



STAFF REPORT

SAN CLEMENTE PLANNING COMMISSION

Date: September 18, 2013

PLANNER: Evan Jedynak, Planning Intern *EJ*
Christopher Wright, Associate Planner *CW*

SUBJECT: Zoning Amendment 13-313, Zoning Ordinance Clean-Up and Streamlining Items, a request to consider City initiated amendments to correct Zoning Ordinance errors and inconsistencies and streamline processes.

SUMMARY

This is a City-initiated request to clean-up and streamline several rules and procedures in the Zoning Ordinance. Specifically, the Planning Commission is asked to forward a recommendation to the City Council on the adoption of amendments that:

1. Correct erroneous text and/or formatting problems.
2. Clarify ambiguous language.
3. Remove unnecessary and/or obsolete text.
4. Provide new and updated definitions to clarify existing standards.
5. Eliminate Home Occupation Permits for the establishment of home-based businesses.
6. Allow the City to withdraw projects that have been deemed incomplete or inactive longer than 180 days due to applicant delays.

BACKGROUND

The City Council approved a 2013 budget to begin work on the Zoning Ordinance update. The Zoning Ordinance must be updated to reflect policies and programs in the new General Plan. In addition, the Zoning Ordinance should be updated to be more clear, consistent, and easy to use. The Zoning Ordinance is being updated in phases so the new General Plan can be implemented as soon as possible. Three phases of amendments are currently proposed: 1) "clean-up" amendments to correct errors, ambiguities and redundancies 2) amendments to "streamline" procedures and improve ineffective standards; and 3) update Zoning Ordinance sections to reflect new General Plan policies and programs. The City Council adopted several Phase 1 "clean-up" amendments on November 8, 2012.

Noticing

On September 4, 2013, the Planning Commission continued the Zoning Amendment to this meeting due to time constraints. Prior to the September 4, 2013 meeting, public notices were distributed and posted per City and State requirements. Staff received

comments from one person with general concerns about home-based businesses (Attachment 4). No other public comments have been received about this item to-date.

ANALYSIS

Phase 1 “Clean-Up” Amendments

Phase 1 amendments fix errors, remove redundant text, clarify text, and clean-up other items so the Zoning Ordinance is more clear, consistent, and easy to use. Several code sections would be amended throughout the Zoning Ordinance. Among the proposed changes, there are several amendments that add definitions, reformat land use tables, remove excessive language, and generally make the Code more user friendly. Because Phase 1 amendments are limited to minor “clean-up” items, a description of each amendment is not provided in this report. Refer to Attachment 1 for a description and refer to Attachment 3 to see amendments in “track changes” format.

Phase 2 “Streamline” Amendments

Phase 2 amendments are to streamline procedures and reform ineffective standards with the goal of improving customer service. Below is a description of the two amendments:

Elimination of Home Occupation Permits

The proposed ordinance removes references and procedures for Home Occupation Permits. Zoning Ordinance Section 17.16.140(C) requires the approval of a Home Occupation Permit to establish a home-based business. Business licenses are already required to establish home-based businesses so Home Occupation Permits are redundant and not necessary. The licensing process has been effective in allowing staff to make sure applications meet zoning requirements.

Withdrawal of inactive applications

The City Planner would be given new authority to withdraw applications due to prolonged inactivity. Currently, there are not procedures for closing inactive projects. As a result, the City Attorney has advised staff that applications must remain open unless an applicant submits a written request to withdraw their project. In effect, staff must keep project files in an accessible location and make repeated attempts to contact an applicant to get information or funds. This takes staff time away from processing active projects, and can therefore limit the City’s ability to provide good customer service. By closing inactive applications, staff could focus on active projects with applicants that are making an effort to get through the review process. Currently, there are 15 applications that have been inactive for six months or longer. The majority of the inactive application have had six months to two years of inactivity. The oldest inactive application has had nine years of inactivity.

The draft ordinance adds procedures in Chapter 17.12 for the closure of applications that are inactive for 180 days or more. As proposed, staff would send an applicant a letter via

certified mail if an application has been inactive for 90 days or more. The letter would inform applicants that they have 90 days to submit requested materials, funds, or other information necessary to proceed with the processing of an application. If requested materials or funds are not received within the 90 days (a total of 180 days since the application began to be inactive), then the City Planner would have two options:

1. withdraw the application; or
2. schedule for the designated decision making authority to consider the application as a consent item at the next available meeting. The City Planner would recommend for the decision making authority to deny the application without prejudice. The applicant would be notified of the meeting in advance.

In either instance, if an application is withdrawn, unused deposit account fees would be refunded and notification materials would be returned to the applicant. Similar provisions are used by other cities.

GENERAL PLAN CONSISTENCY

The proposed amendments are consistent with adopted policies outlined in the City of San Clemente General Plan because:

1. The proposed amendments correct errors, ambiguities, inconsistencies, and streamlines processes.
2. The proposed amendments do not change land use designations, allowed land uses, or zone boundaries.
3. The proposed amendments will make it easier to use and understand the Zoning Ordinance, which, in turn will help implement the General Plan.

ENVIRONMENTAL REVIEW/COMPLIANCE (CEQA):

The proposed ordinance is not a “project” as defined in California Environmental Quality Act (CEQA) Guidelines Section 21065; therefore, they are not subject to CEQA and no further environmental review is required. The basis for this CEQA determination is explained in the draft resolution (Attachment 2).

CALIFORNIA COASTAL COMMISSION REVIEW

The proposed ordinance amendments are not subject to Coastal Commission review because they do not change or affect land use policies in the Coastal Element of the General Plan.

ALTERNATIVES; IMPLICATIONS OF ALTERNATIVES

The Commission may, based on findings:

1. Concur with staff and recommend approval of the proposed amendments.

This is the recommended action. It would result in the project moving forward for City Council action. Adoption of Resolution No. 13-034 would be a recommendation to the City Council to approve the changes in their entirety, as staff has recommended.

2. Add, modify or delete provisions of the proposed amendments.

For example, the Planning Commission could decide to modify one or more of the recommended changes or corrections or add additional language to clarify ambiguities. If extensive changes are made, staff may need time to evaluate whether edits are consistent with the General Plan and to determine if environmental review is required to comply with the California Environmental Quality Act (CEQA). If staff needs time, it is advised that the Planning Commission table this agenda item to a date uncertain.

3. Recommend denial of the proposed amendments.

This action would result in the Commission's recommendation being forward for review and consideration by the City Council. The Commission should cite reasons or findings for its recommended denial.

RECOMMENDATION

STAFF RECOMMENDS THAT the Planning Commission approve the Draft Resolution PC13-034, recommending City Council approval of Zoning Ordinance amendments shown in Attachment 2, Exhibit A.

Attachments:

1. Summary of the proposed amendments
2. Draft Resolution No. 13-034
Exhibit A - Zoning Amendments
3. Zoning Amendments in tracked changes
4. Public comments

ATTACHMENT 1

Table 1 describes amendments and explains why they are proposed. It also identifies the location of each amendment in the draft resolution (Attachment 2, Exhibit A), and within Attachment 3 that shows the proposed changes in “track changes” format.

Table 1 - Amendment Summary

Section of draft ordinance	Zoning Ordinance Update Phase	Municipal Code Section Number(s)	Page Number(s) in Attachment 3	Subject	Amendment Description
1	1	17.08.010	1-2	List of zones	Updates list to include missing zones and districts
2	2	Table 17.12.020	2-3	Home Occupation Permit	Removes row "Home Occupation Permit"
3	2	17.12.065	3	Application withdrawal process	Adds procedures that allow the City Planner to close applications that have been inactive for 180 days. The proposed text allows the City Planner to: 1) withdrawal an application, or 2) place it on consent calender for the decision making authority to consider denying it "without prejudice."
4	1	17.16.050 (C)(2)	4	Minor site plan permits	Rewords section for clarity and grammar
5	1	17.16.060 (C)	4-6	Conditional Use Permits	Main changes are: 1) Removes a redundant reference to "Amusement centers," and 2) adds text for clarification (to reflect citations in Zoning Ordinance)
6	2	17.16.140	6-8	Home Occupation Permit	Removes entire section on Home Occupation Permits
7	1	Table 17.24.080 (B)	9	Setback encroachments	Identifies "tankless water heaters" for clarity
8	1	17.24.110	9-10	Height Limits	Corrects minor grammatical errors
9	2	17.28.160(B)	11	Home Occupation Permit	Removes section that deals with Home Occupation Permits
10	1, 2	17.32.030(B) and Table 17.32.030	11-14	Prohibited uses	Main changes are: 1)Reformats residential land use tables to clearly and consistently identify prohibited uses, and 2) Removes row and reference to "Home Occupation Permits"
11	1	17.36.020(B) and Table 17.36.020	14-22	Prohibited uses	Reformats commercial land use tables to clearly and consistently identify prohibited uses
12	1	17.40.030(B) and Table 17.40.030	22-28	Prohibited uses	Reformats mixed-use land use tables to clearly and consistently identify prohibited uses
13	1	17.44.020(B) and Table 17.44.020	28-31	Prohibited uses	Reformats open-space land use tables to clearly and consistently identify prohibited uses
14	1	17.48.020	31	Prohibited uses	Rewords to clearly and consistently identify prohibited uses

Section of draft ordinance	Zoning Ordinance Update Phase	Municipal Code Section Number(s)	Page Number(s) in Attachment 3	Subject	Amendment Description
15	1	Table 17.64.050	32-37	Parking requirements for group instruction, fitness centers, retail nursery uses, restaurants	Main changes are: 1) renames parking requirement for "Art/Dance studios" as "group instruction/counseling" (to reflect prior Planning Commission interpretation that art/dance studios are a form of group instruction), 2) deletes mention of instruction in the parking requirement for "Fitness Centers" (to remove redundant text. Group instruction has its own parking requirement), 3) Removes duplicate "retail nursery" use, and 4) Removes redundant text for clarity
16	1	17.64.060	37	Parking (off street) design standards	Rewords text to clarify when Engineering Division technical standards are used
17	1	17.88.030	37-38	Definition "Child day care facilities"	Revises definition "Day care facility, child" to reflect State Law
18	1	17.88.030	38-39	Definition "Historical Resources"	Adds to definition of "Historical Resources" for further clarification
19	1	17.88.030	39	Definition "Lot coverage"	Revises definition "Lot coverage" to include garages and decks
20	1	17.88.030	39	Definitions	Clarifies that a dictionary or other reference can be used when terms and interpretations are not defined in Zoning Ordinance
21	1	17.88.030	39	Definition "Original grade"	Adds definition "Original grade" for clarification
22	1	17.88.030	40	Definition "Average building height"	Adds definition "Height, average building" for clarification
23	1	17.88.030	40	Definition "Building height"	Rewords for grammar/clarity
24	1	17.88.030	40	Definition "Covered parking"	Adds definition "Covered parking" for clarification

ATTACHMENT 2

RESOLUTION NO. PC 13-034

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN CLEMENTE, CALIFORNIA, RECOMMENDING THE CITY COUNCIL ADOPT ZONING AMENDMENT 13-313, A REQUEST TO CLEAN UP ZONING ORDINANCE INCONSISTENCIES AND ERRORS, CREATE A PROVISION FOR THE WITHDRAWAL OF INACTIVE APPLICATIONS, AND REMOVE REDUNDANT “HOME OCCUPATION PERMITS”

WHEREAS, the City Council approved a 2013 budget to initiate work on the Zoning Ordinance update to reflect policies and programs in the new General Plan. The Zoning Ordinance is being updated in phases so the new General Plan can be implemented as soon as possible; and

WHEREAS, on November 8, 2012, the City Council approved Zoning Amendment 12-285 and adopted Ordinance 1561 to make the Zoning Ordinance more clear, consistent, and user friendly with amendments that: 1) correct erroneous text and/or formatting problems, 2) clarify ambiguous language, 3) repair inaccurate or “broken” text references, 4) remove unnecessary and/or obsolete graphics and text, and 5) provide new and updated definitions to clarify existing standards; and

WHEREAS, this is a City-initiated request to clean-up and streamline several rules and procedures in the Zoning Ordinance. Specifically, the Planning Commission is asked to forward a recommendation to the City Council on the adoption of amendments that: 1) correct erroneous text and/or formatting problems, 2) clarify ambiguous language, 3) remove unnecessary and/or obsolete text, 4) provide new and updated definitions to clarify existing standards, 5) eliminate Home Occupation Permits for the establishment of home-based businesses, and 6) allow the City to withdraw projects that have been deemed incomplete or inactive longer than 180 days due to applicant delays; and

WHEREAS, the Planning Division completed an environmental assessment of the proposed zoning amendments for compliance with the California Environmental Quality Act (CEQA). Pursuant to CEQA Guidelines Section 21065, and determined the proposed Zoning Ordinance amendments do not meet the definition of a “project”, as the code amendments do not have the potential to cause either a direct physical change or a reasonably foreseeable indirect physical change in the environment. The proposed amendments clean up textual errors, inconsistencies, and outdated information. The proposed amendments do not change land use designations, allowed land uses, zone boundaries or development standards that can affect the scale or location, of development. Because the request is not a “project” per CEQA, it is not subject to further environmental review; and

WHEREAS, the City's Development Management Team reviewed the proposed amendments and determined they are consistent with the goals, objectives, and programs of the General Plan and Zoning Ordinance; and

WHEREAS, on September 4, 2013, the Planning Commission of the City of San Clemente held a duly noticed public hearing on the subject application and continued this agenda item to September 18, 2013 because the Commission was unable to consider the request and public testimony due to time constraints; and

WHEREAS, on September 18, 2013, the Planning Commission of the City of San Clemente held a duly noticed public hearing on the subject application and considered evidence presented by City staff, the project applicant and other interested parties.

