

**ORDINANCE NO. 18-07**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, APPROVING ZONE TEXT AMENDMENT ZTA18-0001 TO MODIFY AND ADD VARIOUS PROVISIONS TO THE ZONING ORDINANCE AND SUBMISSION AS PART OF LOCAL COASTAL PROGRAM AMENDMENT LCPA18-0001 FOR APPROVAL AND CERTIFICATION BY THE CALIFORNIA COASTAL COMMISSION.**

Applicant: City of Dana Point  
File No.: ZTA18-0001/LCPA18-0001

The City Council of the City of Dana Point does hereby ordain 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, landscaping requirements, and miscellaneous General Regulations and procedures; 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, the Planning Commission held a duly noticed public hearing as prescribed by law on August 13, 2018, to consider said LCPA and ZTA and recommended approval of the proposed amendments to City Council 5-0; and

WHEREAS, the City Council held a duly noticed public hearing as prescribed by law on September 18, 2018, to consider said Zone Text Amendment, and Local Coastal Program Amendment; and

WHEREAS, at said public hearing, upon hearing and considering all testimony and arguments, if any, of all persons desiring to be heard, the City Council considered all factors relating to ZTA 18-0001, and LCPA 18-0001; and

NOW, THEREFORE, BE IT ORDAINED by the City Council 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 the ZTA18-0001 and LCPA18-0001 is in the public interest;
- E. The City Council has reviewed the environmental analysis consistent with the California Environmental Quality Act (CEQA) and determined that the project is exempt from CEQA as follows: (1) pursuant to Section 15265(f) of the California Guidelines for Implementation of the California Environmental Quality Act ("CEQA Guidelines"), CEQA does not apply to a local government's preparation of a local coastal program amendment; and (2) pursuant to section 15061(b)(3) of the CEQA Guidelines, the proposed amendments to the DPZC will not result in any physical change to the environment, and thus the project has no possibility to have a significant effect on the environment.;
- F. The proposed amendment to the DPZC is consistent with the General Plan;
- G. The City Council adopt Zone Text Amendment ZTA18-0001 for the reasons outlined herein including but not limited to: **ensuring that provisions of the DPZC are accurate, relevant, and easily understood by residents and those looking to do business in the City of Dana Point. Code cleanups are part of a continuous effort to ensure the long term applicability of the DPZC;**
- H. That the City Council 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 News on August 2, 2018 for the Planning Commission Public Hearing, 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 10, 2018, and 4) published in the Dana Point News on September 6, 2018 for the City Council Public Hearing.**
  - 2. That all policies, objectives, and standards of the LCPA conform to the requirements of the Coastal Act, including that the Land Use Plan is in conformance with and adequate to carry out the Chapter Three policies of the Coastal Act. **The amendments to the Zoning Code**

are consistent with the Coastal Act policies in that by updating the Zoning Code it keeps requirements current to meet the goals of Chapter three of the Coastal Act. All proposed modifications are minor and associated with clarifying existing requirements and will not impact any Coastal resources or access to them.

3. That Coastal Act policies concerning specific coastal resources, hazard areas, coastal access concerns, and land use priorities have been applied to determine the kind, locations, and intensity of land and water uses. **The Local Coastal Plan Amendment 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 Zoning Code. **The level and pattern of development as approved in all of the document will remain, and the goal is to correct errors and clarify existing requirements to improve service to residents and people doing business in Dana Point.**
5. That a procedure has been established to ensure adequate notice of interested persons and agencies of impending development proposed after certification of the LCPA. **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. **These amendments will correct errors and clarify existing requirements to better serve residents and people doing business in Dana Point and not impact any measures which implement the coastal policies of the Land Use Plan.**
7. The proposed amendment is consistent with the Dana Point General Plan and Local Coastal Program in that **the proposed amendments are to clarify portions of the Zoning Ordinance which have created confusion for the public, thus all changes are consistent with the General Plan and Local Coastal Program.**

8. The proposed amendment complies with all other applicable requirements of state law and local ordinances **in that the intent of the update is to clarify the Zoning Ordinance to better serve the public and does not conflict with any local ordinances.**

