

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

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**DATE:** AUGUST 13, 2018

**TO:** DANA POINT PLANNING COMMISSION

**FROM:** COMMUNITY DEVELOPMENT DEPARTMENT  
MATT SCHNEIDER, ACTING DIRECTOR  
SEAN NICHOLAS, SENIOR PLANNER

**SUBJECT:** LOCAL COASTAL PROGRAM AMENDMENT LCPA18-0001/ZONE TEXT AMENDMENT ZTA18-0001-FOR A LOCAL COASTAL PROGRAM AMENDMENT AND ZONE TEXT AMENDMENT TO AMEND VARIOUS PORTIONS OF THE ZONING ORDINANCE TO CLARIFY SECTIONS TO BETTER ASSIST THE PUBLIC, 2018 ZONING ORDINANCE CLEANUP

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**RECOMMENDATION:** That the Planning Commission adopt the attached draft resolution recommending the City Council approve Local Coastal Program Amendment LCPA18-0001/Zone Text Amendment ZTA18-0001 (Action Document 1).

**APPLICANT:** City of Dana Point

**REQUEST:** A request for various modifications as identified by staff to clarify requirements in the Zoning Ordinance to better assist the public.

**LOCATION:** Citywide

**NOTICE:** An 1/8<sup>th</sup> page notice was published in the Dana Point News on August 3, 2018, and notices were posted on August 3, 2018, at Dana Point City Hall, the Dana Point post office, the Capistrano Beach post office, and the Dana Point Library. The same notice was sent to the Coastal Commission.

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

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

**ISSUES:**

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

**BACKGROUND:**

In 2017, staff initiated the first Zoning Ordinance cleanup in over 10 years. In order to identify the proposed code changes, staff conducted multiple roundtable discussions to identify Zoning Ordinance corrections and clarifications discovered through the course of the day to day implementation of the Zoning Ordinance. Based on the number and scope of Zoning Ordinance issues that needed to be addressed, staff broke the updates into different phases. The 2018 Zoning Ordinance cleanup includes various changes to clarify requirements including landscaping and Doheny Village related items.

Because the DPZC is part of the City's certified Local Coastal Program (the "LCP") an amendment to the DPZC also requires an amendment to the LCP.

**DISCUSSION:**

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

**PLANNING COMMISSION/PUBLIC STUDY SESSION:**

A study session was conducted on June 25, 2018, where staff introduced and reviewed all of the proposed modifications in this cleanup. There were a few items that resulted in more discussion/questions by Planning Commissioners or members of the public. As a result, staff focused on those discussion items in the Staff Report. All of the proposed modifications are included in the attached draft resolution (Action Document 1), and organized by subject matter in Supporting Document 2.

The following sections provide more background and discussion regarding landscape requirements, Alcoholic Beverage Manufacturing, and Doheny Village provisions.

**LANDSCAPE REQUIREMENTS:**

The approach taken for updating landscaping requirements came from community comments and Planning Commission discussion in 2017. The modifications will establish a residential front yard setback landscape requirement without increasing the overall landscape requirement.

For example: In the Residential Single Family 7 (RSF7) zoning designation, the required landscaping coverage is 25% of the entire lot. This means all of the required landscaping could be located at the rear of the site. The new requirement would maintain the 25% landscape coverage for the lot, but require 35% of the total landscape area (25%) be provided in the front yard setback.

Staff is also recommending updates to definitions associated with landscaping to reflect current landscape design concepts, especially for drought tolerant or xeriscape landscape design. The modifications will also provide direction to residents and landscape contractors regarding the percentage (25%) of accessory decorative outdoor elements (i.e. fountains, artificial turf, decorative paving, etc.) that count towards the required landscape coverage.

**ALCOHOLIC BEVERAGE MANUFACTURING:**

In response to interest and staff inquiries associated with this new industry, staff has developed regulations to allow Alcoholic Beverage Manufacturing to be established in the community. To develop these requirements, staff reviewed other cities which successfully regulate and promote these uses and created requirements for Dana Point. Except for the Industrial/Business (I/B) zoning district where it is allowed by right, the use requires a Minor Conditional Use Permit to ensure appropriate conditions of approval are applied to ensure compatibility with surrounding uses.

In response to comments staff received at the Planning Commission Study Session, staff updated the required parking requirements as shown in Table 1. The parking requirements are similar to other uses in the City, and consistent with restaurant parking requirements.

**Table 1: Proposed Parking Requirements for Alcoholic Beverage Manufacturing**

<p><b>(48) Alcohol Manufacturing</b>  <b>(a) Alcohol Manufacturing Area</b>  <b>(b) Tasting Room/Tap Room/Outdoor Patio with a kitchen</b></p>	<p><b>1 stall/400 SF-GFA</b>  <b>Pursuant to subsections (47) and (42) above, whichever is applicable</b></p>
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**DOHENY VILLAGE:**

On March 20, 2018, the City Council approved a number of actions related to the City's Doheny Village Update project. Among the actions, the Council directed City staff to prepare a Zone Text Amendment for inclusion in the 2018 Zoning Ordinance Cleanup project to streamline existing, nonconforming property regulations, and provide more flexibility for Village property owners to invest in updating and improving their properties.

In response to Council direction, staff has proposed new provisions in the nonconforming section of the Zoning Ordinance which would only apply to Doheny Village. This includes

removing the one-time expansion limitation for nonconforming uses and increases the voluntary demolition limitation from 50% to 75%. All new improvements must meet current planning and building standards, including flood zone requirements.

Staff has included a sunset provision within the proposed sections that these relaxed requirements would expire on December 31, 2025, and then standard nonconforming requirements would once again apply.

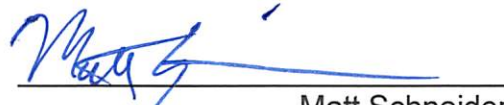
Staff has reviewed the proposed language with the Doheny Village Merchant Association and they are supportive of the changes.

**CONCLUSION:**

In 2017, City Council directed staff to bring a yearly Zoning Code cleanup, or an update as to why a cleanup is not required. A draft City Council policy (Supporting Document 3) consistent with City Councils yearly review request has been included as part of this cleanup. The goal of this cleanup is to ensure the DPZC continues to be accurate, relevant, and clear for residents and those who do work in our community. Staff recommends the Planning Commission consider public testimony and adopt a resolution recommending the City Council adopt the proposed LCPA and ZTA for the 2018 Zoning Code Cleanup.



Sean Nicholas, AICP  
Senior Planner



Matt Schneider  
Acting Director of Community Development

**ACTION DOCUMENT:**

1. Draft Planning Commission Resolution 18-8-13-XX

**SUPPORTING DOCUMENTS:**

2. Proposed Modifications by Subject Matter
3. Draft City Council Policy
4. Planning Commission Workshop Staff Report (excerpted)

**RESOLUTION NO. 18-08-13-XX**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF DANA POINT, CALIFORNIA, RECOMMENDING CITY COUNCIL APPROVAL OF LOCAL COASTAL PROGRAM AMENDMENT LCPA18-0001/ZONE TEXT AMENDMENT ZTA18-0001 TO MODIFY AND ADD VARIOUS PROVISIONS TO THE ZONING ORDINANCE FOR THE ZONING ORDINANCE CLEANUP 2018.**

**Applicant:** City of Dana Point

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

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

WHEREAS, the City seeks to update the Zoning Ordinance by amending or adding various sections regarding: clarifications, definitions, use classifications, development regulations, accessory structure regulations, and miscellaneous General Regulations; and

WHEREAS, the proposal is for a Local Coastal Plan Amendment (the "LCPA") and Zone Text Amendment (the "ZTA") to update by amending and adding various provisions of the Zoning Ordinance; and

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

WHEREAS, on August 3, 2018, the proposed ZTA and LCPA were made available for public review at City Hall and Library locations within the City of Dana Point, provided to the Coastal Commission Long Beach office, available on the City of Dana Point's website, and was noticed in the local paper; and

WHEREAS, the Planning Commission held a duly noticed public hearing as prescribed by law on August 13, 2018, to consider said LCPA and ZTA; 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 LCPA18-0001 and ZTA18-0001.