NOW, THEREFORE, the Planning Commission of the City of San Clemente hereby resolves as follows:

Section 1: The proposed ordinance amendments are not a "project" as defined in California Environmental Quality Act (CEQA) Guidelines Section 21065; therefore, they are not subject to CEQA and no further environmental review is required.

Section 2: With respect to Zoning Ordinance Amendment 13-313, the Planning Commission hereby makes the following findings:

- A. The proposed amendments are internally consistent with those portions of the General Plan which are not being amended.
- B. The proposed amendments will not adversely affect the public health, safety, and welfare in that:
 - 1. The proposed amendments do not have a potential to direct physical change or a reasonably foreseeable indirect physical change in the environment, given the amendments are limited to correcting errors, ambiguities, and inconsistencies.
 - 2. The proposed amendments do not change development standards that can affect the scale, location, and design of development.

Section 3: The Planning Commission recommends the City Council adopt the draft ordinance, amending the Zoning Ordinance as shown on Exhibit A.

PASSED AND ADOPTED at a regular meeting of the Planning Commission of the City of San Clemente on September 18, 2013.

Chair

TO WIT:

I **HEREBY CERTIFY** that the foregoing resolution was duly adopted at a regular meeting of the Planning Commission of the City of San Clemente on September 18, 2013 and carried by the following roll call vote:

AYES: COMMISSIONERS:
NOES: COMMISSIONERS:
ABSTAIN: COMMISSIONERS:
ABSENT: COMMISSIONERS:

Secretary of the Planning Commission

Section 1: Section 17.08.010 of the Municipal Code is hereby amended as follows:

Zone Title	Map Designation
A. Residential Zones.	
Residential Very Low (1 dwelling unit/20 gross acres or legal lot ¹)	RVL
Residential Low (4.5 dwelling units/gross acre; 7 dwelling units/net acre)	RL
Residential Medium Low (7 dwelling units/gross acre; 10 dwelling units/net acre)	RML
Residential Medium (15 dwelling units/gross acre; 24 dwelling units/net acre)	RM
Residential High (24 dwelling units/gross acre; 36 dwelling units/net acre)	RH
B. Commercial Zones.	
Neighborhood Commercial	NC 1, NC 2, NC 3
Community Commercial	CC 1, CC 2, CC 3
Regional Commercial	RC 2
Other Commercial*	C 1, C 2, C 3
C. Mixed-Use Zones.	
Downtown Mixed-Use Zone	MU 3
South El Camino Real Mixed-Use Zone	MU 5.1
D. Public Zones.	
Public and Parking	P
Civic Center	CVC
Institutional	INST
E. Open Space Zones.	
Public Parks and Publicly Owned Open Space	OS 1
Publicly Owned Open Space—Shoreline	OS S1
Privately Owned Open Space	OS 2
Privately Owned Open Space—Shoreline	OS S2
Privately Owned Open Space (Restricted by Easement)	OS 3
Golf Courses and Commercial Recreation	OSC
F. Specific Plan Areas.	

Forster Ranch Specific Plan	FRSP
Pier Bowl Specific Plan	PBSP
Rancho San Clemente Specific Plan	RSCSP
Talega Specific Plan	TSP
West Pico Corridor Specific Plan	WPCSP
G. Overlay Districts.	
Architectural	A
Affordable Housing	AH
Central Business	CB
Planned Residential District	PRD
Coastal Zone	CZ
Special Residential Overlays	RL-# (e.g. RL-10)
Inland Canyons	IC

* See 1991 Zoning Ordinance

Section 2: Table 17.12.020 of the Municipal Code is hereby amended as follows:

Table 17.12.020 - Review Authority for Permits and Entitlements

Permit Application	Final Authority ¹	Public Hearings
Architectural/Cultural		
Heritage Permit	Planning Commission	Yes
PC waiver	Planning Commission	No
Staff waiver	City Planner	No
Building Permits	Refer to Uniform Building Code	No
Business License	Refer to Municipal Code	No
City Antenna Permit	City Manager	No
Coastal Review, In-Concept	City Planner	No
Conditional Use Permit	Planning Commission	Yes
Development Agreements	City Council	Yes
General Plan Amendment	City Council	Yes
Interpretations		
Minor	City Planner	No
Major	Planning Commission	No
Minor Architectural/Cultural		

Heritage Permit	Zoning Administrator	Yes
ZA Waiver	Zoning Administrator	No
Staff Waiver	City Planner	No
Minor Conditional Use Permit	Zoning Administrator	Yes
Minor Exception Permit	Zoning Administrator	Yes
Minor Site Plan Permit	Zoning Administrator	Yes
Site Plan Permit	Planning Commission	Yes
Sound Amplification Permit	Refer to Municipal Code	No
Specific Plan Amendment	City Council	Yes
Temporary Use Permit	City Planner	No
Variance	Planning Commission	Yes
Zoning Amendment	City Council	Yes

Section 3: Section 17.12.065 “Withdrawal of inactive applications” is hereby added to the Municipal Code as follows:

The City Planner has the authority to withdraw applications that are inactive for 180 days or more due to inactivity. Applications are inactive when requested materials, funds, or other information necessary to proceed with the processing of an application is not submitted.

A. Withdrawal procedures. When an application is inactive for 90 days or more, a letter is sent via certified mail to inform applicants that they have 90 days to submit requested materials, funds or other information necessary to proceed with the processing of an application. If requested materials or funds are not received within the 90 days (a total of 180 calendar days since an application begins to be inactive), then the City Planner has the authority to:

1. withdraw the application; or
2. schedule for the designated decision making authority to consider the application as a consent item at the next available meeting. The City Planner may recommend for the decision making authority to deny the application without prejudice. The applicant would be notified of the meeting in advance.

B. Return of unused deposit account funds and materials. If an application is withdrawn, unused deposit account fees are refunded and materials are returned upon request.

Section 4: Section 17.16.050(C)(2) of the Municipal Code is hereby amended as follows:

Minor Site Plan Permits. A Minor Site Plan Permit is required for:

- a. Model home complexes and sales offices, per Section 17.28.300(F).
- b. Development adjacent to residentially zoned property, per Section 17.24.170(B).
- c. Additions or alterations to nonresidential and mixed-use buildings, per Table 17.16.050.

Section 5: Section 17.16.060(C) of the Municipal Code is hereby amended as follows:

Applicability. Conditional Use Permits are required as indicated by the use tables in Chapters 17.32, Residential Zones and Standards, through 17.48, Public Zones and Standards, in this Title. Conditional Use Permits are also required for the following requests:

Use/Modifications	As Provided for in:
Antennas, new, on City property	Section 17.28.070(C), Review Requirements
Chimneys which exceed the height limit of the zone in which they are located by more than two (2) feet	Table 17.24.080(B), Maximum Encroachments into Setbacks and Height Limits
Density bonus requests	Section 17.24.070(E), Review Procedures
Development standards, determination of, for development in the following zones: RVL Zone, Open Space Zones, Public Zone	Table 17.32.040, Residential Zone Development Standards; Table 17.44.030, Open-Space Zone Development Standards; Table 17.48.030, Public Zone Development Standards
Development standards, exceptions for commercial and mixed-use projects on lots 12,000 (twelve thousand) square feet and smaller in the MU3 zone	Section 17.40.050(C), Exceptions to the Development Standards for Lots of 12,000 Square Feet or Smaller, MU3
Elevator towers which exceed the height limits of the zone in which they are located by more than six (6) feet	Table 17.24.080(B), Maximum Encroachment into Setbacks and Height Limits

Fences, hedges, and walls exceeding six (6) feet in height for specific purposes	Section 17.24.090(D)(1)(b), Review Procedures
Flag poles and church steeples in residential zones that exceed the height limits of the zone where they are located	Table 17.24.080(B), Maximum Encroachments into Setbacks and Height Limits
Flag poles, antennas (other than satellite antennas or antennas on City property), church steeples, cupolas, and monuments, and similar structures in nonresidential and mixed-use zones that exceed the height limits of the zone where they are located	Table 17.24.080(B), Maximum Encroachments into Setbacks and Height Limits
Storage tanks and similar structures in nonresidential zones that exceed the height limits of the zone where they are located	Table 17.24.080(B), Maximum Encroachments into Setbacks and Height Limits
Grading requests not accompanying development requests	Section 17.28.130(B), Review Requirements
Historic Structures, exceptions to the minimum commercial floor area for mixed-use projects in the MU3 zone	Section 17.40.050(D), Exceptions to the Minimum Floor Area Requirements for the Commercial Portion of Mixed-use Projects for Buildings on the City's Designated Historic Structure List
Home occupations conducted outside enclosed structures	Section 17.28.160(B), Review Requirements
Nonconforming uses: change from prohibited use to a different prohibited use	Section 17.72.060(C)(3), Changes of Use.
Nonresidential uses allowed in the zone located on the same level as residential uses in the MU3 Zone	Section 17.40.030(A)(2)(a), Special Use Regulations for the Downtown Mixed Use (MU3) Zone
Outdoor dining areas	Private property: Section 17.16.205(C), Review Requirements; Public property: Section 17.28.206(C), Review Requirements

Parking modifications for: Bed and Breakfast Inns, Uses in and out of the Downtown Parking Study Area, Historic nonresidential and mixed-use structures, Historic structures in the RM and RH Zones, Relocation of historic structures, Hotels, Off-site parking for nonresidential uses, Outdoor dining, Public utilities, Shared parking	Section 17.28.090(D), Minimum Standards for Bed and Breakfast Inns in All Zones; Section 17.64.125, Waivers of parking requirements; Section 17.64.110, Off-Site Parking, Section 17.28.205(D)(6), Outdoor dining on private property; Section 17.28.206, Outdoor dining on public property; Section 17.28.240(C)(2)(d), Minor Utilities; Section 17.64.120, Shared Parking
Patio covers, detached, exceeding fifteen (15) feet in height and located within certain setback areas	Table 17.24.080(B), Maximum Encroachments into Setbacks and Height Limits
Public utilities, major, initiated by outside agencies	Section 17.28.240(B)(2)(a), Projects Initiated by Outside Agencies/Applicants
Residential uses on the street level, buildings on the City's Designated Historic Structure List	Section 17.40.030(A)(2)(c), Location of Residential Uses
Urban Private Storage in Mixed-Use Zones	Section 17.28.305, Urban Private Storage
Height exceptions for residential development on Lots 46 through 64 of Tract 4938 in the RL-11 special residential overlay zone	Appendix A, Subsection (K.4.B) in this Title

Section 6: Section 17.16.140 of the Municipal Code is hereby removed in its entirety.