*I. That the City Council includes the following findings submitting the LCPA to the Coastal Commission:*

1. The City certifies that with the adoption of these amendments, the City will carry out the Local Coastal Program in a manner fully in conformity with Division 20 of the Public Resources Code as amended, the California Coastal Act of 1976.
2. The City include the proposed LCPA and ZTA for the Zoning Ordinance Cleanups 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 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 include the Zone Text Amendment, and Local Coastal Program Amendment numbers ZTA18-0001 and LCPA18-0001 when submitted to the Coastal Commission.
6. The City finds that the Ordinance is exempt from CEQA pursuant to Sections 15061(b)(3) and 15265(f) 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 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 "B".*

*K. That the City Council adopts Zone Text Amendment ZTA18-0001, which would amend the Dana Point Local Coastal Program pursuant to LCPA18-0001. The City Council approves the amendment for the reasons outlined herein and in the City Council Agenda Report, including but not limited to: updating the Zoning Ordinance as regular maintenance ensuring policy and requirements are relevant, accurate, and clear, thus the proposal is consistent with the General Plan, DPZC, and Coastal Act.*

If any section, subsection, sentence, clause, phrase, or portion of this Ordinance, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council

hereby declares that it would have adopted this Ordinance, and each section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

PASSED, APPROVED, AND ADOPTED this 2<sup>nd</sup> day of October, 2018

  
\_\_\_\_\_  
Richard A. Viczorek, MAYOR

ATTEST:

  
\_\_\_\_\_  
KATHY WARD  
City Clerk

STATE OF CALIFORNIA     )  
COUNTY OF ORANGE     ) ss  
CITY OF DANA POINT     )

I, KATHY WARD, City Clerk of the City of Dana Point, California, do hereby certify that the foregoing Ordinance No. 18-07 was duly introduced at a regular meeting of the City Council on the 18<sup>th</sup> day of September, 2018, and was duly adopted and passed at a regular meeting of the City Council on the 2<sup>nd</sup> day of October, 2018, by the following vote, to wit:

AYES:           Council Members Lewis, Tomlinson, Wyatt, Mayor Pro Tem Muller,  
                    and Mayor Viczorek

NOES:           None

ABSENT:        None

ABSTAIN:       None

  
\_\_\_\_\_  
KATHY WARD, CITY CLERK

ORDINANCE NO. 18-07

STATE OF CALIFORNIA )  
COUNTY OF ORANGE ) ss  
CITY OF DANA POINT )

AFFIDAVIT OF POSTING  
AND PUBLISHING

KATHY WARD, being first duly sworn, deposes, and says:

That she is the duly appointed and qualified City Clerk of the City of Dana Point;

That in compliance with State Laws of the State of California, ORDINANCE NO. 18-07, being:

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, APPROVING ZONE TEXT AMENDMENT ZTA18-0001 TO MODIFY AND ADD VARIOUS PROVISIONS TO THE ZONING ORDINANCE AND SUBMISSION AS PART OF LOCAL COASTAL PROGRAM AMENDMENT LCPA18-0001 FOR APPROVAL AND CERTIFICATION BY THE CALIFORNIA COASTAL COMMISSION.**

was published in summary in the Dana Point News on the 27<sup>th</sup> day of September, 2018, and in further compliance with City Resolution No. 91-10-08-01 on the 4<sup>th</sup> day of October, 2018, was caused to be posted in four (4) public places in the City of Dana Point, to wit:

Dana Point City Hall  
Capistrano Beach Post Office  
Dana Point Post Office  
Dana Point Library

  
KATHY WARD, CITY CLERK  
Dana Point, California

## Exhibit "A"

### ZONE TEXT AMENDMENT ZTA18-0001

**KEY:**

**ATTACHMENT 1**

Normal Text=Existing unmodified language

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

**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,~~ **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.

- (I) 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

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

<b><u>Landscape Coverage: (15)</u></b>				
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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.**

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.**

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	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) covered parking spaces shall be approved</u> , subject to the approval of a minor Conditional Use Permit by the Planning Commission and in accordance with the following standards:  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>

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 Patio</u></b> <b><u>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</u></b> <b><u>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 9.64 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.