**ACTION DOCUMENT #1**

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

- A. That the above recitations are true and correct and incorporated herein by reference;
- B. The revisions to the Zoning Ordinance are attached hereto as Exhibit "A" showing all proposed changes in a strikethrough/underline format, and Exhibit "B" showing a "clean" copy of the proposed modifications and incorporated herein by reference;
- C. That the proposed action complies with all other applicable requirements of State law and local Ordinances;
- D. That LCPA18-0001/ZTA18-0001, are in the public interest;
- E. As part of the preparation and adoption of the LCPA and ZTA staff completed an environmental analysis consistent with the California Environmental Quality Act (CEQA) and determined that the project is exempt from CEQA per Section 15061(b)(3) as these proposed modifications have no potential for causing a significant effect on the environment, thus the proposed amendments are exempt from the provisions of CEQA.;
- F. The proposed amendments to the Zoning Ordinance will be consistent with the General Plan;
- G. The Planning Commission recommends that the City Council adopt LCPA18-0001 and ZTA18-0001 for the reasons outlined herein including but not limited to: clarify requirements in the Zoning Ordinance to better serve the public;
- H. That the Planning Commission adopt the following findings:
  1. That the public and affected agencies have had ample opportunity to participate in the LCPA and ZTA process **in that proper notice in accordance with the LCPA procedures has been followed. Notices were; 1) mailed on August 3, 2018 to notify adjacent agencies that the proposed changes were available for public review, and was published in the Orange County Register on August 9, 2018 2) published in the Dana Point Times on August 3, 2018 for the Planning Commission Public Hearing, and 3) posted at the Dana Point City Hall, the Dana Point Post Office, the Capistrano Beach Post Office, the Dana**

**Point Library, and on the City's web site on August 3, 2018.**

2. That all policies, objectives, and standards of the LCPA and ZTA conform to the requirements of the Coastal Act, including that the Land Use Plan as amended is in conformance with and adequate to carry out policies of Chapter Three of the Coastal Act **in that the amendments to the Zoning Code are consistent with the Coastal Act policies in that none of the modifications proposed will have impacts to coastal resources or access, and creating requirements to allow for alcoholic beverage manufacturing in Dana Point would bring in a popular new industry that serves both residents and visitors.**
3. That Coastal Act policies concerning specific coastal resources, hazard areas, coastal access concerns, and land use priorities have been applied to determine the kind of locations and intensity of land and water uses **in that the Local Coastal Plan Amendments and Zone Text Amendments do not impact any land use provisions associated with coastal resources, hazard areas, coastal access concerns, and land use priorities contained in the certified Local Coastal Plan and thereby continues to be consistent with Coastal Act policies.**
4. That the level and pattern of development proposed is reflected in the Land Use Plan, Zoning Code, and Zoning Map **in that the level and pattern of development as approved in these documents will remain, and the goal is to clarify existing requirements to better serve the public.**
5. That a procedure has been established to ensure adequate notice of interested persons and agencies of impending development proposed after the certification of the ZTA and LCPA **in that procedures and regulations in Chapter 9.61 "Administration of Zoning", constitute minimum standards for LCPAs and ZTAs within the City's Coastal Zone and applicable notification and process requirements would be applied to subsequent development requests as applicable if these amendments are approved.**
6. That zoning measures are in place which are in conformance with and adequate to carry out the coastal policies of the Land Use Plan **in that these amendments**

**will clarify existing requirements to better serve the public and individuals who want to work in Dana Point.**

7. The proposed amendment is consistent with the Dana Point General Plan and Local Coastal Program **in that Land Use Element Policy 1.1, 1.2, 1.3, and 1.6 requires development standards to be developed to address a wide range of development needs and uses for the community. The components included in the 2018 Zoning Ordinance update will meet those goals by providing clarifications to better assist the public and ensure a high quality of life within the community.**
8. The proposed amendment complies with all other applicable requirements of state law and local ordinances **in that the 2018 Zoning Ordinance update has been reviewed by Planning, Building, and Engineering staff to ensure there would be no impact or internal consistencies with any other local ordinances.**
- I. That the Planning Commission recommends that the City Council include the following findings in the City Council resolution submitting the LCPA and ZTA to the Coastal Commission:
  1. The City certifies that with the adoption of these amendments, the City will carry out the Local Coastal Program in a manner fully in conformity with Division 20 of the Public Resources Code as amended, the California Coastal Act of 1976.
  2. The City include the proposed LCPA and ZTA for the Zoning Ordinance clean-up in its submittal to the Coastal Commission and state that the amendment is to both the land use plan and to the implementing actions.
  3. The City certifies that the land use plan is in conformity with and adequate to carry out the Chapter Three policies of the Coastal Act.
  4. The City certifies that the implementing actions, as amended, are in conformity with and adequate to carry out the provisions of the certified Land Use Plan.
  5. The Ordinance of the City Council includes the LCPA and ZTA numbers LCPA18-0001 and ZTA18-0001 when submitted to the Coastal Commission.



6. The City finds that the Ordinance is exempt from CEQA pursuant to Section 15061(b)(3) of the CEQA Guidelines.
7. The City certifies that the amendments will be submitted to the Coastal Commission for review and approval as an Amendment to the Local Coastal Program.
- J. That the Planning Commission recommends that the City Council adopt ZTA18-0001, which would amend the Dana Point Local Coastal Program pursuant to LCPA18-0001, as shown in the attached Exhibit "A" and Exhibit "B". The Planning Commission recommends the amendment for the reasons outlined herein and in the Planning Commission Agenda Report, including but not limited to: updating the Zoning Ordinance as regular maintenance ensures policy and requirements are relevant, accurate, and compliant to State law.
- K. ZTA18-0001 constitutes the LCPA18-0001 for the City of Dana Point.

PASSED, APPROVED, AND ADOPTED at a regular meeting of the Planning Commission of the City of Dana Point, California, held on this 13<sup>th</sup> day of August, 2018, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

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Danni Murphy, Chair  
Planning Commission

ATTEST:

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Matt Schneider, Acting Director  
Community Development Department

## EXHIBIT "A"

### KEY:

Normal Text=Existing unmodified language

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

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

#### 9.05.240 "Art in Public Places" Program.

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

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

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

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

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

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

(5) "Public art" shall include, but not be limited to, sculpture, paintings, graphic arts, mosaics, photographs, fountains, decorative

arts, film and video, and preservation of features or resources of historical, archaeological or paleontological significance, located in or on a site open and accessible to the public. Public art may be either representational or non-representational (i.e., abstract).

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

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

(c) General Requirements.

(1) Applicability. The provisions of this Section shall apply to all new development within the residential (Chapter 9.09), commercial (Chapter 9.11), mixed use (Chapter 9.13), office (Chapter 9.15), industrial (Chapter 9.17), institutional (Chapter 9.19) and recreational (Chapter 9.21) districts as defined in the Dana Point Zoning Code. The "Art-in-Public-Places" Program described in this section is a mandatory program and the standards specified are minimum standards for compliance. Participation in the program by itself does not qualify project applicants for consideration of increased project density/intensity as discussed in the Land Use Plan of the Dana Point General Plan.

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

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

(3) Media. The media used in the public art component of a new development project may include any of the features or element described in subsection (b)(5) above. The media employed should be appropriate to the artwork and the immediate physical surroundings. The media chosen should also incorporate non-visual

elements (i.e., texture, sound, etc.) wherever possible for the benefit of the visually impaired.

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

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

(A) The on- or off-site placement of public art as a component of the development project.

(B) A contribution to a public art in-lieu fund in an amount equal to the minimum value for the public art component.

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

(1) Individual single family residences and individual multiple family structures of four (4) or fewer units on existing, legal building sites (Chapter 9.09);

(2) Projects subject to regulation under the Dana Point Harbor Revitalization Plan and District Regulations (Chapter 9.25); or

(3) Projects with total construction costs of less than one million dollars (\$1,000,000.00) as defined under Subsection (b)(7) above.

(e) Review Procedures.

(1) Projects Requiring Other Discretionary Review.

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

(2) Application Processing.

(A) Placement of Public Art. The public art component of a development project ~~shall~~**may** be submitted as a part of the

application for the entire project, **but must be installed prior to issuance of certificate of occupancy.** The project plans, including the public art component will be provided to the **Community Services Arts and Culture** Commission for their review, ~~during the initial thirty (30) day review period for the project. During the thirty (30) day review period, t~~The **Community Services Arts and Culture** Commission will evaluate the public art component of the project, seeking, as necessary, responsible voluntary public and professional opinions and input in its deliberations, and submit **recommendations feedback** for approval **of or** denial to the Planning **Department Commission.**

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

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

If the **Community Services Arts and Culture** Commission is not able to provide **a recommendation feedback** on the public art component prior to the Planning Commission hearing ~~on the entire project,~~ the Planning Commission shall have authority to review and give final approval for the public art component. ~~The project may be~~

~~granted a preliminary review and approval and be conditioned to permit the issuance of ministerial permits (i.e., building, grading) while the public art component is being reviewed. The public art component shall receive final approval from the Planning Commission, and shall be in place prior to issuance of Certificates of Use and Occupancy for the project.~~

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

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

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

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

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

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

(A) Prior to the issuance of Certificates of Use and Occupancy, the applicant must obtain approval of the public art component of the project from the Dana Point Planning Commission.

(B) Prior to the issuance of Certificates of Use and Occupancy, the public art component of the project shall be installed in accordance with the approved plans and in a manner meeting with the approval of the Director of Community Development. If the public art component cannot be installed prior to the issuance of Certificates of Use and Occupancy, the applicant shall deposit surety with the City in an amount equal to the value of the required public art component to ensure installation within thirty (30) days of the issuance of Certificates of Use and Occupancy.

(C) On-Site Placement. The maintenance of the public art component for the project shall be the responsibility of the applicant and the applicant's assigns and successors-in-interest.