Section 7: Table 17.24.080(B) of the Municipal Code is hereby amended as follows:

Table 17.24.080B – Maximum Encroachments into Setbacks and Height Limits

Item	Front Encroachments Into Front Yard Setback Area	Side Encroachments Into Side Yard Setback Area	Rear Encroachments Into Rear Yard Setback Area	Maximum Projection Above Height Limit	Other Limitations
HVAC, Mechanical Equipment, Window Mounted Air Conditioners, Tankless Water Heaters	Not Permitted	0 ft. from property line	0 ft. from property line	Not Permitted	

Section 8: Section 17.24.110 of the Municipal Code is hereby amended as follows:

A. Purpose and Intent. One of San Clemente's defining characteristics is its varied topography. The City's building height regulations are intended to:

1. Preserve the natural topography by encouraging residential structures that follow the topography of the lots on which they are located and by discouraging significant grading or fill on infill lots. The calculation of height by individual roof element is intended to assist these objectives, by allowing roof elements to step up or down with the natural topography of the lot. The measurement of height from original grade is also intended to assist these objectives, by establishing height limits which are relative to the natural topography;
2. Accommodate the special difficulties of developing on sloped properties by allowing height to be averaged within roof elements;
3. Encourage developments with full roofs. The establishment of a height limit to plate line and a height limit to top of roof, in specific mixed-use and nonresidential zones where traditional architecture is required, is intended to assist with this objective; and
4. Discourage excessively massive structures. The establishment of a story limit in mixed-use and nonresidential zones is intended to assist with this objective. The exemption of subterranean portions of structures from counting toward the story limit is intended to assist this objective, as well.

B. General Regulations for the Measurement of Height. The following regulations for calculating height shall apply to all development within the City of San Clemente:

1. Measurement of Height From Original or Finished Grade.
 - a. Developments With Mass Recontouring. In the case of subdivisions and/or land development where mass recontouring has been or will be permitted by the City, building height shall be measured from finished grade, subject to approval through the site plan permit process, as described in Section 17.16.050, Site Plan Permits and Minor Site Plan Permits, of this title. Please refer to Figure 17.24.110A for a map of those areas in the City which have had mass recontouring. This subsection does not include properties with significant grading which have received the approval of a

variance from height limits; please refer to the following paragraph b, for the method of measuring height on these properties.

- b. All Other Development. In the case of developments where mass recontouring has not been permitted, or where significant grading has been allowed but through the approval of a variance from the height limit, building height shall be measured from original grade.
 - c. In cases where it is ambiguous whether building height should be measured from finished or original grade, or where a determination of finished or original grade is difficult, the City Planner shall make such determination, subject to the appeal provisions in Section 17.12.140, Appeals of an Action, of this title.
2. Measurement of Height by Roof Element. The building height limits for a zone shall be applied to and measured for each roof element of a structure. No individual roof element may exceed the height limits for the zone.
 3. Measurement of Height to the Top of a Roof Element (TOR). Unless additional height limits are indicated in the development standard tables in Chapters 17.32, Residential Zones and Standards, through 17.48, Public Zones and Standards, of this title, the maximum height limit stated for a zone shall be a limit upon the "average height to the top of the roof element." The average height to the top of a roof element is calculated by:

Section 9: Section 17.28.160(B) of the Municipal Code is hereby removed in its entirety.

Section 10: Section 17.32.030(B) and Table 17.32.030 of the Municipal Code is hereby amended as follows:

B. Prohibited Uses. The following uses are prohibited:

1. Uses that are listed in Table 17.32.030, but are not identified as either permitted—"P"—or conditionally permitted—"MC or C"; and
2. Uses that have been excluded from Table 17.32.030, unless they are found by the City to be similar to permitted or conditionally permitted uses.
3. Uses where a blank cell appears within Table 17.32.030, Residential Zones Uses.

Table 17.32.030 - Residential Zone Uses

Use	RVL	RL	RML	RM	RH
1. Agricultural					
Animals, Commercial Grazing of Large Species ¹	C				
Apiaries (Bee Farming)	C				
Crop and Tree Farming	C				
Nurseries (Farming Only)	C				
2. Lodging					
Bed-and-Breakfast Inns: ²					
a. 5 or Fewer Guest Rooms	C	C	MC	MC	MC
b. 6 or More Guest Rooms	C	C	C	C	C
3. Public/Quasi-Public and Institutional					
Arboretums (Public/Private)	C				
Churches	C	C	C	C	C
Congregate Care Facility ³			C	C	C
Convalescent Care			C	C	C
Day Care Facilities, Children's: ⁴					
a. Small-Family Day Care Home ⁵	P/MC	P/MC	P/MC	P/MC	P/MC
b. Large-Family Day Care Home	C	MC	MC	MC	MC
c. Day Care Center			C	C	C
Parking Lots ⁶		C	C	C	C
Parks ⁷	O		O	O	O
Preserves (Archaeological, Botanical, Geological, Wildlife)	C	C	C	C	C
Public Utilities ⁸					
a. City-Initiated Project	O	O	O	O	O
b. Projects Initiated by Outside Agencies					
i. Major Utilities	C	C	C	C	C
ii. Minor Utilities	P	P	P	P	P
Recreational/Uses (Public/Private, Nonprofit)	C	C	C	C	C
Schools (Public/Private)	C	C	C	C	C
4. Residential Uses					

Accessory Uses (Pools, Detached Garages, Tool and Garden Sheds, Gazebos, Patio Covers, Barbecues) a. Stables	P C	P	P	P	P
Guesthouses	C	P			
Manufactured Homes ¹⁰	P	P	P	P	P
Mobile Homes ¹¹ a. Units b. Subdivisions and Parks ¹²	C C	C C	C C	C C	C C
Multifamily Dwellings: a. 4 Units or Fewer b. 5 Units or More			P C	P C	P C
Second Residential Units (Inland Side of I-5) ¹³	P	P			
Senior Housing Projects ¹⁴			C	C	C
Single-Family Dwellings	C	P	P	P	P
5. Unclassified Uses					
Accessory Buildings, Residential ¹⁵ Detached, Over 15 Feet in Height a. All Others b. Accessory Buildings, Nonresidential ¹⁶	C P C	C P C	C P C	C P C	C P C
Grading, ¹⁷ (Not Accompanying a Development Request): a. Emergency b. Major c. Minor	P C P	P C P	P C P	P C P	P C P

1. Refer to Section 17.28.060, Animals, Commercial Grazing and Raising of Large Species, of this title, for special provisions for the commercial grazing of large species
2. Refer to Section 17.28.090, Bed and Breakfast Inns, of this title, for special provisions for bed and breakfast inns
3. Refer to Section 17.28.110, Congregate Care Facilities, of this title for special provisions for congregate care facilities.
4. Refer to Section 17.28.100, Child Day Care Facilities, of this title for special provisions for day care facilities.
5. Small day care homes in legal nonconforming or conforming single-family homes are permitted. All other small-family day care homes require a Minor Conditional Use Permit.
6. Refer to Section 17.28.220, Parking Lots, of this title for special provisions for single-use parking lots.
7. Refer to Section 17.28.230, Public Park Facilities, of this title for review requirements for parks.
8. Refer to Section 17.28.240, Public Utilities, of this title for review requirements for public utilities/buildings.
9. Manufactured homes are subject to the same requirements as individual mobile homes. Please refer to Section 17.28.190(D), Minimum Standards for Individual Mobilehomes, of this title, for standards to be used for manufactured homes.

10. Refer to Section 17.28.190, Mobilehomes, of this title for special provisions for mobile homes.
11. Refer also to Section 17.56.040, Planned Residential District Overlay, of this title, for special provisions for planned residential developments.
12. Refer to Section 17.28.270, Second Residential Units, of this title for special provisions for second residential units.
13. Refer to Section 17.28.280, Senior Housing Projects, of this title for special provisions for senior housing projects.
14. Refer to Section 17.24.040, Accessory Buildings, of this title for special provisions for accessory buildings.
15. Refer to Section 17.24.040, Accessory Buildings, of this title for special provisions for accessory buildings.
16. Refer to Section 17.28.130, Grading, of this title, for special provisions for grading requests that are not accompanying development requests.

Section 11: Section 17.36.020(B) and Table 17.36.020 of the Municipal Code is hereby amended as follows:

B. Prohibited Uses. The following uses are prohibited:

1. Uses that are listed in Table 17.36.020, Commercial Zone Uses, but are not identified as either permitted—"P"—or conditionally permitted—"MC or C"; and
2. Uses that have been excluded from Table 17.36.020, Commercial Zone Uses, unless they are found by the City to be similar to permitted or conditionally permitted uses.
3. Uses where a blank cell appears within Table 17.36.020
4. The following uses are not permitted in any commercial zone:
 - a. Medical Marijuana Dispensaries.

Table 17.36.020 - Commercial Zone Uses

Use	NC 1.1, NC 1.2	NC 2, NC 3, CC 1, CC 2, CC 3	RC 2	CRC-4
1. Commercial Uses				
Antiques (Retail Sales)	P	P		P
Art Galleries	P	P		P
Bakery Goods/Sales (No Wholesale Distributors)	P	P		P

Barber Shops	P	P		P
Bicycle Shops	P	P		P
Bookstores	P	P		P
Carpet Sales	MC	P		P
Ceramics (Retail Sales)	MC	P		P
Cleaners and Laundromats (No Linen Service)	P	P		P
Clothing (Retail Sales)	P	P		P
Confectionery Stores (Small Scale Production with Retail Sales)	P	P		P
Convenience Stores ¹	C	C		P
Drug Stores/Pharmacies	P	P		
Electronics (Retail Sales and Repair)	P	P		P
Fabric Stores	P	P		
Florist (Retail Sales)	P	P		P
Floor Covering	MC	P		
Furniture Stores (Retail Sales)	MC	P		P
Glass/Mirror Sales	MC	P		P
Grocery/Food Stores (Not Convenience Stores)	P	P		
Gunsmith/Gun Shops		C		
Hardware Stores	P	P		
Home Appliance Stores (Retail Sales and Repair)	MC	P		
Ice Cream Parlors (Retail Sales with Small Production)	P	P		P
Interior Decorating Stores	MC	P		P
Janitorial Supplies		P		
Jewelry Stores	P	P		P
Lawnmower Sales/Service	MC	P		
Liquor Sales				
a. Hard Alcohol	C	C		C
b. Beer and Wine (Off-Site Consumption Only)	MC	MC		MC

Locksmith Shops	MC	P		
Mail-Order Stores	MC	P		P
Medical/X-ray Equipment (Sales Only)		P		
Medical Marijuana Dispensaries				
Music Sales	P	P		P
Newsstands (On Private Property)	P	P		P
Nurseries (Indoor Garden Retail Sales)	MC	P		P
Nurseries (Outdoor Garden Retail Sales)		C		
Office Equipment/Supplies	C	P		
Paint/Wallpaper Sales	MC	P		
Patio/Outdoor Furniture Sales	MC	P		P
Pawn Shops		C		
Pet Shops	MC	MC		
Pet Supply Stores	MC	P		
Photographic Equipment Sales	MC	P		P
Pottery (With Small Production Retail Sales)	P, MC	P		P
Shoe Stores (Retail Sales and Repair)	P	P		P
Specialty Food Stores	P	P		P
Sporting Goods (Retail Sales)	MC	P		P
Stationery Stores	P	P		P
Surfboard (Custom Manufacturing)		C		
Swimming Pool Accessory Shops	MC	P		
Tailors/Dressmakers	P	P		

Use	NC 1.1, NC 1.2	NC 2, NC 3, CC 1, CC 3	CC 2	RC 2	CRC-4
2. Hospital Uses					

Ambulance Services			C	C	
Ancillary Uses (Minor) to Hospital, such as Laboratories, Florists, Parking Lots ²			P	P	
Hospitals			C	C	

Use	NC 1.1	NC 1.2	NC 2, NC 3, CC 1, CC 2, CC 3	RC 2	CRC-4
3. Lodging					
Bed and Breakfast Inns: ³					
a. 5 or Fewer Guest Rooms		P	P		C
b. 6 to 10 Guest Rooms		MC	MC		C
c. Over 10 Guest Rooms		C	C		C
Hotel and Ancillary Uses		C	C		C
Motels			C		C
Timeshares		C	C		C