- (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**;

9.37.150 Permitted Signs.

- (b) Permitted Permanent Signs in Residential Districts.

CLASS	TYPE	PERMIT REQUIRE D	MAXIM UM NUMBE R	AGGREGA TE AREA <sup>1</sup>	MAXIMUM HEIGHT <sup>2</sup>	ADDITIONA L STANDARD S <sup>3</sup>

(1) Tract Identification	Freestanding or Wall	Yes, <u>Minor Site Development Permit</u>	One per street frontage or one on each side of an entrance	1 sq. ft. per lineal foot of street frontage up to 100 square feet maximum or as defined by an approved sign program <u>and/or Minor Site Development Permit</u>	Wall: 6 feet  Freestanding: 5 feet	(C) Location to be determined at time of sign program <u>and/or Minor Site Development Permit</u> approval.
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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	TYP E	PERMIT REQUIRE D	MAXIMU M NUMBER	AGGREGAT E AREA <sup>1</sup>	MAXI MUM HEIG HT <sup>2</sup>	ADDITIONAL STANDARDS <sup>3</sup>
(6) Windo w Sign	Affix ed to wind ow only	No	Three signs per business	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	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

				<u>of each individual window.</u>		<p>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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(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 STANDARD S <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	6 feet <u>if freestanding See Section 9.37.130(g) (or as determined by an approved Sign Program). If a wall sign, the design shall be</u>	<del>(D)</del> Sign shall be of a monument type.

				Community Development Director	<u>determined through Minor Site Development Permit process.</u> See Section 9.37.130(g) (or as determined 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 REQUIRED	MAXIMUM NUMBER	AGGREGATE AREA <sup>1</sup>	MAXIMUM HEIGHT <sup>2</sup>	ADDITIONAL STANDARD S <sup>3</sup>
(1) — Center Identification Sign	Freestanding	Yes, Minor Site Development Permit Required	Two: (One freestanding 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. See Section 9.37.130(g) (or as determined by an approved Sign Program)	(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.
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**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 determination 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 the determination 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. The fifteen (15) calendar day appeal period, set forth in Section 9.61.110, shall begin the day after the Community Development Director's determination is reported to the Planning Commission.**

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.**

LAND USES	RSF 2	RSF 3	RSF 4	RSF 7	RSF 8	RSF 12
(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

LAND USES	RBR12	RMF12	RSF 14	RD 14	RMF 14	RBRD 18
(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

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

**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.

(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

(l) 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%

	RESIDENTIAL ZONING DISTRICTS
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DEVELOPMENT STANDARDS	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 REQUIRE D	MAXIM UM NUMBE R	AGGREGA TE AREA <sup>1</sup>	MAXIMUM HEIGHT <sup>2</sup>	ADDITIONA L STANDARD S <sup>3</sup>
(1) Tract Identifica tion	Freestandi ng or Wall	Yes, Minor Site Developm ent 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	Wall: 6 feet  Freestandi ng: 5 feet	(C) Locat ion to be determined at time of sign program and/or Minor Site Developme nt Permit approval.

				Development Permit		
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9.37.150 Permitted Signs.

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

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

CLASS	TYPE	PERMIT REQUIRE D	MAXIMU M NUMBER	AGGREGAT E AREA <sup>1</sup>	MAXIMU M HEIGHT <sup>2</sup>	ADDITIONAL STANDARDS <sup>3</sup>
(6) Window Sign	Affixe d to windo w only	No	Three signs per business	25% of exposed window area of each individual window. If allowable sign area is maximized, signs shall not exceed 10% of exposed window area of each individual window.	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) Permane nt 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 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 Director	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 Development Permit process.	

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 determination 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 the determination 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. The fifteen (15) calendar day appeal period, set forth in Section 9.61.110, shall begin the day after the Community Development Director's determination is reported to the Planning Commission.

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.