OR

Off-Site Placement. The maintenance of the public art component for the project shall be the responsibility of the applicant and the applicant's assigns and successors-in-interest. The applicant shall provide evidence, to the satisfaction of the Director of Community Development, that the public art component will be placed off-site with the approval of the owner of the property upon which the artwork will be located.

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

#### 9.05.280 Accessory Buildings and Structures

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

(j) Barbeque structures, fire pits, **and** outdoor fire places, **and other structures that do not require a building, electrical, plumbing, mechanical, or grading permit** are not subject to the building separation and setback requirements, but must be located outside of the front and exterior side yard setbacks, unless a Minor Site Development Permit is approved pursuant to Chapter 9.71.

**9.07.045 Alcoholic Beverage Manufacturing**

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

- (a) Applicability. Shall be for any Alcoholic Beverage Manufacturing use as defined in 9.75.270, including all tasting/tap room facilities within the City of Dana Point.**
- (b) Minor Conditional Use Permit. A Minor Conditional Use Permit pursuant to Section 9.65.040 shall be required for the establishment of any Alcoholic Beverage Manufacturing and/or associated tasting/tap room, except for the Industrial/Business (I/B) District where it is permitted subject to all applicable development standards.**
- (c) General Provisions. The following shall apply to all Alcoholic Beverage Manufacturing and/or tasting/tap rooms:**
  - (1) The Director of Community Development may establish or modify hours of operation for tasting or tap rooms and/or outdoor patios associated with Alcohol Beverage Manufacturing business. Any decision of the Director of Community Development regarding the hours of operation may be appealed to the Planning Commission pursuant to Section 9.61.110.**
  - (2) All Alcohol Beverage Manufacturing owners and employees working in a tasting/tap room shall successfully complete the LEAD (License Education on Alcohol and Drugs) program through the Department of Alcoholic Beverage Control and/or other responsible beverage service program as approved by the Orange County Sheriff Department. Certification from the LEAD or equivalent program shall be completed prior to commencement of the tasting/tap room business. Proof of certification of LEAD or equivalent program shall be made available to the City of Dana Point upon request.**
  - (3) Outdoor Storage/Grain Silo/Outdoor Equipment shall be screened.**
  - (4) The real property upon which an Alcohol Beverage Manufacturing use is operated shall be permanently maintained in an orderly fashion by the provision of regular landscape maintenance, removal of trash and debris, and removal of graffiti within 48 hours from the time of occurrence.**



- (5) There shall be no admission fee, cover charge, nor minimum purchase required.
- (6) Signs shall be posted inside the business/enclosed outdoor patio stating: "No alcohol allowed past this point."
- (7) The number of persons shall not exceed the maximum occupancy load as determined by the Building Official or their designee.
- (8) There shall be no live entertainment, amplified music, or dancing permitted at any time without issuance of applicable permits as required by the City of Dana Point Zoning Ordinance.
- (9) Food preparation and service shall be allowed.
- (10) The alcohol beverages served shall be limited to the products that are authorized to be sold by the alcoholic beverage manufacturer under its license issued by the California Department of Alcoholic Beverage Control.

9.07.150 Trash and Recycling Storage Areas.

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

(2) Design Standards.

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

9.09.030

<b>(l) Minimum Building Separation</b> (between primary and accessory buildings, <u>and/or primary to primary buildings</u> on the same lot):	10 ft
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9.09.030 Development Standards.

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

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

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

DEVELOPMENT STANDARDS	RESIDENTIAL ZONING DISTRICTS			
	RMF 22	RMF 30		
(k) Minimum	20%	15%		

Landscape Coverage: <b>(14)</b>				
<b><u>Front Yard Setback Minimum Landscape Coverage: (15)</u></b>	<b><u>35%</u></b>	<b><u>35%</u></b>		

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

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

9.09.030 Development Standards.

DEVELOPMENT STANDARDS	RESIDENTIAL ZONING DISTRICTS			
	RSF 2	RSF 3	RSF 4	RSF 7
(e) Minimum Land Area Per Unit (3)	17,500 sf	11,667 sf	8,750 sf	5,000 sf
<b><u>Maximum Density Per Acre (16)</u></b>	<b><u>2</u></b>	<b><u>3</u></b>	<b><u>4</u></b>	<b><u>7</u></b>

DEVELOPMENT STANDARDS	RESIDENTIAL ZONING DISTRICTS			
	RSF 8	RSF 12	RBR 12	RBRD 18
(e) Minimum Land Area Per Unit (3)	4,375 sf	2,917 sf	2,917 sf	1,945 sf
<b><u>Maximum Density Per Acre (16)</u></b>	<b><u>8</u></b>	<b><u>12</u></b>	<b><u>12</u></b>	<b><u>18</u></b>

DEVELOPMENT STANDARDS	RESIDENTIAL ZONING DISTRICTS			
	RSF 22	RD14	RMF 7	RMF 14
(e) Minimum Land Area Per Unit (3)	1,591 sf	2,500 sf	5,000 sf	<del>2,600 sf</del> <u>2,500 sf</u>
<b><u>Maximum Density Per Acre (16)</u></b>	<b><u>22</u></b>	<b><u>14</u></b>	<b><u>7</u></b>	<b><u>14</u></b>

DEVELOPMENT STANDARDS	RESIDENTIAL ZONING DISTRICTS			
	RMF 22	RMF 30		
(e) Minimum Land Area Per Unit (3)	1,591 sf	1,167 sf		
<b><u>Maximum Density Per Acre (16)</u></b>	<b><u>22</u></b>	<b><u>30</u></b>		

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

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

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

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

SECTION 9.11.020(b)  
COMMERCIAL DISTRICTS

LAND USES	NC	CC/P	CC/V	V/RC
<b><u>Alcohol Beverage Manufacturer</u></b>	<b><u>C*</u></b>	<b><u>C*</u></b>	<b><u>C*</u></b>	<b><u>C*</u></b>

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

SECTION 9.13.020(c)  
 MIXED USE DISTRICTS

LAND USES	C/R	R/C-18	P/R
<b><u>Alcohol Beverage Manufacturer</u></b>	<b><u>C*</u></b>	<b><u>C*</u></b>	<b><u>X</u></b>

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

SECTION 9.17.020(b)  
 INDUSTRIAL/BUSINESS DISTRICTS

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

9.19.010 Intent and Purpose.

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

9.35.040 General Provisions.

(d) Parking Facility Development Standards.

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

(A) Decorative paving, concrete, or asphalt-type surfacing as per City standards and requirements for all non-residential parking facilities. **Pervious paving may be utilized for non-residential development if all water quality requirements are met, and the aesthetics are in keeping with other improvements on-site subject to approval by the Director**

**of Community Development, Public Works Director, and approval of a Minor Conditional Use Permit pursuant to section 9.65.040.**

9.35.080 Minimum Number of Required Parking Stalls.

**SECTION 9.35.080(E)(e)**

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

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

**Remove Exhibit 9.35-10**

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

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

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

<b><u>(48) Alcohol Manufacturing</u></b> <b><u>(a) Alcohol Manufacturing Area</u></b> <b><u>(b) Tasting Room/Tap Room/Outdoor</u></b> <b><u>Patio with a kitchen</u></b>	<b><u>1 stall/400 SF-GFA</u></b> <b><u>Pursuant to subsections (47) and (42)</u></b> <b><u>above, whichever is applicable</u></b>
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**Re-number following parking types accordingly**

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

Commercial Recreation Uses	
Use	Required Number of Stalls
<b><u>(54) Gyms, Spas, and Health Clubs, and Yoga Studios</u></b>	1 stall/100 SF-GFA

9.35.110 Alternatives to Parking and Loading Standards.

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

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

- (3) A Site Development Permit shall be required for any modification to:
- (A) The location, height and/or amount of landscaping in the parking area; or
  - (B) The setback of a parking area from property lines; or
  - (C) The required driveway “throat” length, drive aisle width and accessway width; or
  - (D) Number of loading spaces required; or
  - (E) Lighting standards; or
  - (F) Allow the use of car lifts to meet minimum parking requirements.**

9.37.020(b)

**Blade Sign- A sign, other than a wall or projecting sign, which hangs from a building or wall fixture and extends perpendicular from the face of a building. Blade signs shall be designed consistent with the recommendations of the Dana Point Sign Guidelines.**

9.37.020 Definitions.

(c) “C” Definitions.

Center Identification Sign — Any freestanding sign or wall mounted sign which identifies the name or address or directs attention to a center but that does not identify an individual business or activity and which does not contain trademarks, tradenames, logos, symbols, or any form of art that can be construed as a name of a single business.

9.37.070 Sign Programs.

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

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



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

Sign Program application requirements shall include:

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

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

- (1) That the design, placement, size, and materials of the proposed signage is compatible with the project architecture.**
- (2) That the Sign Program is in general conformance with the Dana Point Sign Guidelines, and the Permitted Sign Types pursuant to Chapter 9.37 in the City of Dana Point Zoning Code.**

9.37.110 Exemptions.

- (l) Temporary, removable non-illuminated, window signs with the following provisions:
  - (1) The signs do not exceed twenty-five percent (25%) of the total exposed window area **of each individual window;**

(2) If maximum allowable sign area is met, window signage shall not exceed ten percent (10%) of the total exposed area **of each individual window**;

9.37.150 Permitted Signs.

(b) Permitted Permanent Signs in Residential Districts.

