Residential Districts**

Poultry, as defined in Section 9.75.160 of the City's Zoning Code are allowed in all single-family residential districts.

## Exhibit "B"

### **DANA POINT SPECIFIC PLAN AMENDMENT SPA14-0002**

The Dana Point Specific Plan; Section XI-Land Use Regulations; Section v – "Special Regulations and Information" is amended to include the following new sub-section (Inserts are underlined):

E. Chickens: Poultry, as defined in Section 9.75.160 of the City's Zoning Code are allowed in all single-family residential districts within the Dana Point Specific Plan area where single-family residential uses are allowed. Chickens shall be permitted in accordance with specific requirements and standards outlined in Section 9.07.190 of the Dana Point Zoning Code.

## Exhibit "C"

### **MONARCH BEACH SPECIFIC PLAN AMENDMENT SPA14-0001**

The Monarch Beach Specific Plan; Section 3.6 Residential Development Standards (MBR/RSF-14) is amended to include the following new sub-section (Inserts are underlined):

#### 3.6.1. Principal Permitted Uses (Residential)

- Chickens: Poultry, as defined in Section 9.75.160 of the City of Dana Point's Zoning Code, are allowed in all single-family residential districts within the Monarch Beach Specific Plan where single-family residential uses are allowed.

**ERICA DEMKOWICZ**

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**From:** arlenenp1@charter.net  
**Sent:** Wednesday, November 26, 2014 7:15 AM  
**To:** ERICA DEMKOWICZ  
**Subject:** chickens

Planning Commission

Please change the current code to allow 6 chickens per single family residences as long as they are 25 ft. from adjacent residences. Thank you. Arlene Pierce

***ATTACHMENT #7***



## ERICA DEMKOWICZ

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**From:** brent matschke <b\_matschke@yahoo.com>  
**Sent:** Wednesday, November 26, 2014 7:25 AM  
**To:** ERICA DEMKOWICZ  
**Subject:** support for chickens in dana point

Erica,

This email is to show my support for a change to the municipal code to allow up 6 hens 25 feet from other residences in the city of Dana Point. My family has lived in Capo Beach, now Dana Point since 1967 and hens have always been present and never a problem to any reasonable person. They make less noise than a dog and have never attacked anyone like some dogs have in our neighborhood.

Please do what you can to change the municipal code to allow hens in Dana Point.

Thank You,

Brent Matschke

## ERICA DEMKOWICZ

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**From:** Christie's Gmail <maclean.xtolou27@gmail.com>  
**Sent:** Wednesday, November 26, 2014 7:23 PM  
**To:** ERICA DEMKOWICZ  
**Subject:** Hens in dana point

Dear Erica,

I would like to add my voice to those who are advocating a change in the city code to allow a maximum of 6 hens if they are kept 25 ft from a residence. I take care of hens at a non profit in SJC, and I know them to be docile, quiet creatures who have no odor, but only benefit a well maintained yard. Hens eat insects, fertilize soil and give eggs! I hope you will join other surrounding cities and make a change for progress in our need to become ever more sustainable in our communities.

Sincerely,

Christine Maclean

Sent from my iPad

-----  
Christine Maclean  
[Maclean.xtolou27@gmail.com](mailto:Maclean.xtolou27@gmail.com)

## ERICA DEMKOWICZ

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**From:** Franci Sassin <fsassin@gmail.com>  
**Sent:** Friday, November 28, 2014 9:17 PM  
**To:** ERICA DEMKOWICZ  
**Subject:** Code change for hens in Dana Point

Hello Erin;

I wanted to write during the public comment period to let you know we support the code change to allow up to 6 hens per residence in Dana Point. If you need a copy of my original letter to the City Council, I can provide it. We live in Capistrano Beach at 26440 Via California. Thank you for your consideration.

--

Franci Sassin, DVM  
(949) 306-8498 cell

## ERICA DEMKOWICZ

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**From:** Fay Kristjanson <faykristjanson@cox.net>  
**Sent:** Sunday, November 30, 2014 9:55 PM  
**To:** ERICA DEMKOWICZ  
**Subject:** Municipal Code

I am writing in regards to changing the Municipal Code to allow hens in Dana Point. I support the Municipal Code change to allow up to six chickens, kept 25 feet from other residences. I hope you will give this matter your support also.

Fay Kristjanson

## ERICA DEMKOWICZ

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**From:** pierini@cox.net  
**Sent:** Monday, December 01, 2014 10:07 AM  
**To:** ERICA DEMKOWICZ  
**Subject:** Chicken proposal

Erica,

Thank you for spending so much time with me last week regarding the political process of moving forward with a possible new policy on chickens.