Use	NC 1.1, NC 1.2	NC 2, NC 3, CC 1, CC 2, CC 3	RC 2	CRC-4
4. Professional Offices, Financial Institutions and Related Uses				
Banks/Financial Institutions	P	P		
a. With Drive-Thru Facilities	C	C		

Use	NC 1.1	NC 1.2	NC 2, NC 3, CC 1, CC 2, CC 3	RC 2	CRC-4
Employment Agencies		P	P		

Use	NC 1.1, NC 1.2	NC 2, NC 3, CC 1, CC 2, CC 3	RC 2	CRC-4
Newspaper Publication and Office		P		P (2nd Floor and Above)

				Only)
Offices, Medical	P	P	P	
Offices, Professional	P	P		P (2nd Floor and Above Only)
Offices, Veterinary/Animal Hospitals:	MC	P		
Secretarial Services	P	P		

Use	NC 1.1	NC 1.2	NC 2, NC 3, CC 1, CC 2, CC 3	RC 2	CRC-4
Telemarketing		P	P		

Use	NC 1.1, NC 1.2	NC 2, NC 3, CC 1, CC 2, CC 3	RC 2	CRC-4
Travel Agencies	MC	P		P

Use	NC 1.1, NC 1.2	NC 2, NC 3, CC 1, CC 2, CC 3	RC 2	CRC-4
5. Public/Quasi Public and Institutional Uses				
Churches	C	C		
Club/Social Organizations	C	C		

Use	NC 1.1	NC 1.2	NC 2, NC 3, CC 1, CC 2, CC 3	RC 2	CRC-4
Congregate Care Facility ⁴		C	C	C	
Convalescent Home		C	C	C	

Use	NC 1.1, NC 1.2	NC 2, NC 3, CC 1, CC 2, CC 3	RC 2	CRC-4

Day Care Facilities ⁵				
a. Small Day Care Home	P/MC	P/MC	P/MC	
b. Large Day Care Home	MC	MC	MC	
c. Day Care Center	C	C	C	
Group Instruction/Group Counseling	MC	C		
Libraries	P	P		
Parking Lots ⁶	MC	MC		C
Parking Structures	C	C		C
Parks ⁷	O	O	O	C
Public Utilities: ⁸				
a. City-Initiated Projects	O	O	O	C
b. Projects Initiated by Outside Agencies:				
i. Major Utilities	C	C	C	C
ii. Minor Utilities	P	P	P	C
School (Public and Private)	C	C		C
Transportation Facilities		C		C

Use	NC 1.1	NC 1.2	NC 2, NC 3, CC 1, CC 2, CC 3	RC 2	CRC-4
6. Residential Uses					
Affordable Housing Project ⁹			NC 2 and NC 3 only		
Senior Housing Project ¹⁰		C	C		

Use	NC 1.1, NC 1.2	NC 2, NC 3, CC 1, CC 2, CC 3	RC 2	CRC-4
7. Restaurants and bars				
Bars, cocktail lounges (with or without dancing and/or entertainment)	C	C		C
Restaurants:				
a. With drive-through ¹¹		C		

b. With no on-site consumption of liquor, no dancing, no entertainment	P	P		P
c. With on-site sale of beer and wine:				
i. Indoors	MC	MC		MC
ii. Outdoors with up to 16 seats or 4 tables	MC	MC		C
iii. Outdoors with more than 16 seats and/or 4 tables	MC	MC		C
d. With on-site sale of hard alcohol: ^{12,13}				
i. Indoors	C	C		C
ii. Outdoors with up to 16 outdoor seats or 4 tables	MC/C	MC/C		MC
iii. Outdoors with more than 16 outdoor seats and/or 4 tables	C	C		C
e. With dancing and/or entertainment that has:				
i. No amplified sound	MC	MC		MC
ii. Amplified sound	C	C		C

Use	NC 1.1, NC 1.2	NC 2, NC 3, CC 1, CC 2, CC 3	RC 2	CRC-4
8. Unclassified Uses				
Accessory Buildings	C	C	C	C
Alcoholic Beverage Sales Concurrent With Motor Vehicle Fuel-Convenience Stores Sales ¹⁴	C	C		
Amusement Centers ¹⁵	C	C		C
Animal Grooming	MC	P		
Bowling Alleys		C		C
Drive-Thru Facilities, When in		C		

Conjunction with a Use Permitted or Conditionally Permitted in the Zone				
Grading ¹⁶ , (Not Accompanying a Development Request)				
a. Emergency	P	P	P	P
b. Major	C	C	C	C
c. Minor	P	P	P	P
Health/Fitness/Sports Clubs and Facilities	C	C		C
Internet Access Studio/Internet Café	P	P		P
a. With 5 or more computers available to the public (excluding school, library and other similar public uses) ¹⁷	C	C		C
Massage ¹⁸	P	P	P	P
Mortuaries		C		
Pool Halls ¹⁹		C		C
Recycling Facilities ²⁰				
a. Reverse Vending Machines	P	P		
b. Small Collection	C	P		
c. Large Collection		C		
Theaters		C		C
Wine Tasting (Only as an Accessory Use to establishments selling wine or wine-related products as a primary use)	MC	MC		MC

Use	NC 1.1, NC 1.2	NC 2, NC 3, CC 1, CC 2, CC 3	RC 2	CRC-4
9. Vehicle-Related Repair, Sales and Service²¹				
Car Washes ²¹		C		
Service/Gas Station ²²	C	C		
Vehicle Dealerships (Sales,				

Leasing, Rental, New and Used). ²³				
a. Auto Dealerships w/Fewer than 10 Cars		MC		
b. All Other Vehicle Dealerships		C		
Vehicle Parts/Accessories Sales		MC		
Vehicle Repair/Service, Minor ²⁴		C		

Section 12: Section 17.40.030(B) and Table 17.40.030 of the Municipal Code is hereby amended as follows:

B. Prohibited Uses. The following uses are prohibited:

1. Uses that are listed in Table 17.40.030, but are not identified as either permitted—"P"—or conditionally permitted—"MC or C", or "O"; and
2. Uses that have been excluded from Table 17.40.030, unless they are found by the City to be similar to permitted or conditionally permitted uses.
3. Uses where a blank cell appears within Table 17.40.030
4. The following uses are not permitted in any mixed-use zone:
 - a. Medical Marijuana Dispensaries.

Table 17.40.030 - Mixed-Use Zone Uses

Use	MU 3	MU 3-CB	MU 5.1
1. Commercial Uses			
Antiques	P	P	P
Art Galleries	P	P	P
Bakery Goods/Sales (No Wholesale Distributors)	P	P	P
Barber Shops	P	P	P
Bicycle Shops	P	P	P

Bookstores	P	P	P
Ceramics (Retail Sales)	P	P	P
Cleaners and Laundromats (No Linen Service)	P	P	P
Clothing Stores	P	P	P
Confectionery Stores (Small Scale Production with Retail Sales)	P	P	P
Convenience Stores ¹	C	C	
Drugstores/Pharmacies	P	P	P
Electronics (Retail Sales and Repair)	P	P	P
Fabric Stores	P	P	P
Floor Covering Stores	P	P	P
Florists (Retail Sales)	P	P	P
Furniture Stores (Retail Sales)	P	P	P
Grocery/Food Stores (Not Convenience Stores)	P	P	P
Gunsmith/Gun Shops	C	C	C
Hair Salons	P	P	P
Hardware Stores	P	P	P
Home Appliance Stores (Retail Sales and Repair)	P	P	P
Ice Cream Parlors (Retail Sales with Small Production)	P	P	P
Interior Decorating Stores	P	P	P
Jewelry Stores	P	P	P
Liquor Sales:			
a. Hard Alcohol	C	C	C
b. Beer and Wine (Off-Site Consumption Only)	MC	MC	MC
Locksmith Shops	P	P	P
Mail-Order Stores	P	P	P
Medical/X-Ray Equipment (Sales Only)			P
Medical Marijuana Dispensaries			

Music Sales	P	P	P
Newsstands (On Private Property)	P	P	P
Nurseries (Indoor Garden Retail Sales)	P	P	P
Nurseries (Outdoor Garden Retail Sales)	C	C	C
Office Equipment/Supplies	P	P	P
Paint/Wallpaper Sales	P	P	P
Patio/Outdoor Furniture Sales	P	P	P
Pawn Shops	C	C	C
Pet Shops	MC	MC	MC
Pet Supply Stores	P	P	P
Photographic Equipment Sales	P	P	P
Pottery (Retail Sales with Small Production)	P	P	P
Shoe Stores (Retail Sales and Repair)	P	P	P
Specialty Food Stores	P	P	P
Sporting Goods (Retail Sales)	P	P	P
Stationery Stores	P	P	P
Swimming Pool Accessory Shops	P	P	P
Tailors/Dressmakers	P	P	P
2. Lodging			
Bed and Breakfast Inns: ²			
a. 5 or Fewer Guest Rooms	P	MC/ Ped	P
b. 6 to 10 Guest Rooms	MC	MC/ Ped	MC
c. Over 10 Guest Rooms	C	C	C
Hotel and Ancillary Uses	C	C	C
Motels			C
Timeshares	C	C	C
3. Professional Offices, Financial Institutions and Related Uses			
Ambulance Services (Office Only)	P	MC/ Ped	P
Banks/Financial Institutions	P	P	P

a. Special Consideration, ATM's			C
Employment Agencies	P	MC/ Ped	P
Offices, Medical:			
a. Optometrists with Retail Space	P	P	P
b. Optometrists without Retail Space	P	MC/Ped	P
c. Other Offices	P	MC/ Ped	P
Offices, Professional and/or General:			
a. Realtors	P	P	P
b. Other Offices	P	MC/ Ped	P
Offices, Veterinary/Animal Hospitals	C	C	C
Secretarial Services	P	MC/ Ped	P
Telemarketing Services	P	MC/ Ped	P
Travel Agencies	P	P	P
4. Public/Quasi Public and Institutional Uses			
Churches	C	C	C
Clubs/Social Organizations	C	C	C
Congregate Care Facilities ³	C	C	C
Convalescent Homes			C
Day Care Facilities: ⁴			
a. Small Day Care Homes ⁵	P/MC	P/MC	P/MC
b. Large Day Care Homes	MC	MC	MC
c. Day Care Centers	C	C	C
Group Instruction/Group Counseling	P	MC/ Ped	P
Libraries	P	P	P
Parking Lots ⁶	MC	MC	MC
Parking Structures	C	C	C
Parks ⁷	O	O	O
Public Utilities ⁸			
a. City-Initiated Projects	O	O	O
b. Projects Initiated by Outside Agencies:			

i. Major Utilities	C	C	C
ii. Minor Utilities	P	P	P
Schools, Public and Private	MC	MC	MC
1—12 Individuals			
Greater than 12 Individuals	C	C	C
Transportation Facilities	C	C	C
5. Residential Uses	Residential uses in the MU3 zone are limited to the floors above street level. In the AH Overlay, dwellings that are part of an affordable housing project are permitted to be located at the street level. Exceptions may be granted for historic structures. Refer to Section 17.40.030(A)(2) (c), Location of Residential Uses, of this title.		Refer to Section 17.40.050(A), Residential Use Restrictions for MU5.1, of this title
Affordable Housing Projects ⁹	P		P
Manufactured Homes ¹⁰			MC
Mobile Homes: ¹¹			C
a. Units			C
b. Subdivisions and Parks ¹²			
Residential Units	C	C	C
Senior Housing Projects ¹³	C	C	C
6. Restaurants and bars			
Bars, cocktail lounges (with or without dancing and/or entertainment)	C	C	C
Restaurants			
a. With drive-through ¹⁴			C
b. With no on-site consumption of liquor, no dancing, no entertainment	P	P	P
c. With on-site sale of beer and wine:			
i. Indoors	MC	MC	MC
ii. Outdoors with up to 16 outdoor seats or 4 tables	MC	MC	MC
iii. Outdoors with more	C	C	C