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

9.37.150 Permitted Signs.

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

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

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

						provisions of Section 9.37.110(I).
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(d) Permitted Permanent Signs in Mixed Use and Non-Residential Districts (for Commercial Centers).

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

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

					ed by an approved Sign Program )	
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(e) Permitted Permanent Signs in Mixed Use and Non-Residential Districts (for Single Tenant Sites).

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

CLASS	TYPE	PERMIT REQUIRE D	MAXIMU M NUMBER	AGGREG ATE AREA <sup>1</sup>	MAXIMU M HEIGHT <sup>2</sup>	ADDITION AL STANDAR DS <sup>3</sup>
<del>(1) — Cen ter Identif icatio n Sign</del>	<del>Freestan ding</del>	<del>Yes, Minor Site Develop ment Permit Required</del>	<del>Two: (One freestanding allowed for each street frontage)</del>	<del>1/3 of allowable sign area for the site up to 25 square feet Up to 25 percent of additional sign area may be granted by the Communi ty Developm ent Director</del>	<del>6 feet. See Section 9.37.130(g) (or as determin ed by an approve d Sign Program )</del>	<del>(A) — Sig n shall contain only the name and address of the tenant. (B) — A Sign Program may be required (see Section 9.37.070). (C) — Sig n shall be a monumen t type.</del>

**Re-number remaining sign types accordingly**

9.37.170 Prohibited Signs.

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

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

#### 9.55.070 Definitions.

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

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

9.61.110 Appeal Procedures.

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

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

9.61.150 Substantial Compliance with Discretionary Approval.

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

- (1) The proposed changes comply with the provisions, spirit, and intent of the original approvals.
- (2) That the action would have been the same for the modifications as for the approved plan.

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

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

**(c)Effective Date of Substantial Conformance.**

**(1) Any substantial conformance approval issued by the Director of Community Development shall be reported in writing on the Consent Calendar to the Planning Commission at their first regularly scheduled meeting after the substantial conformance is approved. The Director of Community Development shall prepare a report in writing with sufficient description of the substantial conformance and basis for approval to allow the Planning Commission to understand the modifications to an approved project. Such report shall be available at the meeting and mailed free of charge to all persons wishing to receive such notification at the time of the regular mailing of notice of the Planning Commission meeting.**

**(2) If one-third or more of the full membership of the Planning Commission so request, the substantial conformance shall not become effective, but shall, if the applicant wishes to pursue the amendment, be treated as a regular Amendment and Modification to Discretionary Permits subject to all provisions of Section 9.61.075.**

9.63.030 Expansion, Improvement and Maintenance of Nonconforming Structures.

Nonconformities may be continued subject to the following conditions.

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



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



9.63.035 Expansion, Improvement and Maintenance of Nonconforming Uses.  
Nonconforming uses shall not be enlarged or expanded except as provided herein.

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

**(1) Properties located in the geographical area shown in Figure 9.63.030 and located within the Floodplain Overlay District, shall also comply with the provisions of Chapter 9.31. The provisions of this subsection (d)(1) shall only be applicable to the geographic area shown in Figure 9.63.030, and shall expire December 31, 2025.**

9.63.040 Destruction and Restoration of Nonconformance.

(b) Voluntary Demolition of Nonconforming Structures.

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

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

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

9.71.020 Site Development Permit Required.

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

9.71.034 Minor Site Development Permits.

(a) Application for Minor Site Development Permits are restricted to the following requests:

- (1) Development with less than ten thousand (10,000) gross square feet of new residential building floor area.
- (2) Four (4) or less residential dwelling units.
- (3) Temporary uses and structures as described in Chapter 9.39.
- (4) Any multifamily projects where a minimum twenty percent (20%) of total units are restricted to be affordable to lower income households or at least forty percent (40%) of total units are

restricted to be affordable to moderate income households (for a period of time equal to provisions under State Density Bonus Law (California Government Code Section 65915)).

(5) **Sign Programs pursuant to Section 9.37.070.**

(6) **Certain types of improvements as may be specified by this Code.**

9.75.030 “C” Definitions and Illustrations.

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

9.75.060 “F” Definitions and Illustrations.

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

9.75.120 “L” Definitions and Illustrations.

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

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

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

9.75.270 Use Definitions

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

Appendix A

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

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

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

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

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

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

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

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

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

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

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

6.15.001 Landscaping of Vacant Property.

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

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

**EXHIBIT “B”**

9.05.240 “Art in Public Places” Program.

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

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

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

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

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

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

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

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

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

(c) General Requirements.

(1) Applicability. The provisions of this Section shall apply to all new development within the residential (Chapter 9.09), commercial (Chapter 9.11), mixed use (Chapter 9.13), office (Chapter 9.15), industrial (Chapter 9.17), institutional (Chapter 9.19) and recreational (Chapter 9.21) districts as defined in the Dana Point Zoning Code. The “Art-in-Public-Places” Program described in this section is a mandatory program and the standards specified are minimum standards for compliance. Participation in the program by itself does not qualify project applicants for consideration of increased project density/intensity as discussed in the Land Use Plan of the Dana Point General Plan.

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

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

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

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

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

- (A) The on- or off-site placement of public art as a component of the development project.
  - (B) A contribution to a public art in-lieu fund in an amount equal to the minimum value for the public art component.
- (d) Exemptions. The following types of development projects shall be exempt from the provisions of this Section:
- (1) Individual single family residences and individual multiple family structures of four (4) or fewer units on existing, legal building sites (Chapter 9.09);
  - (2) Projects subject to regulation under the Dana Point Harbor Revitalization Plan and District Regulations (Chapter 9.25); or
  - (3) Projects with total construction costs of less than one million dollars (\$1,000,000.00) as defined under Subsection (b)(7) above.
- (e) Review Procedures.
- (1) Projects Requiring Other Discretionary Review.

The review of the public art component of development projects shall be carried out by the Planning Commission and shall be completed and installed and/or in-lieu fees paid prior to issuance of a certificate of use and occupancy for any project that meets the requirements in Sections 9.05.240(c)(1) and 9.05.240(d).
  - (2) Application Processing.
    - (A) Placement of Public Art. The public art component of a development project may be submitted as a part of the application for the entire project, but must be installed prior to issuance of certificate of occupancy. The project plans, including the public art component will be provided to the Arts and Culture Commission for their review. Arts and Culture Commission will evaluate the public art component of the project, seeking, as necessary, responsible voluntary public and professional opinions and input in its deliberations, and submit feedback for approval or denial to the Planning Commission.

If deemed necessary by staff, the public art component of a project may be reviewed multiple times by the Arts and Culture Commission. Comments from the Arts and Culture Commission will be compiled by the Planning Department along with the comments of other departments, agencies and/or interested parties. These comments will be forwarded to the applicant and Planning Commission. If, however, the Arts and Culture Commission cannot provide feedback before the public art is considered by the Planning Commission, the review of the public art will proceed and be undertaken solely by the Planning Commission.



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

If the Arts and Culture Commission is not able to provide feedback on the public art component prior to the Planning Commission hearing, the Planning Commission shall have authority to review and give final approval for the public art component.

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

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

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

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

- (A) That the work fulfills the purpose of this Section; and

- (B) That the work is an enhancement to the site, surrounding neighborhood, and the City as a whole.
- (6) Conditions of Approval. The following standard conditions of approval shall apply to all development projects participating in the “Art-In Public-Places” program:
- (A) Prior to the issuance of Certificates of Use and Occupancy, the applicant must obtain approval of the public art component of the project from the Dana Point Planning Commission.
- (B) Prior to the issuance of Certificates of Use and Occupancy, the public art component of the project shall be installed in accordance with the approved plans and in a manner meeting with the approval of the Director of Community Development. If the public art component cannot be installed prior to the issuance of Certificates of Use and Occupancy, the applicant shall deposit surety with the City in an amount equal to the value of the required public art component to ensure installation within thirty (30) days of the issuance of Certificates of Use and Occupancy.
- (C) On-Site Placement. The maintenance of the public art component for the project shall be the responsibility of the applicant and the applicant’s assigns and successors-in-interest.

OR

Off-Site Placement. The maintenance of the public art component for the project shall be the responsibility of the applicant and the applicant’s assigns and successors-in-interest. The applicant shall provide evidence, to the satisfaction of the Director of Community Development, that the public art component will be placed off-site with the approval of the owner of the property upon which the artwork will be located.

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

#### 9.05.280 Accessory Buildings and Structures

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

- (j) Barbeque structures, fire pits, outdoor fire places, and other structures that do not require a building, electrical, plumbing, mechanical, or grading permit are not subject to the building separation and setback requirements, but must be located

outside of the front and exterior side yard setbacks, unless a Minor Site Development Permit is approved pursuant to Chapter 9.71.