The following e-mails are from a few neighbors who have expressed interest on being informed of upcoming hearings or public meetings when it pertains to chickens. Would you please include them and myself when of anything we can do to help the cause for a new chicken ordinance?

[sharon20@cox.net](mailto:sharon20@cox.net)  
[wongsmith@cox.net](mailto:wongsmith@cox.net)  
[gwedel@mytmgsite.com](mailto:gwedel@mytmgsite.com)  
[bennetts15@cox.net](mailto:bennetts15@cox.net)

Thank you Erica,

John Pierini  
[pierini@cox.net](mailto:pierini@cox.net)  
cell# 949-683-3926

RECEIVED

DEC 01 2014

CITY OF DANA POINT  
COMMUNITY DEVELOPMENT  
DEPARTMENT

November 28, 2014

Dear Erica,

Since I am the originator of the request for a Municipal Code change to allow up to 6 chickens (25 feet away from other residences), it is obvious that you already know how I feel.

But, I just wanted to touch base with you before the Public Hearing on the 8<sup>th</sup>. The last submission I gave to the city, which I am sure you have, was very similar to the original submission to the Council. However, the last one was reviewed and critiqued by an attorney that is a research analyst in Sacramento – he suggested slight changes from my original – the result is what was submitted to you.

Thank you so much for your work on this item. It is very much appreciated.

Sincerely,



Nancy C. Weagley  
50 year resident of Capistrano Beach

## ERICA DEMKOWICZ

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**From:** Bill <billfrog99@cox.net>  
**Sent:** Monday, December 01, 2014 5:07 PM  
**To:** ERICA DEMKOWICZ  
**Subject:** Dana Point Hens

Erica

I support the planed code change to allow hens in Dana Point.

Thank You

## ERICA DEMKOWICZ

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**From:** Judy Conroy <judytc1@yahoo.com>  
**Sent:** Tuesday, December 02, 2014 7:41 PM  
**To:** ERICA DEMKOWICZ  
**Subject:** Code Change re: Hens

Hello Erica,

My name is Judy and I am a lifelong resident of Capistrano Beach. I am writing you today in support of a code change regarding: hens in Dana Point/Capistrano Beach. Please consider a change to allow up to 6 hens as long as they are 25 feet from other residences in our neighborhood. Most of our surrounding communities allow hens and I hope Dana Point will change it's policy and also allow hens (with the fore mentioned restrictions).

Thank you for the consideration.

Judy Conroy



## ERICA DEMKOWICZ

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**From:** j.cushman@cox.net  
**Sent:** Wednesday, December 03, 2014 12:26 AM  
**To:** ERICA DEMKOWICZ  
**Subject:** backyard chickens

Please allow the citizens of Dana Point to have a limited number of chickens in their backyards. The people of Dana Point are good, responsible, hard-working people and they are also good, law-abiding tax-paying citizens. A small percentage of these good people have the interest and where-with-all to own and raise chickens in their backyards and have been doing so for a great many years right here in this city, and virtually no problems have ever been raised regarding this activity. The people who raise a few chickens do so for good, wholesome reasons. For one thing, chickens are a clean, chemical- friendly approach to maintaining good health. They are an asset to the environment, not a hindrance and the responsible people of this city should be able to pursue this activity.

Thank you for considering my point of view.

Janell Cushman

City	No. of Chickens Allowed in Residential District	Regulations Imposed
<b>Orange County Cities</b>		
<b>Aliso Viejo</b>	N/A	<ul style="list-style-type: none"> <li>• Not permitted</li> </ul>
<b>Costa Mesa</b>	Five (5) Over 4 Months of Age	<ul style="list-style-type: none"> <li>• Must be kept on own property</li> </ul>
<b>Dana Point</b>	N/A	<ul style="list-style-type: none"> <li>• Not permitted</li> </ul>
<b>Huntington Beach</b>	Six to Twenty-Four Under 8 weeks of age	<ul style="list-style-type: none"> <li>• Must be kept on own property.</li> <li>• Must be kept 25 feet from any other dwelling unit, church, school or hospital.</li> <li>• No roosters over 4 months old may be kept in City limits.</li> <li>• Residential animal permit required.</li> </ul>
<b>Irvine</b>	Two Over 4 months	<ul style="list-style-type: none"> <li>• Must be confined in suitable house or coop with enclosed runway (under such conditions, the maximum number shall not exceed a total of four (4) poultry and/or rabbits).</li> <li>• House or coop shall be maintained in a clean and sanitary condition, be protected from weather, and be free from offensive odors.</li> <li>• No person shall maintain any house or coop within 30 feet of any dwelling unit other than that of the owner of the poultry and/or rabbits.</li> </ul>
<b>Laguna Beach</b>	Determined by Permit	<ul style="list-style-type: none"> <li>• Must be confined within a suitable house or coop with enclosed runway.</li> <li>• Coop and runway shall be maintained in a clean and sanitary condition at all times.</li> </ul>
<b>Mission Viejo</b>	N/A	<ul style="list-style-type: none"> <li>• Only household pets (animals and birds ordinarily permitted in residential zones) shall be kept for the company and pleasure provided to the occupants.</li> <li>• Household pets shall not include animals which normally constitute agricultural uses such as pigs, cows, goat, sheep, chickens, ducks, geese, game birds or other fowl.</li> <li>• Allowed in agricultural districts</li> </ul>
<b>Newport Beach</b>	Determined by Permit	<ul style="list-style-type: none"> <li>• No wild fowl or game birds except parakeets, canaries or similar size domesticated birds can be kept outdoors within obtaining a Newport Beach Wild Animal Permit.</li> </ul>
<b>San Clemente</b>	Determined by Permit	<ul style="list-style-type: none"> <li>• It shall be unlawful for a person in a residential structure to maintain any fowl within 100 feet of any other residential structure occupied by a person other than the animals' owner and/or keeper unless expressly allowed by the Zoning Code.</li> </ul>