<p>than 16 outdoor seats and/or 4 tables</p> <p>d. With on-site sale of hard alcohol:^{15, 16}</p> <p> i. Indoors</p> <p> ii. Outdoors with up to 16 outdoor seats or 4 tables</p> <p> iii. Outdoors with ore than outdoor 16 seats and/or 4 tables</p> <p>e. With dancing and/or entertainment that has:</p> <p> i. No amplified sound</p> <p> ii. Amplified sound</p>	<p>C</p> <p>MC/C</p> <p>C</p> <p>MC</p> <p>C</p>	<p>C</p> <p>MC/C</p> <p>C</p> <p>MC</p> <p>C</p>	<p>C</p> <p>MC/C</p> <p>C</p> <p>MC</p> <p>C</p>
7. Unclassified Uses			
<p>Accessory Buildings, Residential¹⁷</p> <p>a. Detached, Over 15 Feet in Height</p> <p>b. All Others</p>			<p>C</p> <p>P</p>
<p>Accessory Buildings, Nonresidential¹⁸</p>	C	C	C
<p>Alcohol Beverage Sales Concurrent with Motor Vehicle Fuel-Convenience Store Sales¹⁹</p>			C
<p>Amusement Centers²⁰</p>	C	C	C
<p>Animal Grooming Shops</p>			MC
<p>Bowling Alleys</p>			C
<p>Drive-Thru Facilities, When in Conjunction with a Use Permitted or Conditionally Permitted in this Zone</p>			C
<p>Grading²¹, Not Accompanying a Development Request:</p> <p>a. Emergency</p> <p>b. Major</p> <p>c. Minor</p>	<p>P</p> <p>C</p> <p>P</p>	<p>P</p> <p>C</p> <p>P</p>	<p>P</p> <p>C</p> <p>P</p>

Health/Fitness/Sports Clubs and Facilities	C	C	C
Internet Access Studio/Internet Café	P	P	P
a. With 5 or more computers available to the public (excluding school, library and similar public uses) ²²	C	C	C
Massage ²³	P	P	P
Mortuaries			C
Pool Halls ²⁴	C	C	C
Recycling Facilities. ²⁵ Reverse Vending Machines	MC	MC	MC
Theaters	C	C	C
Urban Private Storage ²⁶	C	C	
Wine Tasting (Only as an Accessory Use to establishments selling wine or wine related products as a primary use)	MC	MC	MC
8. Vehicle-Related Repair, Sales and Service²⁷			
Car Washes			C
Vehicle Parts/Accessories Sales			MC

Section 13: Section 17.44.020 and Table 17.44.020 of the Municipal Code is hereby amended as follows:

B. Prohibited Uses. The following uses are prohibited:

1. Uses that are listed in Table 17.44.020, but are not identified as either permitted—"P"—or conditionally permitted—"MC or C"; and
2. Uses that have been excluded from Table 17.44.020, unless they are found by the City to be similar to permitted or conditionally permitted uses.
3. Uses where a blank cell appears within Table 17.44.020

Table 17.44.020 - Open-Space Zone Uses

Use	OS/ 1	OS/ S1	OS 2/ OS 3	OS/ S2	OSC
1. Agricultural Uses					
Animals, Commercial Grazing of Large Species ¹			C		
Apiaries (Bee Raising)			C		
Crop and Tree Farming			C		
Nurseries, Farming Only			C		
2. Commercial Uses					
Business Concessions in Conjunction with Approved Recreational Uses	MC	MC	MC	MC	MC
Clubhouses (Private) in Conjunction with Recreational Uses			C	C	C
Private or Rental Cabanas w/o Kitchens (Not Suitable for Dwelling; Serving Only as Temporary Shelters and Dressing Rooms)				C	
Recreational Rental Concessions in Conjunction with Previously Approved Recreational Uses	C	C	C	C	C
Tourist Information Offices	C	C			
3. Public/Quasi-Public and Institutional Uses					
Amphitheaters, Open Air (Not Including Drive-Ins)	C				
Arboretums, Public or Private	C		C		
Aquariums	C	C			
Athletic Fields	C		C		
Boardwalks		C		C	
Community Recreation Center (Public)	C	C			
Dance Pavilions (Open Air, Public)	C				

Use	OS/ 1	OS/ S1	OS 2/ OS 3	OS/ S2	OSC
Golf Courses (Public/Private) and Ancillary Facilities Such as Clubhouses, Restaurants and Bars			C		P ²
Golf Driving Ranges: Free-Standing In Association with Golf Courses			C		C

Use	OS/ 1	OS/ S1	OS 2/ OS 3	OS/ S2	OSC
Observatories or Planetariums	C				
Open Space (Undeveloped)	P	P	P	P	P
Parking Lots in Conjunction with Recreational Uses ³	C	C			
Parks ⁴	O	O	O	O	O
Preserves: (Archeological, Botanical, Geological, Historical, Wildlife):					
a. No Physical Change	P	P	P	P	P
b. With Physical Change	C	C	C	C	C
Public Beaches		P		P	
Public Piers, Revetments, Break-Waters, Groins, Harbor Channels, Sea Walls, Cliff Retaining Walls		C			
Public Safety Facilities (Including Police, Fire and Marine Safety)	MC	MC	MC	MC	MC
Public Utilities: ⁵					
a. City-Initiated Project	O	O	O	O	O
b. Projects Initiated by Outside Agencies					
i. Major	C	C	C	C	C

ii. Minor	P	P	P	P	P
Railroad Facilities:					
a. Establishment of New Tracks and Appurtenant Railroad Facilities		C		C	
b. Maintenance of Tracks and Appurtenant Railroad Facilities		P		P	
Riding Academies/Public Stables for Boarding Horses on Site (Minimum 5+ Acres)	C				
Trails: (Riding, Hiking, Bicycle, No Motorized Vehicles)	C	C	C	C	C

Use	OS/ 1	OS/ S1	OS 2	OS 3	OS/ S2	OSC
4. Residential Uses						
Caretaker's Unit and Related Offices			C			C
5. Unclassified Uses						
Accessory Buildings	C	C	C	C	C	C
Baseball Batting/Pitching Ranges (Outdoor)		C	C			C

Use	OS/ 1	OS/ S1	OS 2/ OS 3	OS/ S2	OSC
Grading ⁶ , (Not Accompanying a Development Request)					
a. Emergency	P	P	P	P	P
b. Major	C	C	C	C	C
c. Minor	P	P	P	P	P
Shooting Ranges, Outdoor	C				

Section 14: Section 17.48.020(B) of the Municipal Code is hereby amended as follows:

B. Prohibited Uses. The following uses are prohibited:

1. Uses that are listed in Table 17.48.020, Public Zone Uses, but are not identified as either permitted—"P"—or conditionally permitted—"MC or C"; and
2. Uses that have been excluded from Table 17.48.020, Public Zone Uses, unless they are found by the City to be similar to permitted or conditionally permitted uses.
3. Uses where a blank cell appears within Table 17.48.020, Public Zone Uses.

Section 15: Table 17.64.050 of the Municipal Code is hereby amended as follows:

Table 17.64.050 – Number of Parking Spaces Required

Use	Number of Parking Spaces Required
1. Commercial Uses	
Convenience Stores or Mini-Markets	Please refer to Section 17.28.120, Convenience Stores.
General Retail Stores	In MU 3: 1 per 400 square feet. Elsewhere: 1 per 300 square feet
Beauty Shops or Barbershops	1 per 200 square feet
Furniture and Appliance Stores	2 spaces plus 1 space per 500 square feet
Laundromats	1 per 4 washing machines
Massage	1 per 200 square feet
Retail Nursery/Garden Shop	1 space for each 300 sq. ft. of indoor display area; 1 space for each 800 sq. ft. of outdoor display area.
2. Hospital Uses	
Convalescent Home	1 per 4 patient beds
Hospitals	2 per patient bed
3. Industrial Uses	
Manufacturing	1 per 500 sq. ft.
Research and Development	1 per 500 sq. ft.
Warehousing/Storage	1 per 2,000 sq. ft.
4. Lodging	

Bed and Breakfast Inns	Please refer to Section 17.28.090, Bed and Breakfast Inns.
Hotels and Motels	Please refer to Section 17.28.170, Hotels and Motels.
Timeshares	1.2 per unit
5. Professional Offices, Financial Institutions and Related Uses	
Banking Institutions	1 per 300 sq. ft.
Offices, General and Professional	In MU 3: 1 per 350 sq. ft. Elsewhere: 1 per 300 sq. ft.
Offices, Medical	1 per 200 sq. ft.
6. Public/Quasi-Public Uses	
Group Counseling/Group Instruction	1 space per employee; 1 space per 2 students, maximum capacity
Churches	1 per 4 seats, based on seating capacity and/or occupancy signs posted by the Orange County Fire Authority
Public Assembly	1 per 4 seats, based on seating capacity and/or occupancy signs posted by the Orange County Fire Authority
Day Care Facilities	1 for each 2 employees; 1 for each 5 children. Minimum of 3 spaces
Educational Facilities	
Elementary/Junior High	1 per staff, 1 per 10 students
High School	1 per 3 students
Community College/University	1 per 2 students
Business/Professional/Trade	1 per staff; 1 per 2 students
Driving Range	1.25 spaces for each tee
Golf Course	6 spaces per hole, plus parking required for incidental uses (such as restaurant, pro-shop, etc.)
7. Residential Uses	
Congregate Care Facility	Please refer to Section 17.28.110, Congregate Care
Single Dwelling Unit on a Single Lot	2 per dwelling unit
Guesthouses	1 per guesthouse
Second Residential Units	Please refer to Section 17.28.270, Second Residential Units.
	All required parking for single-family dwelling units

	<p>shall be covered. Exceptions to covered parking requirements may be granted pursuant to Section 17.40.050(C)(f), Miscellaneous Parking Requirements for Existing Development being converted to a Mixed-use Project, of this title.</p>
<p>Two Dwelling Units on a Single Lot (Except for Single-family Homes with Second Residential Units)</p>	<p>2 per dwelling unit. 50% of the spaces must be covered. Each dwelling unit shall be assigned at least 1 covered parking space. Exceptions to covered parking requirements may be granted pursuant to Section 17.40.050(C)(f), Miscellaneous Parking Requirements for Existing Development being converted to a Mixed-use Project, of this title.</p> <ol style="list-style-type: none"> 1. Large Two-unit Projects: Two-unit projects which have a cumulative bedroom count which exceeds 7 and/or a project net floor area which exceeds 5400 square feet shall provide 1 additional parking space for the project. 2. Tandem Parking on Narrow Lots: Lots less than 50 feet wide measured 50 feet back from the front property line, may have tandem parking. Please refer to Section 17.64.090, Tandem Parking—Residential Uses, for special development standards required when tandem parking is employed. This exception shall not be applied to mixed-use projects containing residential and nonresidential uses.
<p>Three or More Dwelling Units on a Single Lot</p>	<ol style="list-style-type: none"> 1. The Total Parking Required for a Project: The total number of parking spaces required for a project shall comply with all of the following: <ol style="list-style-type: none"> a. The total number of parking spaces required for a project shall be the sum of the parking required for the dwelling units (subsection (2)) and the parking required for guests (subsection (3)); b. The total number of parking spaces required for a project shall not be less than two spaces per unit; c. Fractional calculations shall be rounded off as provided for in subsection (4), below

2. **Parking Requirements for Dwelling Units:** The number of parking spaces required for each dwelling unit shall be determined using the following 2 methods of calculating parking. The method resulting in the greater number of spaces being required for a unit shall be used for that unit:
 - a. **Method 1—Number of Bedrooms in a Dwelling Unit:**
 - 0-1 Bedroom: 1.5 spaces
 - 2 Bedrooms: 2.0 spaces
 - 3 Bedrooms: 2.5 spaces
 - Over 3 Bdrms.: 3.0 spaces
 - b. **Method 2—Net Floor Area of a Dwelling Unit:**
 - To 900 sq. ft.: 1.5 spaces
 - To 1,800 sq. ft.: 2.0 spaces
 - To 2,700 sq. ft.: 2.5 spaces
 - Over 2,700 sq. ft.: 3.0 spaces
 - c. **Covered Spaces:** 50 percent of the total number of parking spaces required for the dwelling units shall be covered, with no less than one covered assigned parking space being provided for each dwelling unit.
3. **Guest Parking:** The number of guest parking spaces provided for a project shall be .333 spaces per dwelling unit.
4. **Rounding Off:** Fractional numbers shall be rounded off once the dwelling unit and guest parking requirements have been added together. The following rules regarding rounding shall apply:
 - a. **Fewer than 5 Units:** If the total number of required parking spaces is a fractional number of .45 or greater, that number shall be rounded up to the next whole number; if the total number of required parking spaces is a fractional number less than