#### 9.07.045 Alcoholic Beverage Manufacturing

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

- (d) **Applicability.** Shall be for any Alcoholic Beverage Manufacturing use as defined in 9.75.270, including all tasting/tap room facilities within the City of Dana Point.
- (e) **Minor Conditional Use Permit.** A Minor Conditional Use Permit pursuant to Section 9.65.040 shall be required for the establishment of any Alcoholic Beverage Manufacturing and/or associated tasting/tap room, except for the Industrial/Business (I/B) District where it is permitted subject to all applicable development standards.
- (f) **General Provisions.** The following shall apply to all Alcoholic Beverage Manufacturing and/or tasting/tap rooms:
  - (1) The Director of Community Development may establish or modify hours of operation for tasting or tap rooms and/or outdoor patios associated with Alcohol Beverage Manufacturing business. Any decision of the Director of Community Development regarding the hours of operation may be appealed to the Planning Commission pursuant to Section 9.61.110.
  - (2) All Alcohol Beverage Manufacturing owners and employees working in a tasting/tap room shall successfully complete the LEAD (License Education on Alcohol and Drugs) program through the Department of Alcoholic Beverage Control and/or other responsible beverage service program as approved by the Orange County Sheriff Department. Certification from the LEAD or equivalent program shall be completed prior to commencement of the tasting/tap room business. Proof of certification of LEAD or equivalent program shall be made available to the City of Dana Point upon request.
  - (3) Outdoor Storage/Grain Silo/Outdoor Equipment shall be screened.
  - (4) The real property upon which an Alcohol Beverage Manufacturing use is operated shall be permanently maintained in an orderly fashion by the provision of regular landscape maintenance, removal of trash and debris, and removal of graffiti within 48 hours from the time of occurrence.
  - (5) There shall be no admission fee, cover charge, nor minimum purchase required.

- (6) Signs shall be posted inside the business/enclosed outdoor patio stating: "No alcohol allowed past this point."
- (7) The number of persons shall not exceed the maximum occupancy load as determined by the Building Official or their designee.
- (8) There shall be no live entertainment, amplified music, or dancing permitted at any time without issuance of applicable permits as required by the City of Dana Point Zoning Ordinance.
- (9) Food preparation and service shall be allowed.
- (10) The alcohol beverages served shall be limited to the products that are authorized to be sold by the alcoholic beverage manufacturer under its license issued by the California Department of Alcoholic Beverage Control.

9.07.150 Trash and Recycling Storage Areas.

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

(2) Design Standards.

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

9.09.030

(I) Minimum Building Separation (between primary and accessory buildings, and/or primary to primary buildings on the same lot):	10 ft
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9.09.030 Development Standards.

DEVELOPMENT STANDARDS (1)	RESIDENTIAL ZONING DISTRICTS			
	RSF 2	RSF 3	RSF 4	RSF 7
(h) Minimum Front Yard Setback	20 ft	10 ft	20 ft	20 ft
(k) Minimum Landscape Coverage: (14)	25%	25%	25%	25%
Front Yard Setback Minimum Landscape Coverage: (15)	35%	35%	35%	35%

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

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

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

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

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

9.09.030 Development Standards.

DEVELOPMENT STANDARDS	RESIDENTIAL ZONING DISTRICTS			
	RSF 2	RSF 3	RSF 4	RSF 7
(e) Minimum Land Area Per Unit (3)	17,500 sf	11,667 sf	8,750 sf	5,000 sf
Maximum Density Per Acre (16)	2	3	4	7

DEVELOPMENT STANDARDS	RESIDENTIAL ZONING DISTRICTS			
	RSF 8	RSF 12	RBR 12	RBRD 18
(e) Minimum Land Area Per Unit (3)	4,375 sf	2,917 sf	2,917 sf	1,945 sf
Maximum Density Per Acre (16)	8	12	12	18

DEVELOPMENT STANDARDS	RESIDENTIAL ZONING DISTRICTS			
	RSF 22	RD14	RMF 7	RMF 14
(e) Minimum Land Area Per Unit (3)	1,591 sf	2,500 sf	5,000 sf	2,500 sf
Maximum Density Per Acre (16)	22	14	7	14

DEVELOPMENT STANDARDS	RESIDENTIAL ZONING DISTRICTS			
	RMF 22	RMF 30		
(e) Minimum Land Area Per Unit (3)	1,591 sf	1,167 sf		
Maximum Density Per Acre (16)	22	30		

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

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

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

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

SECTION 9.11.020(b)  
**COMMERCIAL DISTRICTS**

LAND USES	NC	CC/P	CC/V	V/RC
Alcohol Beverage Manufacturer	C*	C*	C*	C*

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

SECTION 9.13.020(c)  
**MIXED USE DISTRICTS**

LAND USES	C/R	R/C-18	P/R
Alcohol Beverage Manufacturer	C*	C*	X

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

SECTION 9.17.020(b)  
**INDUSTRIAL/BUSINESS DISTRICTS**

LAND USES	I/B
Alcohol Beverage Manufacturer	P*

9.19.010 Intent and Purpose.

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



9.35.040 General Provisions.

(d) Parking Facility Development Standards.

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

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

9.35.080 Minimum Number of Required Parking Stalls.

SECTION 9.35.080(e)

MINIMUM NUMBER OF REQUIRED PARKING STALLS BY USE

Residential Uses	
Use	Required Number of Stalls
(4) Duplex on lot less than 50' wide	Two (2) covered and assigned parking stalls within a garage per dwelling units; or -A tandem parking design providing the required four (4) covered parking spaces shall be approved, subject to the approval of a minor Conditional Use Permit by the Planning Commission and in accordance with the following standards: c. The setback and design of the garage and the driveway shall provide adequate articulation and structural details to the garages and front elevation.

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

(45) Personal Services	1 stall/300 SF-GFA
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SECTION 9.35.080(e)  
 MINIMUM NUMBER OF REQUIRED PARKING STALLS BY USE  
 Commercial Uses-Retail and Service

(48) Alcohol Manufacturing (a) Alcohol Manufacturing Area (b) Tasting Room/Tap Room/Outdoor Patio with a kitchen	1 stall/400 SF-GFA Pursuant to subsections (47) and (42) above, whichever is applicable
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SECTION 9.35.080(e)  
 MINIMUM NUMBER OF REQUIRED PARKING STALLS BY USE

Commercial Recreation Uses	
Use	Required Number of Stalls
(54) Gyms, Spas, Health Clubs, and Yoga Studios	1 stall/100 SF-GFA

9.35.110 Alternatives to Parking and Loading Standards.

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

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

- (3) A Site Development Permit shall be required for any modification to:
- (A) The location, height and/or amount of landscaping in the parking area; or
  - (B) The setback of a parking area from property lines; or
  - (C) The required driveway “throat” length, drive aisle width and accessway width; or
  - (D) Number of loading spaces required; or
  - (E) Lighting standards; or
  - (F) Allow the use of car lifts to meet minimum parking requirements.

#### 9.37.020(b)

Blade Sign- A sign, other than a wall or projecting sign, which hangs from a building or wall fixture and extends perpendicular from the face of a building. Blade signs shall be designed consistent with the recommendations of the Dana Point Sign Guidelines.

#### 9.37.020 Definitions.

##### (c) “C” Definitions.

Center Identification Sign — Any freestanding sign or wall mounted sign which identifies the name or address or directs attention to a center but that does not identify an individual business or activity and which does not contain trademarks, tradenames, logos, symbols, or any form of art that can be construed as a name of a single business.

#### 9.37.070 Sign Programs.

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

- (b) Application Requirements. An application for any Sign Program shall be submitted for review and approval by the Director of Community Development through a Site Development Permit pursuant to Dana Point Zoning Code Section 9.71.034.

Sign Program application requirements shall include:

- (1) A completed application form.
  - (2) Plans, drawn to scale, including the following:
    - (A) All sign details including sign area, dimensions, colors, materials, letter style, proposed copy, letter height and method of illumination.
    - (B) A site plan indicating the location of all existing and proposed signs with sign area, dimensions, colors, materials, letter style, letters height and method of illumination; and definition of type of signage, such as center identification signage or tenant identification signage.
    - (C) All building elevations with sign area and location depicted.
  - (3) A deposit or fee as required by a Resolution of the City Council.
  - (4) A letter of justification delineating how the proposed Sign Program is consistent with the intent of this Chapter.
  - (5) Any other information as may be required by the Director of Community Development.
- (c) Findings. Approval of a Sign Program shall be subject to the following findings (Section 9.71.050, Basis for Approval, Conditional Approval, or Denial of a Site Development Permit shall not apply):
- (1) That the design, placement, size, and materials of the proposed signage is compatible with the project architecture.
  - (2) That the Sign Program is in general conformance with the Dana Point Sign Guidelines, and the Permitted Sign Types pursuant to Chapter 9.37 in the City of Dana Point Zoning Code.

9.37.110 Exemptions.

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

9.37.150 Permitted Signs.

(b) Permitted Permanent Signs in Residential Districts.