City	No. of Chickens Allowed in Residential District	Regulations Imposed
San Juan Capistrano	No Limitation	<ul style="list-style-type: none"> <li>• Must be kept in conjunction with the residential use of a lot, where in the lot size is greater than 15,000 square feet. Permitted species shall include rabbits, chickens, and animals of similar size.</li> </ul>
Seal Beach	N/A	<ul style="list-style-type: none"> <li>• Not permitted.</li> </ul>
<b>Other Cities</b>		
Beverly Hills	N/A	<ul style="list-style-type: none"> <li>• Not permitted.</li> </ul>
Cerritos	N/A	<ul style="list-style-type: none"> <li>• Not permitted.</li> </ul>
Long Beach	Twenty (20)	<ul style="list-style-type: none"> <li>• Must be kept 50 feet from any single or two family dwelling or 100 feet from any hotel or dwelling designed for occupancy of 3 or more families.</li> <li>• One live fowl may be kept on any lot or parcel provided its pen, coop, or other such enclosure is 20 feet away from any habitable structure.</li> </ul>
Monterey Park	15	<ul style="list-style-type: none"> <li>• Must be kept 50 feet from the street upon which such a lot or parcel of land fronts or abuts.</li> <li>• If on a corner lot, then must be kept in the rear of a line fifty feet distant from the front property line and at a distance not closer than 25 feet from the side property line.</li> </ul>
Oceanside	No limitation	<ul style="list-style-type: none"> <li>• Not allowed within 35 feet of any other dwelling unit.</li> <li>• Only allowed temporarily for the purpose of sale at any shop or place of business where the same are bought, sold, or dealt in.</li> </ul>
Pasadena	Ten (10)	<ul style="list-style-type: none"> <li>• Not allowed within 35 feet of any dwelling house or structure used as a dwelling, church, school or hospital or place where food products are kept, stored, manufactured or served to the public, etc.</li> <li>• Adequate enclosure of fencing is required sufficient to contain live chickens on the property to prevent escape.</li> <li>• Registration required which includes a self-certification which verifies that the owner complies with the requirements of Chapter 6.20.</li> <li>• No roosters are permitted.</li> </ul>
Riverside	Five or Fifty	<ul style="list-style-type: none"> <li>• Minimum lot size of 20,000 net square feet.</li> <li>• Must be housed, kept or penned at least 50 feet from any other dwelling.</li> <li>• Where poultry are housed, kept or penned at least 100 feet from any other dwelling, 50 are permitted.</li> </ul>

City	No. of Chickens Allowed in Residential District	Regulations Imposed
San Diego	25	<ul style="list-style-type: none"> <li>• Must be kept 50 feet away from any other dwelling.</li> <li>• All food for fowl shall be stored in containers which offer protection against rodents.</li> <li>• Site shall be maintained in a sanitary condition.</li> </ul>
San Marino	3	<ul style="list-style-type: none"> <li>• Must be kept a minimum of 35 feet from the main dwelling structure on an adjacent property.</li> <li>• Chicken coop required to house chickens.</li> <li>• Coops only permitted in the rear yard; rear yard setbacks for the coop shall be no less than the required side yard setback.</li> <li>• Chickens over 4 months of age require a permit.</li> <li>• No roosters permitted.</li> </ul>
South Pasadena	12	<ul style="list-style-type: none"> <li>• Must be kept at least 15 feet from the property line of any adjacent improved lot or parcel of land or within 50 feet of any dwelling other than that occupied by such person.</li> <li>• No roosters permitted.</li> </ul>