	<p>.45, that number shall be rounded down to the next whole number.</p> <p>b. Five or Greater Units: If the total number of required parking spaces is a fractional number, the total number shall be rounded up to the nearest whole number.</p>
Senior Housing Projects	Please refer to Section 17.28.280, Senior Housing
Mobilehome Parks	Please refer to Section 17.28.190, Mobilehomes
8. Restaurants	
Bars, Cocktail Lounges	1 per 4 seats, based on seating capacity or occupancy signs posted by the Orange County Fire Department.
Restaurants	<p>In MU3 zoning district: 1 per 5 indoor seats. Elsewhere: 1 per 4 indoor seats. Required parking based on seating capacity or occupancy signs posted by the Orange County Fire Department, except in the following cases:</p> <ol style="list-style-type: none"> 1. Single destination restaurants over 3,000 square feet: 1 per 120 square feet of interior space. 2. Drive-thru/take-out/fast food restaurants: 1 per 35 square feet of public seating area, plus 1 per 200 square feet of all other gross floor area, with 1 lane for each drive-up window with stacking spaces for 6 vehicles.
9. Unclassified Uses	
Bowling Alleys	2 per alley, plus parking for incidental uses (restaurant, pro-shop, etc.)
Health Club/Fitness Facilities	1 per 150 sq. ft.
Theater	1 per 4 seats, based on seating capacity as shown by capacity signs posted by the Orange County Fire Authority
Tennis/Racquetball Courts	3 spaces per court, plus parking required for incidental uses
10. Vehicle-Related Repair, Sales and Service	
Car Wash:	
a. Full Service (Includes Gas)	1 per every 3 employees on the maximum shift plus 600 square feet of operations parking area for

	each 20 feet of conveyor length
b. Self Service	1 per stall plus 1 space queuing lane in front of each stall
Oil Change, Lube and Tune Shops	1 per service bay, plus 1 for each employee, plus 2 space queuing lanes for each bay, with a minimum of 5 spaces.
Service/Gas Stations	Please refer to Section 17.28.290, Service Stations.
Vehicle Dealerships	Please refer to Section 17.28.310, Vehicle Dealerships.
Vehicle Repair/Service	Please refer to Section 17.28.320, Vehicle Repair Facilities.

Section 16: Section 17.64.060 of the Municipal Code is hereby amended as follows:

According to requirements in this section and the City Engineering Division’s technical standards, parking design standards are as follows, except as otherwise provided for in Section 17.64.125, Waivers of Parking Requirements, or Section 17.64.070, Disabled Accessible Parking Spaces

A. Parking Space Size.

1. Garages or carports that contain four or fewer parking spaces. Parking spaces shall be a minimum of 9 feet wide and minimum length of 19 feet in residential garages or carports that contain four or fewer parking spaces and do not include circulation elements such as driveway aisles, but consists primarily of parking spaces.
2. Other garages. Please refer to the City of San Clemente Engineering Division's Technical Standards for parking space size requirements for all other parking spaces.

Section 17: Definition “Day Care Facility, Child” in Section 17.88.030 of the Municipal Code is hereby amended as follows:

Day Care Facility, Child. "Child day care facility" means a facility which provides nonmedical care to children under 18 years of age in need of personal services, supervision or assistance essential for sustaining the activities of daily living or for the protection of the individual on less than a 24-hour basis. Child day care facilities include family day care homes, as defined below:

1. **Day Care Home, Family.** "Family day care home" means a home that regularly provides care, protection, and supervision for 14 or fewer children, in the provider's own home for periods of less than 24 hours per day, while the parents or guardians are away and is either a large family day care home or a small family day care home.
2. **Day Care Home, Large-Family.** "Large-family day care home" means a home that provides family day care for seven to 14 children at any one time, including children under the age of 10 years who reside at the home, as defined in Health and Safety Code Section 1597.465 and as defined in regulations.
3. **Day Care Home, Small-Family.** "Small-family day care home" means a home that provides family day care for eight or fewer children, including children under the age of 10 years who reside at the home, as defined in Health and Safety Code Section 1597.44 and as defined in regulations.

Section 18: Definition "Historical Resources" in Section 17.88.030 of the Municipal Code is hereby amended as follows:

"Historical Resources" means all properties (historic, archaeological, landscapes, traditional, etc.) eligible or potentially eligible for the National Register of Historic Places, as well as those that may be significant pursuant to state and local laws and registration programs such as the California Register of Historical Resources or the City of San Clemente Historic Resources Inventory. For the purpose of this title, the following definitions shall apply:

1. **"Adjacent property"** means any property that is located within 100 yards of property which has been designated as historically significant, and which is determined by the Planning Commission to have an actual or potential visual impact on the historically significant property.
2. **"Historical district"** means an area or distinct section containing structures which have a special character, historical interest or aesthetic value or which represents the Spanish Heritage architectural style typical to the history of the City.
3. **"Historically significant property"** means any site, building or structure of particular historic, architectural or cultural significance to the City as determined by the Planning Commission. Such site may be identified with historic personages or with important events in the main currents of national, State or local history, or may embody the distinguishing characteristics of an architectural specimen, inherently valuable for a study of a period, style, method of construction, or may be a notable

work of a master builder, designer or architect whose individual genius influenced his age.

4. **"Landmark"** means a building, site, structure, object, or improvement, manmade or natural, with special character or special historical, cultural, architectural, archeological, social, or aesthetic value inherent to the heritage of the City of San Clemente, the State of California, and/or the United States.
5. **"Demolition of Historic Structures"** means an act that destroys in whole or in part a designated historic resource.

Section 19: Definition "Lot coverage" in Section 17.88.030 of the Municipal Code is hereby amended as follows:

"Lot coverage" means the percent of the lot area that may be covered by all buildings or roofed structures. This includes garages, accessory buildings, balconies, covered patios, decks, covered entryways, and any similar structures that reduce the amount of lot area open to the sky.

Section 20: A supplemental reference is hereby added to Section 17.88.030 as follows:

In cases where a term is not defined below, the City Planner has authority to use Merriam-Webster Dictionary or other similar reference to define the meaning of terms, and to interpret terms that may influence decisions.

Section 21: Definition "Original Grade" is hereby added to Section 17.88.030 of the Municipal Code as follows:

"Original grade" means the grade of a property that existed before the ground was disturbed or development occurred

Section 22: Definition "Height, Average Building" is hereby added to Section 17.88.030 of the Municipal Code as follows:

"Average Building Height" means the methodology used to calculate maximum height limit based on averaging the height of each corner of the roof element compared to finished grade. Please refer to section 17.24.110 for the method of determining average building height.

Section 23: Definition “Height, Building” in section 17.88.030 of the Municipal Code is hereby amended as follows:

Please refer to Section 17.24.110 for the method of determining building height.

Section 24: Definition “Covered parking” is hereby added to Section 17.88.030 as follows:

“Covered parking” means a parking stall(s) within a garage, carport, or completely under the overhanging portion of a building.

Section 1: Section 17.08.010 of the Municipal Code is hereby amended as follows:

Zone Title	Map Designation
A. Residential Zones.	
Residential Very Low (1 dwelling unit/20 gross acres or legal lot ¹)	RVL
Residential Low (4.5 dwelling units/gross acre; 7 dwelling units/net acre)	RL
Residential Medium Low (7 dwelling units/gross acre; 10 dwelling units/net acre)	RML
Residential Medium (15 dwelling units/gross acre; 24 dwelling units/net acre)	RM
Residential High (24 dwelling units/gross acre; 36 dwelling units/net acre)	RH
B. Commercial Zones.	
Neighborhood Commercial	NC 1, NC 2, NC 3
Community Commercial	CC 1, CC 2, CC 3
Regional Commercial	RC 2
<u>Other Commercial*</u>	<u>C 1, C 2, C 3</u>
C. Mixed-Use Zones.	
Downtown Mixed-Use Zone	MU 3
South El Camino Real Mixed-Use Zone	MU 5.1
D. Public Zones.	
Public and Parking	P
Civic Center	CVC
Institutional	INST
E. Open Space Zones.	
Public Parks and Publicly Owned Open Space	OS 1
Publicly Owned Open Space—Shoreline	OS S1
Privately Owned Open Space	OS 2
Privately Owned Open Space—Shoreline	OS S2
Privately Owned Open Space (Restricted by Easement)	OS 3
Golf Courses and Commercial Recreation	OSC
F. Specific Plan <u>Areas.</u> and Study Area Zones.	

Future Specific Plan	SP
Forster Ranch Specific Plan	FRSP
Pier Bowl Specific Plan	PBSP
Rancho San Clemente Specific Plan	RSCSP
Talega Specific Plan	TSP
West Pico Corridor Specific Plan	WPCSP
North Beach Study Area	NBSA
G. Overlay Districts.	
Architectural	A
<u>Affordable Housing</u>	<u>AH</u>
Central Business	CB
Planned Residential District	PRD
Coastal Zone	CZ
Special Residential Overlays	<u>RL-# (e.g. RL-10)</u>
Inland Canyons	IC

* See 1991 Zoning Ordinance

Section 2: Table 17.12.020 of the Municipal Code is hereby amended as follows:

Table 17.12.020 - Review Authority for Permits and Entitlements

Permit Application	Final Authority¹	Public Hearings
Architectural/Cultural Heritage Permit	Planning Commission	Yes
PC waiver	Planning Commission	No
Staff waiver	City Planner	No
Building Permits	Refer to Uniform Building Code	No
Business License	Refer to Municipal Code	No
City Antenna Permit	City Manager	No
Coastal Review, In-Concept	City Planner	No
Conditional Use Permit	Planning Commission	Yes
Development Agreements	City Council	Yes
General Plan Amendment	City Council	Yes
Home Occupation Permit	City Planner	No
Interpretations		

Minor	City Planner	No
Major	Planning Commission	No
Minor Architectural/Cultural Heritage Permit	Zoning Administrator	Yes
ZA Waiver	Zoning Administrator	No
Staff Waiver	City Planner	No
Minor Conditional Use Permit	Zoning Administrator	Yes
Minor Exception Permit	Zoning Administrator	Yes
Minor Site Plan Permit	Zoning Administrator	Yes
Site Plan Permit	Planning Commission	Yes
Sound Amplification Permit	Refer to Municipal Code	No
Specific Plan Amendment	City Council	Yes
Temporary Use Permit	City Planner	No
Variance	Planning Commission	Yes
Zoning Amendment	City Council	Yes

Section 3: Section 17.12.065 “Withdrawal of inactive applications” is hereby added to the Municipal Code as follows:

The City Planner has the authority to withdraw applications that are inactive for 180 days or more due to inactivity. Applications are inactive when requested materials, funds, or other information necessary to proceed with the processing of an application is not submitted.

A. Withdrawal procedures. When an application is inactive for 90 days or more, a letter is sent via certified mail to inform applicants that they have 90 days to submit requested materials, funds or other information necessary to proceed with the processing of an application. If requested materials or funds are not received within the 90 days (a total of 180 calendar days since an application begins to be inactive), then the City Planner has the authority to:

1. withdraw the application; or
2. schedule for the designated decision making authority to consider the application as a consent item at the next available meeting. The City Planner may recommend for the decision making authority to deny the application without prejudice. The applicant would be notified of the meeting in advance.

B. Return of unused deposit account funds and materials. If an application is withdrawn, unused deposit account fees are refunded and materials are returned upon request.