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

9.37.150 Permitted Signs.

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

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

CLASS	TYPE	PERMIT REQUIRED	MAXIMUM NUMBER	AGGREGATE AREA <sup>1</sup>	MAXIMUM HEIGHT <sup>2</sup>	ADDITIONAL STANDARDS <sup>3</sup>
(6) Window Sign	Affixed to window only	No	Three signs per business	25% of exposed window area of each individual window. If allowable sign area is maximized, signs shall not	N/A	(A) The signs shall complement the building and permanent signage. The use of fluorescent, day-glo, and neon colors shall be limited. (B) Permanent window signage shall be included

				exceed 10% of exposed window area of each individual window.		in the maximum aggregate area allowed for the business.  (C) Text of permanent window signage shall be limited to business name and brief message identifying the product or service or pertinent information.  (D) Window signage shall conform to the provisions of Section 9.37.110(I).
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(d) Permitted Permanent Signs in Mixed Use and Non-Residential Districts (for Commercial Centers).

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

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

				Director	Development Permit process.	
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9.37.170 Prohibited Signs.

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

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

- (o) Internally illuminated monument signs.

#### 9.55.070 Definitions.

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

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

#### 9.61.110 Appeal Procedures.

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

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

#### 9.61.150 Substantial Compliance with Discretionary Approval.

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

- (1) The proposed changes comply with the provisions, spirit, and intent of the original approvals.
- (2) That the action would have been the same for the modifications as for the approved plan.



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

(c) Effective Date of Substantial Conformance.

(1) Any substantial conformance approval issued by the Director of Community Development shall be reported in writing on the Consent Calendar to the Planning Commission at their first regularly scheduled meeting after the substantial conformance is approved. The Director of Community Development shall prepare a report in writing with sufficient description of the substantial conformance and basis for approval to allow the Planning Commission to understand the modifications to an approved project. Such report shall be available at the meeting and mailed free of charge to all persons wishing to receive such notification at the time of the regular mailing of notice of the Planning Commission meeting.

(2) If one-third or more of the full membership of the Planning Commission so request, the substantial conformance shall not become effective, but shall, if the applicant wishes to pursue the amendment, be treated as a regular Amendment and Modification to Discretionary Permits subject to all provisions of Section 9.61.075.

#### 9.63.030 Expansion, Improvement and Maintenance of Nonconforming Structures.

Nonconformities may be continued subject to the following conditions.

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

Figure 9.63.030  
Doheny Village Area



9.63.035 Expansion, Improvement and Maintenance of Nonconforming Uses.

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

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

(1) Properties located in the geographical area shown in Figure 9.63.030 and located within the Floodplain Overlay District, shall also comply with the provisions of Chapter 9.31. The provisions of this subsection (d)(1) shall only be applicable to the geographic area shown in Figure 9.63.030, and shall expire December 31, 2025.

9.63.040 Destruction and Restoration of Nonconformance.

(b) Voluntary Demolition of Nonconforming Structures.

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

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

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

9.71.020 Site Development Permit Required.

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

9.71.034 Minor Site Development Permits.

(a) Application for Minor Site Development Permits are restricted to the following requests:

- (1) Development with less than ten thousand (10,000) gross square feet of new residential building floor area.
- (2) Four (4) or less residential dwelling units.
- (3) Temporary uses and structures as described in Chapter 9.39.
- (4) Any multifamily projects where a minimum twenty percent (20%) of total units are restricted to be affordable to lower income households or at least forty percent (40%) of total units are

restricted to be affordable to moderate income households (for a period of time equal to provisions under State Density Bonus Law (California Government Code Section 65915)).

(5) Sign Programs pursuant to Section 9.37.070.

(6) Certain types of improvements as may be specified by this Code.

#### 9.75.030 “C” Definitions and Illustrations.

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

#### 9.75.060 “F” Definitions and Illustrations.

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

#### 9.75.120 “L” Definitions and Illustrations.

Landscaping — areas devoted to or developed and maintained primarily with native or non-native plant materials including lawn, ground cover, xeriscape (drought tolerant landscape design), trees, shrubs, and other plant materials.

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

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

#### 9.75.270 Use Definitions

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

Appendix A

LAND USES	RSF 2	RSF 3	RSF 4	RSF 7	RSF 8	RSF 12
(12) Alcohol Beverage Manufacturer	X	X	X	X	X	X

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

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

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

LAND USES	CF	REC	OS	CONS	TC	DPHRP
(12) Alcohol Beverage Manufacturer	X	X	X	X	X	X

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

6.15.001 Landscaping of Vacant Property.

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

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

not covered by any landscaping, permanent structures, or other improvements shall have remained uncovered for a period of sixty (60) days prior to the determination that the property is vacant pursuant to this Chapter.

DRAFT

# 2018 Zoning Code Clean Up

SUPPORTING DOCUMENT #2

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

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

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

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

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

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

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

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

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

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

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

(c) General Requirements.

(1) Applicability. The provisions of this Section shall apply to all new development within the residential (Chapter 9.09), commercial (Chapter 9.11), mixed use (Chapter 9.13), office (Chapter 9.15), industrial (Chapter 9.17), institutional (Chapter 9.19) and recreational (Chapter 9.21) districts as defined in the Dana Point Zoning Code. The “Art-

in-Public-Places” Program described in this section is a mandatory program and the standards specified are minimum standards for compliance. Participation in the program by itself does not qualify project applicants for consideration of increased project density/intensity as discussed in the Land Use Plan of the Dana Point General Plan.

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

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

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

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

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

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

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

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

(e) Review Procedures.

(1) Projects Requiring Other Discretionary Review.

The review of the public art component of development projects shall be carried out by the **Planning Commission and shall be completed and installed and/or in-**



lieu fees paid prior to issuance of a certificate of use and occupancy for any project that meets the requirements in Sections 9.05.240(c)(1) and 9.05.240(d). Dana Point Community Services Commission concurrent with the initial discretionary review of the entire new development project by the Dana Point Planning Commission or the Dana Point City Council.

(2) Application Processing.

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

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

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

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

(3) Projects Not Requiring Other Discretionary Review. The review process for projects which do not require other discretionary review is similar to that described under subsection (e)(2) above, with the exception that the recommendation of the **Community Services Arts and Culture** Commission will be made to the Director of Community Development.

Final approval of the public art component of a development project will **still** be made by the Planning Commission, except in cases where the in-lieu contribution is chosen.

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

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

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

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

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

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

OR

Off-Site Placement. The maintenance of the public art component for the project shall be the responsibility of the applicant and the applicant's assigns and successors-in-interest. The applicant shall provide evidence, to the satisfaction of the Director of Community Development, that the public art component will be placed off-site with the approval of the owner of the property upon which the artwork will be located.

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

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

9.75.060 “F” Definitions and Illustrations.

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

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

9.35.110 Alternatives to Parking and Loading Standards.

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

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

- (3) A Site Development Permit shall be required for any modification to:
  - (A) The location, height and/or amount of landscaping in the parking area; or
  - (B) The setback of a parking area from property lines; or
  - (C) The required driveway “throat” length, drive aisle width and accessway width; or
  - (D) Number of loading spaces required; or
  - (E) Lighting standards; or
  - (F) Allow the use of car lifts to meet minimum parking requirements.**

9.35.080 Minimum Number of Required Parking Stalls.

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

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

Residential Uses	
Use	Required Number of Stalls
(4) Duplex on lot less than 50’ wide	Two (2) covered and assigned parking stalls within a garage per dwelling units; or <del>Two (2) covered and assigned parking stalls within a garage for one dwelling unit; and one covered and assigned parking stall within a garage and one uncovered tandem stall for the second dwelling unit</del> <u>A tandem parking design providing the required four (4)</u>

**covered parking spaces shall be approved,** subject to the approval of a minor Conditional Use Permit by the Planning Commission and in accordance with the following standards:  
 c. The setback and design of the garage and the driveway shall provide adequate articulation and structural details to the garages and front elevation. ~~This design could incorporate dimensions specified in Exhibit 9.35.10.~~

**Remove Exhibit 9.35-10**

9.75.030 “C” Definitions and Illustrations.

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

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

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

<b><u>(45) Personal Services</u></b>	<b><u>1 stall/300 SF-GFA</u></b>
--------------------------------------	----------------------------------

Re-number subsequent uses.

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

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

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

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

9.09.030

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

9.61.110 Appeal Procedures.

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

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

**Landscaping (Goal: Update requirements)**

9.55.070 Definitions.

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

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

9.75.120 “L” Definitions and Illustrations.

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

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

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

9.09.030 Development Standards.

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

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

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

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

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

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

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

9.37.070 Sign Programs.

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

(b) Application Requirements. An application for any Sign Program shall be submitted for review and approval by the **Planning Commission Director of Community Development through a Site Development Permit pursuant to Dana Point Zoning Code Section 9.71.034 in accordance with Chapter 9.61 of the Dana Point Zoning Code.**

Sign Program application requirements shall include:

- (1) A completed application form.
- (2) Plans, drawn to scale, including the following:
  - (A) All sign details including sign area, dimensions, colors, materials, letter style, proposed copy, letter height and method of illumination.

(B) A site plan indicating the location of all existing and proposed signs with sign area, dimensions, colors, materials, letter style, letters height and method of illumination; and definition of type of signage, such as center identification signage or tenant identification signage.

(C) All building elevations with sign area and location depicted.

(3) A deposit or fee as required by a Resolution of the City Council.

(4) A letter of justification delineating how the proposed Sign Program is consistent with the intent of this Chapter.

(5) Any other information as may be required by the Director of Community Development.

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

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

**(2) That the Sign Program is in general conformance with the Dana Point Sign Guidelines, and the Permitted Sign Types pursuant to Chapter 9.37 in the City of Dana Point Zoning Code.**

#### 9.71.034 Minor Site Development Permits.

(a) Application for Minor Site Development Permits are restricted to the following requests:

(1) Development with less than ten thousand (10,000) gross square feet of new residential building floor area.

(2) Four (4) or less residential dwelling units.

(3) Temporary uses and structures as described in Chapter 9.39.

(4) Any multifamily projects where a minimum twenty percent (20%) of total units are restricted to be affordable to lower income households or at least forty percent (40%) of total units are restricted to be affordable to moderate income households (for a period of time equal to provisions under State Density Bonus Law (California Government Code Section 65915)).

(5) **Sign Programs pursuant to Section 9.37.070.**

**(6)** Certain types of improvements as may be specified by this Code.

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

##### 9.37.150 Permitted Signs.

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



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

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

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

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

CLASS	TYPE	PERMIT REQUIRED	MAXIMUM NUMBER	AGGREGATE AREA <sup>1</sup>	MAXIMUM HEIGHT <sup>2</sup>	ADDITIONAL STANDARD S <sup>3</sup>
<del>(1) — Center Identification Sign</del>	<del>Freestanding</del>	<del>Yes, Minor Site Development Permit Required</del>	<del>Two: (One freestanding allowed for each street frontage)</del>	<del>1/3 of allowable sign area for the site up to 25 square feet. Up to 25 percent of additional sign area may be granted by the Community Development Director</del>	<del>6 feet. See Section 9.37.130(g) (or as determined by an approved Sign Program)</del>	<del>(A) — Sign shall contain only the name and address of the tenant. (B) — A Sign Program may be required (see Section 9.37.070). (C) — Sign shall be a monument type.</del>

**Re-number remaining sign types accordingly**

9.37.020 Definitions.

(c) “C” Definitions.

Center Identification Sign — Any freestanding sign **or wall mounted sign** which identifies the name or address or directs attention to a center but that does not identify an individual business or activity and which does not contain trademarks, tradenames, logos, symbols, or any form of art that can be construed as a name of a single business.

(b) Permitted Permanent Signs in Residential Districts.

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

9.37.150 Permitted Signs.

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

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

CLASS	TYPE	PERMIT REQUIRED	MAXIMUM NUMBER	AGGREGATE AREA <sup>1</sup>	MAXIMUM HEIGHT <sup>2</sup>	ADDITIONAL STANDARDS <sup>3</sup>
(6) Window Sign	Affixed to window only	No	Three signs per business	25% of exposed window area <b><u>of each</u></b>	N/A	(A) The signs shall complement the building and permanent signage.

				<p><b><u>individual window.</u></b> If allowable sign area is maximized, signs shall not exceed 10% of exposed window area <b><u>of each individual window.</u></b></p>		<p>The use of fluorescent, day-glo, and neon colors shall be limited.</p> <p>(B) Permanent window signage shall be included in the maximum aggregate area allowed for the business.</p> <p>(C) Text of permanent window signage shall be limited to business name and brief message identifying the product or service or pertinent information.</p> <p>(D) Window signage shall conform to the provisions of Section 9.37.110(I).</p>
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9.37.110 Exemptions.

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

9.37.170 Prohibited Signs.

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

- (a) Flashing, moving, animated and intermittently lighted signs and advertising devices including animals and human beings, excluding public service signs such as time and temperature signs and traditional barber shop poles.
- (b) Roof signs as defined in Section 9.37.020(r).
- (c) Signs which project over public right-of-way or adjacent private property, **except for Blade Signs approved as part of a Sign Program subject to Section 9.37.070.**
- (d) Changeable copy signs with the exception of signs intended for the advertisement of civic activities and menu board signs.

- (e) Banners, flags, pennants, balloons, and other temporary signage except as may be permitted by Section 9.37.160 in conjunction with a Temporary Site Development Permit or Section 9.37.110(k).
- (f) Off-site signs and other similar signs installed for the purpose of advertising a project, subject, or business, unrelated to the premises upon which the sign is located, inclusive of “snipe” signs and billboards, but exclusive of garage/yard sale and open house signs.
- (g) Vehicular signs including signs attached by any means to automobiles, trucks, trailers, or other vehicles on private or public property for the purpose of advertising, identifying, or providing direction to a use or activity not related to the lawful use of the vehicle for rendering service or delivering merchandise.
- (h) Obscene or unlawful signs.
- (i) Signs in the public right-of-way and public property except those signs that are provided for in this Chapter.
- (j) Permanent pole signs exceeding five (5) feet in height, not including flag signs, with open space from ground level to the bottom of the sign exceeding thirty-five (35) percent of the overall height.
- (k) Audible signs or advertising devices.
- (l) Inflatable signs and advertising devices.
- (m) Canned monument signs.
- (n) Portable signs which include A-frame or sandwich board signs.
- (o) Internally illuminated monument signs.

9.37.020(b)

**Blade Sign- A sign, other than a wall or projecting sign, which hangs from a building or wall fixture and extends perpendicular from the face of a building. Blade signs shall be designed consistent with the recommendations of the Dana Point Sign Guidelines.**

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

9.71.020 Site Development Permit Required.

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

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

9.09.030 Development Standards.

DEVELOPMENT STANDARDS	RESIDENTIAL ZONING DISTRICTS			
	RSF 2	RSF 3	RSF 4	RSF 7

(e) Minimum Land Area Per Unit (3)	17,500 sf	11,667 sf	8,750 sf	5,000 sf
<b><u>Maximum Density Per Acre (16)</u></b>	<b><u>2</u></b>	<b><u>3</u></b>	<b><u>4</u></b>	<b><u>7</u></b>

DEVELOPMENT STANDARDS	RESIDENTIAL ZONING DISTRICTS			
	RSF 8	RSF 12	RBR 12	RBRD 18
(e) Minimum Land Area Per Unit (3)	4,375 sf	2,917 sf	2,917 sf	1,945 sf
<b><u>Maximum Density Per Acre (16)</u></b>	<b><u>8</u></b>	<b><u>12</u></b>	<b><u>12</u></b>	<b><u>18</u></b>

DEVELOPMENT STANDARDS	RESIDENTIAL ZONING DISTRICTS			
	RSF 22	RD14	RMF 7	RMF 14
(e) Minimum Land Area Per Unit (3)	1,591 sf	2,500 sf	5,000 sf	<del>2,600 sf</del> <b><u>2,500 sf</u></b>
<b><u>Maximum Density Per Acre (16)</u></b>	<b><u>22</u></b>	<b><u>14</u></b>	<b><u>7</u></b>	<b><u>14</u></b>

DEVELOPMENT STANDARDS	RESIDENTIAL ZONING DISTRICTS			
	RMF 22	RMF 30		
(e) Minimum Land Area Per Unit (3)	1,591 sf	1,167 sf		
<b><u>Maximum Density Per Acre (16)</u></b>	<b><u>22</u></b>	<b><u>30</u></b>		

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

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

#### **9.19.010 Intent and Purpose.**

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

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

#### **9.07.045 Alcoholic Beverage Manufacturing**

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

- (a) Applicability. Shall be for any Alcoholic Beverage Manufacturing use as defined in 9.75.270, including all tasting/tap room facilities within the City of Dana Point.**
- (b) Minor Conditional Use Permit. A Minor Conditional Use Permit pursuant to Section 9.65.040 shall be required for the establishment of any Alcoholic Beverage Manufacturing and/or associated tasting/tap room, except for the Industrial/Business (I/B) District where it is permitted subject to all applicable development standards.**
- (c) General Provisions. The following shall apply to all Alcoholic Beverage Manufacturing and/or tasting/tap rooms:**
  - (1) The Director of Community Development may establish or modify hours of operation for tasting or tap rooms and/or outdoor patios associated with Alcohol Beverage Manufacturing business. Any decision of the Director of Community Development regarding the hours of operation may be appealed to the Planning Commission pursuant to Section 9.61.110.**
  - (2) All Alcohol Beverage Manufacturing owners and employees working in a tasting/tap room shall successfully complete the LEAD (License Education on Alcohol and Drugs) program through the Department of Alcoholic Beverage Control and/or other responsible beverage service program as approved by the Orange County Sheriff Department. Certification from the LEAD or equivalent program shall be completed prior to commencement of the tasting/tap room business. Proof of certification of LEAD or equivalent program shall be made available to the City of Dana Point upon request.**
  - (3) Outdoor Storage/Grain Silo/Outdoor Equipment shall be screened.**
  - (4) The real property upon which an Alcohol Beverage Manufacturing use is operated shall be permanently maintained in an orderly fashion by the provision**

of regular landscape maintenance, removal of trash and debris, and removal of graffiti within 48 hours from the time of occurrence.