Section 4: Section 17.16.050(C)(2) of the Municipal Code is hereby amended as follows:

Minor Site Plan Permits. A Minor Site Plan Permit is required for:

- a. Model home complexes and sales offices, per as provided for in Section 17.28.300(F), ~~Model Home Complex and Sales Office, of this title.~~
- b. Development adjacent to ~~R~~residentially zoned property, ~~development adjacent to,~~ per as provided for in Section 17.24.170(B), ~~Building Setback from Adjacent Residentially Zoned Property, of this title.~~
- c. Additions or alterations to nonresidential and mixed-use buildings, per as indicated in Table 17.16.050, ~~Additions or Alterations Requiring Site Plan Permits or Minor Site Plan Permits.~~

Section 5: Section 17.16.060(C) of the Municipal Code is hereby amended as follows:

Applicability. Conditional Use Permits are required as indicated by the use tables in Chapters 17.32, Residential Zones and Standards, through 17.48, Public Zones and Standards, in this Title. Conditional Use Permits are also required for the following requests:

Use/Modifications	As Provided for in:
Amusement centers	Section 17.28.050, Amusement Centers
Antennas, new, on City property	Section 17.28.070(C), Review Requirements
Chimneys which exceed the height limit of the zone in which they are located by more than two (2) feet	Table 17.24.080(B), Maximum Encroachments into Setbacks and Height Limits
Density bonus requests	Section 17.24.070(E), Review Procedures
Development standards, determination of, for development in the following zones: RVL Zone, Open Space Zones, Public Zone	Table 17.32.040, Residential Zone Development Standards; Table 17.44.030, Open-Space Zone Development Standards; Table 17.48.030, Public Zone Development Standards

Development standards, exceptions for commercial and mixed-use projects on lots 12,000 (twelve thousand) square feet and smaller in the MU3 zone	Section 17.40.050(C), Exceptions to the Development Standards for Lots of 12,000 Square Feet or Smaller, MU3
Elevator towers which exceed the height limits of the zone in which they are located by more than six (6) feet	Table 17.24.080(B), Maximum Encroachment into Setbacks and Height Limits
Fences, hedges, and walls exceeding six (6) feet in height for specific purposes	Section 17.24.090(D)(1)(b), Review Procedures
Flag poles and church steeples in residential zones that exceed the height limits of the zone where they are located	Table 17.24.080(B), Maximum Encroachments into Setbacks and Height Limits
Flag poles, antennas (other than satellite antennas or antennas on City property), church steeples, cupolas, and monuments, <u>and similar structures in -nonresidential and mixed-use zones</u> that exceed the height limits of the zone where they are located	Table 17.24.080(B), Maximum Encroachments into Setbacks and Height Limits
Storage tanks and similar structures in nonresidential zones that exceed the height limits of the zone where they are located	Table 17.24.080(B), Maximum Encroachments into Setbacks and Height Limits
Grading requests not accompanying development requests	Section 17.28.130(B), Review Requirements
Historic Structures, exceptions to the minimum commercial floor area for mixed-use projects in the MU3 zone	Section 17.40.050(D), Exceptions to the Minimum Floor Area Requirements for the Commercial Portion of Mixed-use Projects for Buildings on the City's Designated Historic Structure List
Home occupations conducted outside enclosed structures	Section 17.28.160(B), Review Requirements
Nonconforming uses: change from prohibited use to a different prohibited use	Section 17.72.060(C)(3), Changes of Use.
Nonresidential uses allowed in the zone located on the same level as residential uses in the MU3 Zone	Section 17.40.030(A)(2)(a), Special Use Regulations for the Downtown Mixed Use (MU3) Zone

Outdoor dining areas	Private property: Section 17.16.205(C), Review Requirements; Public property: Section 17.28.206(C), Review Requirements
Parking modifications for: Bed and Breakfast Inns, Uses in and out of the Downtown Parking Study Area, Historic nonresidential and mixed-use structures, Historic structures in the RM and RH Zones, Relocation of historic structures, Hotels, Off-site parking for nonresidential uses, Outdoor dining, Public utilities, Shared parking	Section 17.28.090(D), Minimum Standards for Bed and Breakfast Inns in All Zones; Section 17.64.125, Waivers of parking requirements; Section 17.64.110, Off-Site Parking, Section 17.28.205(D)(6), Outdoor dining on private property; Section 17.28.206, Outdoor dining on public property; Section 17.28.240(C)(2)(d), Minor Utilities; Section 17.64.120, Shared Parking
Patio covers, detached, exceeding fifteen (15) feet in height and located within certain setback areas	Table 17.24.080(B), Maximum Encroachments into Setbacks and Height Limits
Public utilities, major, initiated by outside agencies	Section 17.28.240(B)(2)(a), Projects Initiated by Outside Agencies/Applicants
Residential uses on the street level, buildings on the City's Designated Historic Structure List	Section 17.40.030(A)(2)(c), Location of Residential Uses
Urban Private Storage in Mixed-Use Zones	Section 17.28.305, Urban Private Storage
Height exceptions for residential development on Lots 46 through 64 of Tract 4938 in the RL-11 special residential overlay zone	Appendix A, Subsection (K.4.B) in this Title

Section 6: Section 17.16.140 of the Municipal Code is hereby removed in its entirety:

~~**A. Purpose and Intent.** The purpose of the Home Occupation Permit process is to provide for review of requests for incidental and accessory uses to be established in residential neighborhoods under conditions that will ensure their compatibility with the primary residential use. The process is intended to allow residents to engage in home businesses that are harmonious with a residential environment.~~

~~**B. Authority.** The City Planner is the final authority on Home Occupation Permits, subject to the appeal provisions of Section 17.12.140, Appeals of an Action, of this title and the provisions for Home Occupations Permits found in Section 17.28.160, Home Occupations, of this title.~~

~~If the City Planner finds that, due to the location or nature of the proposed home occupation, a significant adverse neighborhood impact may result, the City Planner may schedule the home occupation application for a public hearing in the same manner as a Minor Conditional Use Permit application, in accordance with Section 17.16.070, Minor Conditional Use Permits, of this chapter.~~

~~C. **Applicability.** A Home Occupation Permit is required for any business operated in a dwelling unit legally existing in any zone.~~

~~D. **General Regulations.** For the general regulations for Home Occupation Permits, please refer to Section 17.28.160(C), Minimum Standards, of this title.~~

~~E. **Submittal Requirements.** Please refer to the submittal requirements in Section 17.12.040, Filing an Application, and Section 17.12.060, Applications Requiring Additional Information, of this title.~~

~~F. **Review Procedures.** The City Planner shall approve, conditionally approve, or deny the application, subject to the requirements for Home Occupation Permits found in Section 17.28.160(C), Minimum Standards, of this title, within 15 days following receipt of a completed application. Should the City Planner fail to render a decision within 15 days of receiving a completed application, the applicant may request that the Home Occupation Permit application be forwarded to the Planning Commission for review in the same manner as requests for Planning Commission waivers, as described in Section 17.16.120, Planning Commission/Zoning Administrator Waivers of Cultural Heritage and Minor Cultural Heritage Permits, of this chapter.~~

~~G. **Required Findings.** Prior to the approval of an application for a Home Occupation Permit, a finding shall be made that the application complies with the minimum standards for home occupations in accordance with Section 17.28.160(C), Minimum Standards, of this title.~~

~~H. **Appeals.** An appeal of the decision on a Home Occupation Permit shall be reviewed in accordance with Section 17.12.140, Appeals of an Action, of this title.~~

~~I. **Modifications Requested by the Applicant.** Modifications to approved Home Occupation Permits shall be reviewed in accordance with Section 17.12.180, Modifications of an Approved Application, of this title.~~

J. ~~Modifications and/or Revocations Initiated by the City.~~

~~1. Initiation and Review Procedures. Modifications or revocations of a Home Occupation Permit may be initiated by the City Manager. The Zoning Administrator shall be the final authority on the modification or revocation of Home Occupation Permits. Modification/revocation shall be reviewed in the same manner as modifications or revocations of Minor Site Plan Permits, as described in Section 17.16.050(1)(2)(b), Review Procedures, of this chapter. The Zoning Administrator's decision to modify or revoke a Home Occupation Permit may be appealed in accordance with Section 17.12.140, Appeals of an Action, of this title.~~

~~2. Required Findings. A Home Occupation Permit may be modified or revoked if any of the following findings can be made:~~

~~a. The provisions of Section 17.28.160(C), Minimum Standards, of this title, relative to Home Occupation Permits, are being violated or are not being satisfied.~~

~~b. The use is being conducted in a manner that constitutes a nuisance.~~

~~c. The application contained incorrect, false or misleading information.~~

~~d. The home occupation for which the permit was granted has ceased or has been suspended for six calendar months.~~

~~e. The conditions of the premises, or the surrounding district or areas have changed so that the home occupation may no longer be justified under the meaning or intent of this section.~~

K. ~~Other Review Requirements.~~ ~~For other general requirements related to the review of applications, such as time limits on approvals and requests for extensions of approvals, please refer to Chapter 17.12, Development Review Process, of this title.~~

L. ~~Approval Runs with the Applicant/Location.~~ ~~A Home Occupation Permit remains valid as long as the applicant complies with all conditions and remains at the specific address for which the permit was established.~~

Section 7: Table 17.24.080(B) of the Municipal Code is hereby amended as follows:

Table 17.24.080B – Maximum Encroachments into Setbacks and Height Limits

Item	Front Encroachments Into Front Yard Setback Area	Side Encroachments Into Side Yard Setback Area	Rear Encroachments Into Rear Yard Setback Area	Maximum Projection Above Height Limit	Other Limitations
HVAC, Mechanical Equipment, Window Mounted Air Conditioners, Tankless Water Heaters	Not Permitted	0 ft. from property line	0 ft. from property line	Not Permitted	

Section 8: Section 17.24.110 of the Municipal Code is hereby amended as follows:

A. Purpose and Intent. One of San Clemente's defining characteristics is its varied topography. The City's building height regulations are intended to:

1. Preserve the natural topography by encouraging residential structures that follow the topography of the lots on which they are located and by discouraging significant grading or fill on infill lots. The calculation of height by individual roof element is intended to assist these objectives, by allowing roof elements to step up or down with the natural topography of the lot. The measurement of height from original grade is also intended to assist these objectives, by establishing height limits which are relative to the natural topography;
2. Accommodate the special difficulties of developing on sloped properties by allowing height to be averaged within roof elements;
3. Encourage developments with full roofs. The establishment of a height limit to plate line and a height limit to top of roof, in specific mixed-use and nonresidential zones where traditional architecture is required, is intended to assist with this objective; and
4. Discourage excessively massive structures. The establishment of a story limit in mixed-use and nonresidential zones is intended to assist with this objective. The

exemption of subterranean portions of structures from counting toward the story limit is intended to assist this objective, as well.

B. General Regulations for the Measurement of Height. The following regulations for calculating height shall apply to all development within the City of San Clemente:

1. Measurement of Height From Original or Finished Grade.
 - a. Developments With Mass Recontouring. In the case of subdivisions and/or land development where mass recontouring has been or will be permitted by the City, building height shall be measured from finished grade, subject to approval through the site plan permit process, as described in Section 17.16.050, Site Plan Permits and Minor Site Plan Permits, of this title. Please refer to Figure 17.24.110A for a map of those areas in the City which have had mass recontouring. This subsection does not include properties with significant grading which have received the approval of a variance from height limits; please refer to the following paragraph b, for the method of measuring height on these properties.
 - b. All Other Development. In the case of developments where mass recontouring has not been permitted, or where significant grading has been allowed but through the approval of a variance from the height limit, building height shall be measured from original grade.
 - c. In cases where it is ambiguous whether building height should be measured from finished or original grade, or where a determination of finished or original grade is difficult, the City Planner shall make such determination, subject to the appeal provisions in Section 17.12.140, Appeals of an Action, of this title.
2. Measurement of Height by Roof Element. The building height limits for a zone shall be applied to and measured for each roof element of a structure. No individual roof element may exceed the height limits for the zone.
3. Measurement of Height to the Top of a Roof Element (TOR). Unless additional height limits are indicated in the development standard tables in Chapters 17.32, Residential Zones and Standards, through 17.48, Public Zones and Standards, of this title, the maximum height limit Sstated for a zone shall be a limit upon the "average height to the top of the roof element." The average height to the top of a roof element is calculated by:

Section 9: Section 17.28.160(B) of the Municipal Code is hereby removed in its entirety:

~~B. Review Requirements.~~

~~1. General Review Requirements. Home Occupation Permits, in accordance with Section 17.16.140, Home Occupation Permits of this title, and City business licenses are required when businesses are conducted as an accessory use to a primary residential use in any zone. Please refer to Chapter 5.04, Business Licenses Generally, of this code for information regarding business licenses.~~

~~2. Home Occupation Conducted Outside Enclosed Structure. A Conditional Use Permit, in accordance with Section 17.16.060, Conditional Use Permits, of this title, may be requested to conduct a home occupation in other than an enclosed structure. Exception: A home occupation consisting of swimming instruction for up to three students at one time may be conducted in an outdoor pool without a Conditional Use Permit.~~

Section 10: Section 17.32.030(B) and Table 17.32.030 of the Municipal Code is hereby amended as follows:

B. Prohibited Uses. The following uses are prohibited:

1. Uses that are listed in Table 17.32.030, but are not identified as either permitted—“P”—or conditionally permitted—“MC or C”; and
2. Uses that have been excluded from Table 17.32.030, unless they are found by the City to be similar to permitted or conditionally permitted uses.
3. Uses where a blank cell ~~the symbol “NP”~~ appears within Table 17.32.030, Residential Zones Uses.