- (5) There shall be no admission fee, cover charge, nor minimum purchase required.
- (6) Signs shall be posted inside the business/enclosed outdoor patio stating: “No alcohol allowed past this point.”
- (7) The number of persons shall not exceed the maximum occupancy load as determined by the Building Official or their designee.
- (8) There shall be no live entertainment, amplified music, or dancing permitted at any time without issuance of applicable permits as required by the City of Dana Point Zoning Ordinance.
- (9) Food preparation and service shall be allowed.
- (10) The alcohol beverages served shall be limited to the products that are authorized to be sold by the alcoholic beverage manufacturer under its license issued by the California Department of Alcoholic Beverage Control.

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

<p><b>(48) <u>Alcohol Manufacturing</u></b>  <b><u>(a) Alcohol Manufacturing Area</u></b>  <b><u>(b) Tasting Room/Tap Room/Outdoor Patio with a kitchen</u></b></p>	<p><b><u>1 stall/400 SF-GFA</u></b>  <b><u>Pursuant to subsections (47) and (42) above, whichever is applicable</u></b></p>
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**Re-number following parking types accordingly**

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

SECTION 9.11.020(b)  
COMMERCIAL DISTRICTS

LAND USES	NC	CC/P	CC/V	V/RC
<b><u>Alcohol Beverage Manufacturer</u></b>	<b><u>C*</u></b>	<b><u>C*</u></b>	<b><u>C*</u></b>	<b><u>C*</u></b>

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

SECTION 9.13.020(c)  
MIXED USE DISTRICTS

LAND USES	C/R	R/C-18	P/R
<b><u>Alcohol Beverage Manufacturer</u></b>	<b><u>C*</u></b>	<b><u>C*</u></b>	<b><u>X</u></b>

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



SECTION 9.17.020(b)  
INDUSTRIAL/BUSINESS DISTRICTS

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

9.75.270 Use Definitions

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

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

9.07.150 Trash and Recycling Storage Areas.

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

(2) Design Standards.

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

***Accessory Structure Clarification (Goal: Clarify requirements)***

9.05.280 Accessory Buildings and Structures

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

- (j) Barbeque structures, fire pits, **and** outdoor fire places, **and other structures that do not require a building, electrical, plumbing, mechanical, or grading permit** are not subject to the building separation and setback requirements, but must be located outside of the front and exterior side yard setbacks, unless a Minor Site Development Permit is approved pursuant to Chapter 9.71.

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

SECTION 9.35.080(e)

MINIMUM NUMBER OF REQUIRED PARKING STALLS BY USE

Commercial Recreation Uses
----------------------------

Use	Required Number of Stalls
(54) Gyms, Spas, <del>and</del> Health Clubs, <u>and Yoga Studios</u>	1 stall/100 SF-GFA

***Pervious Commercial Parking (Goal: Clarify use)***

9.35.040 General Provisions.

(d) Parking Facility Development Standards.

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

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

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

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

6.15.001 Landscaping of Vacant Property.

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

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

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

9.61.150 Substantial Compliance with Discretionary Approval.

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

- (1) The proposed changes comply with the provisions, spirit, and intent of the original approvals.
- (2) That the action would have been the same for the modifications as for the approved plan.

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

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

**(c)Effective Date of Substantial Conformance.**

**(1) Any substantial conformance approval issued by the Director of Community Development shall be reported in writing on the Consent Calendar to the Planning Commission at their first regularly scheduled meeting after the substantial conformance is approved. The Director of Community Development shall prepare a report in writing with sufficient description of the substantial conformance and basis for approval to allow the Planning Commission to understand the modifications to an approved project. Such report shall be available at the meeting and mailed free of charge to all persons wishing to receive such notification at the time of the regular mailing of notice of the Planning Commission meeting.**

**(2) If one-third or more of the full membership of the Planning Commission so request, the substantial conformance shall not become effective, but shall, if the applicant wishes to pursue the amendment, be treated as a regular Amendment and Modification to Discretionary Permits subject to all provisions of Section 9.61.075.**

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

Appendix A

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

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

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

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

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

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

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

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

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

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

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

9.63.030 Expansion, Improvement and Maintenance of Nonconforming Structures.

Nonconformities may be continued subject to the following conditions.

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

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



9.63.035 Expansion, Improvement and Maintenance of Nonconforming Uses.

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

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

**(1) Properties located in the geographical area shown in Figure 9.63.030 and located within the Floodplain Overlay District, shall also comply with the provisions of Chapter 9.31. The provisions of this subsection (d)(1) shall only be applicable to the geographic area shown in Figure 9.63.030, and shall expire December 31, 2025.**

9.63.040 Destruction and Restoration of Nonconformance.

(b) Voluntary Demolition of Nonconforming Structures.

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

(d) Voluntary Demolition of Structures containing Nonconforming Uses. When a structure containing a nonconforming use is voluntarily demolished beyond fifty (50) percent of the total

linear length of all walls, that structure shall be reconstructed to conform to the requirements of this Code and the nonconforming use shall be converted to a use which conforms to the current zoning designation of the site.

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

**CITY OF DANA POINT  
COUNCIL POLICY**

<b>SUBJECT:</b>  <b>Zoning Ordinance Cleanup</b>	<b>PAGE:</b>  <b>1 of 1</b>	<b>EFFECTIVE DATE:</b>  <b>To Be Determined</b>	<b>POLICY NO.:</b>  <b>To Be Determined</b>
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**PURPOSE:**

To establish a policy regarding annual planning staff review and reporting to the City Council regarding Zoning Ordinance Cleanups.

**BACKGROUND:**

During the approval of the 2017 Zoning Ordinance Cleanup, City Council directed staff to bring back a Council Policy for an annual review of the Zoning Ordinance.

**POLICY:**

Planning staff shall annually (calendar year) review the Dana Point Zoning Ordinance, including any related regulatory documents (ex: General Plan, Specific Plans, and/or Design Guidelines) as applicable, and either:

- 1) Bring forward for City Council action a “Zoning Ordinance Cleanup” or other modifications to the Dana Point Zoning Ordinance, and/or other regulatory documents referenced above, or
- 2) Bring forward a report to City Council discussing why a “Zoning Ordinance Cleanup” or other modifications are not necessary in that calendar year through the development update report.



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

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**DATE:** JUNE 25, 2018

**TO:** DANA POINT PLANNING COMMISSION

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

**SUBJECT:** PLANNING COMMISSION WORKSHOP ON LOCAL COASTAL PLAN  
AMENDMENT LCPA18-0001/ZONING TEXT AMENDMENT ZTA18-0001,  
2018 ZONING CODE CLEANUP

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**RECOMMENDATION:** That the Planning Commission receive an introduction to the 2018 Zoning Code cleanup, take public comments, provide feedback, and direct staff to bring a formal amendment to a regularly scheduled Planning Commission meeting.

**APPLICANT:** City of Dana Point

**BACKGROUND:**

As a best management practice, Zoning Ordinance “Code cleanups” should be conducted on a regular basis to update and clarify various requirements within the Code. This practice ensures Zoning Ordinance requirements are accurate, relevant, and consistent with State law. The goal of this workshop is to introduce the cleanup items, take public comments, and receive feedback from the Planning Commission.

**DISCUSSION:**

In 2017, staff initiated the first zoning ordinance clean-up in over 10 years. In order to identify the proposed code changes, staff conducted multiple roundtable discussions as well as reviewed notes from previous staff and identified Zoning Ordinance corrections and clarifications that had been discovered through the course of the day to day implementation of the Zoning Ordinance. Based on the number and scope of Zoning Ordinance issues that needed to be addressed, staff was unable to include all the clean-up items in a single project. The 2018 Zoning Ordinance clean-up includes a number of the previously identified items as well as landscaping and Doheny Village related items directed for inclusion by the City Council. Moving forward, staff will be bringing forward Zoning Ordinance Clean-ups on an annual basis.

**WORKSHOP FORMAT:**

The Code cleanup workshop will be an informal meeting open to the public in the Public Works Conference Room. Staff will lead a roundtable discussion, introduce all of the

**PLANNING COMMISSION WORKSHOP REPORT**  
**LCPA18-0001/ZTA18-0001**  
**JUNE 25, 2018**  
**PAGE 2**

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proposed changes (Attachment 1), and address Planning Commissioner questions. As this is a public workshop, public comment will be taken during the workshop. After public comments, the Planning Commission will be able to provide additional feedback and comments to staff. At the conclusion of the workshop, staff recommends that the Planning Commission direct staff to make any necessary revisions to the project as a result of the workshop and schedule the Zoning Ordinance Update for a regularly scheduled Planning Commission hearing in order for the Commission to take action and provide a formal recommendation to City Council.

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Sean Nicholas, AICP  
Senior Planner

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Ursula Luna-Reynosa  
Director of Community Development