Table 17.32.030 - Residential Zone Uses

Use	RVL	RL	RML	RM	RH
1. Agricultural					
Animals, Commercial Grazing of Large Species ¹	C	NP	NP	NP	NP
Apiaries (Bee Farming)	C	NP	NP	NP	NP

Crop and Tree Farming	C	NP	NP	NP	NP
Nurseries (Farming Only)	C	NP	NP	NP	NP
2. Lodging					
Bed-and-Breakfast Inns: ²					
a. 5 or Fewer Guest Rooms	C	C	MC	MC	MC
b. 6 or More Guest Rooms	C	C	C	C	C
3. Public/Quasi-Public and Institutional					
Arboretums (Public/Private)	C	NP	NP	NP	NP
Churches	C	C	C	C	C
Congregate Care Facility ³	NP	NP	C	C	C
Convalescent Care	NP	NP	C	C	C
Day Care Facilities, Children's: ⁴					
a. Small-Family Day Care Home ⁵	P/MC	P/MC	P/MC	P/MC	P/MC
b. Large-Family Day Care Home	C	MC	MC	MC	MC
c. Day Care Center	NP	NP	C	C	C
Parking Lots ⁶	NP	C	C	C	C
Parks ⁷	O	NP	O	O	O
Preserves (Archaeological, Botanical, Geological, Wildlife)	C	C	C	C	C
Public Utilities ⁸					
a. City-Initiated Project	O	O	O	O	O
b. Projects Initiated by Outside Agencies					
i. Major Utilities	C	C	C	C	C
ii. Minor Utilities	P	P	P	P	P
Recreational/Uses (Public/Private, Nonprofit)	C	C	C	C	C
Schools (Public/Private)	C	C	C	C	C
4. Residential Uses					
Accessory Uses (Pools, Detached Garages, Tool and Garden Sheds, Gazebos, Patio Covers, Barbecues)	P	P	P	P	P
a. Stables	C	NP	NP	NP	NP
Guesthouses	C	P	NP	NP	NP
Home Occupation Permits⁹	P	P	P	P	P
Manufactured Homes ¹⁰	P	P	P	P	P
Mobile Homes ¹¹					

a. Units	C	C	C	C	C
b. Subdivisions and Parks ¹²	C	C	C	C	C
Multifamily Dwellings:					
a. 4 Units or Fewer	NP	NP	P	P	P
b. 5 Units or More	NP	NP	C	C	C
Second Residential Units (Inland Side of I-5) ¹³	P	P	NP	NP	NP
Senior Housing Projects ¹⁴	NP	NP	C	C	C
Single-Family Dwellings	C	P	P	P	P
5. Unclassified Uses					
Accessory Buildings, Residential ¹⁵ Detached, Over 15 Feet in Height	C	C	C	C	C
a. All Others	P	P	P	P	P
b. Accessory Buildings, Nonresidential ¹⁶	C	C	C	C	C
Grading, ¹⁷ (Not Accompanying a Development Request):					
a. Emergency	P	P	P	P	P
b. Major	C	C	C	C	C
c. Minor	P	P	P	P	P

1. Refer to Section 17.28.060, Animals, Commercial Grazing and Raising of Large Species, of this title, for special provisions for the commercial grazing of large species
2. Refer to Section 17.28.090, Bed and Breakfast Inns, of this title, for special provisions for bed and breakfast inns
3. Refer to Section 17.28.110, Congregate Care Facilities, of this title for special provisions for congregate care facilities.
4. Refer to Section 17.28.100, Child Day Care Facilities, of this title for special provisions for day care facilities.
5. Small day care homes in legal nonconforming or conforming single-family homes are permitted. All other small-family day care homes require a Minor Conditional Use Permit.
6. Refer to Section 17.28.220, Parking Lots, of this title for special provisions for single-use parking lots.
7. Refer to Section 17.28.230, Public Park Facilities, of this title for review requirements for parks.
8. Refer to Section 17.28.240, Public Utilities, of this title for review requirements for public utilities/buildings.
- ~~9. Refer to Section 17.28.160, Home Occupations, of this title for special provisions for Home Occupation Permits.~~
9. Manufactured homes are subject to the same requirements as individual mobile homes. Please refer to Section 17.28.190(D), Minimum Standards for Individual Mobilehomes, of this title, for standards to be used for manufactured homes.
10. Refer to Section 17.28.190, Mobilehomes, of this title for special provisions for mobile homes.
11. Refer also to Section 17.56.040, Planned Residential District Overlay, of this title, for special provisions for planned residential developments.
12. Refer to Section 17.28.270, Second Residential Units, of this title for special provisions for second residential units.
13. Refer to Section 17.28.280, Senior Housing Projects, of this title for special provisions for senior housing projects.

14. Refer to Section 17.24.040, Accessory Buildings, of this title for special provisions for accessory buildings.
15. Refer to Section 17.24.040, Accessory Buildings, of this title for special provisions for accessory buildings.
16. Refer to Section 17.28.130, Grading, of this title, for special provisions for grading requests that are not accompanying development requests.

Section 11: Section 17.36.020(B) and Table 17.36.020 of the Municipal Code is hereby amended as follows:

B. Prohibited Uses. The following uses are prohibited:

1. Uses that are listed in Table 17.36.020, Commercial Zone Uses, but are not identified as either permitted—“P”—or conditionally permitted—“MC or C”; and
2. Uses that have been excluded from Table 17.36.020, Commercial Zone Uses, unless they are found by the City to be similar to permitted or conditionally permitted uses.
3. Uses where a blank cell ~~the symbol “NP”~~ appears within Table 17.36.020
4. The following uses are not permitted in any commercial zone:
 - a. Medical Marijuana Dispensaries.

Table 17.36.020 - Commercial Zone Uses

Use	NC 1.1, NC 1.2	NC 2, NC 3, CC 1, CC 2, CC 3	RC 2	CRC-4
1. Commercial Uses				
Antiques (Retail Sales)	P	P	NP	P
Art Galleries	P	P	NP	P
Bakery Goods/Sales (No Wholesale Distributors)	P	P	NP	P
Barber Shops	P	P	NP	P
Bicycle Shops	P	P	NP	P
Bookstores	P	P	NP	P
Carpet Sales	MC	P	NP	P
Ceramics (Retail Sales)	MC	P	NP	P

Cleaners and Laundromats (No Linen Service)	P	P	NP	P
Clothing (Retail Sales)	P	P	NP	P
Confectionery Stores (Small Scale Production with Retail Sales)	P	P	NP	P
Convenience Stores ¹	C	C	NP	P
Drug Stores/Pharmacies	P	P	NP	NP
Electronics (Retail Sales and Repair)	P	P	NP	P
Fabric Stores	P	P	NP	NP
Florist (Retail Sales)	P	P	NP	P
Floor Covering	MC	P	NP	NP
Furniture Stores (Retail Sales)	MC	P	NP	P
Glass/Mirror Sales	MC	P	NP	P
Grocery/Food Stores (Not Convenience Stores)	P	P	NP	NP
Gunsmith/Gun Shops	NP	C	NP	NP
Hardware Stores	P	P	NP	NP
Home Appliance Stores (Retail Sales and Repair)	MC	P	NP	NP
Ice Cream Parlors (Retail Sales with Small Production)	P	P	NP	P
Interior Decorating Stores	MC	P	NP	P
Janitorial Supplies	NP	P	NP	NP
Jewelry Stores	P	P	NP	P
Lawnmower Sales/Service	MC	P	NP	NP
Liquor Sales				
a. Hard Alcohol	C	C	NP	C
b. Beer and Wine (Off-Site Consumption Only)	MC	MC	NP	MC
Locksmith Shops	MC	P	NP	NP
Mail-Order Stores	MC	P	NP	P
Medical/X-ray Equipment (Sales Only)	NP	P	NP	NP
Medical Marijuana	NP	NP	NP	NP

Dispensaries				
Music Sales	P	P	NP	P
Newsstands (On Private Property)	P	P	NP	P
Nurseries (Indoor Garden Retail Sales)	MC	P	NP	P
Nurseries (Outdoor Garden Retail Sales)	NP	C	NP	NP
Office Equipment/Supplies	C	P	NP	NP
Paint/Wallpaper Sales	MC	P	NP	NP
Patio/Outdoor Furniture Sales	MC	P	NP	P
Pawn Shops	NP	C	NP	NP
Pet Shops	MC	MC	NP	NP
Pet Supply Stores	MC	P	NP	NP
Photographic Equipment Sales	MC	P	NP	P
Pottery (With Small Production Retail Sales)	P, MC	P	NP	P
Shoe Stores (Retail Sales and Repair)	P	P	NP	P
Specialty Food Stores	P	P	NP	P
Sporting Goods (Retail Sales)	MC	P	NP	P
Stationery Stores	P	P	NP	P
Surfboard (Custom Manufacturing)	NP	C	NP	NP
Swimming Pool Accessory Shops	MC	P	NP	NP
Tailors/Dressmakers	P	P	NP	NP

Use	NC 1.1, NC 1.2	NC 2, NC 3, CC 1, CC 3	CC 2	RC 2	CRC-4
2. Hospital Uses					
Ambulance Services	NP	NP	C	C	NP
Ancillary Uses (Minor) to Hospital, such as Laboratories, Florists, Parking Lots ²	NP	NP	P	P	NP
Hospitals	NP	NP	C	C	NP

Use	NC 1.1	NC 1.2	NC 2, NC 3, CC 1, CC 2, CC 3	RC 2	CRC-4
3. Lodging					
Bed and Breakfast Inns: ³					
a. 5 or Fewer Guest Rooms	NP	P	P	NP	C
b. 6 to 10 Guest Rooms	NP	MC	MC	NP	C
c. Over 10 Guest Rooms	NP	C	C	NP	C
Hotel and Ancillary Uses	NP	C	C	NP	C
Motels	NP	NP	C	NP	C
Timeshares	NP	C	C	NP	C

Use	NC 1.1, NC 1.2	NC 2, NC 3, CC 1, CC 2, CC 3	RC 2	CRC-4
4. Professional Offices, Financial Institutions and Related Uses				
Banks/Financial Institutions	P	P	NP	NP
a. With Drive-Thru Facilities	C	C	NP	NP

Use	NC 1.1	NC 1.2	NC 2, NC 3, CC 1, CC 2, CC 3	RC 2	CRC-4
Employment Agencies	NP	P	P	NP	NP

Use	NC 1.1, NC 1.2	NC 2, NC 3, CC 1, CC 2, CC 3	RC 2	CRC-4
Newspaper Publication and Office	NP	P	NP	P (2nd Floor and Above Only)
Offices, Medical	P	P	P	NP
Offices, Professional	P	P	NP	P (2nd Floor and

				Above Only)
Offices, Veterinary/Animal Hospitals:	MC	P	NP	NP
Secretarial Services	P	P	NP	NP

Use	NC 1.1	NC 1.2	NC 2, NC 3, CC 1, CC 2, CC 3	RC 2	CRC-4
Telemarketing	NP	P	P	NP	NP

Use	NC 1.1, NC 1.2	NC 2, NC 3, CC 1, CC 2, CC 3	RC 2	CRC-4
Travel Agencies	MC	P	NP	P

Use	NC 1.1, NC 1.2	NC 2, NC 3, CC 1, CC 2, CC 3	RC 2	CRC-4
5. Public/Quasi Public and Institutional Uses				
Churches	C	C	NP	NP
Club/Social Organizations	C	C	NP	NP

Use	NC 1.1	NC 1.2	NC 2, NC 3, CC 1, CC 2, CC 3	RC 2	CRC-4
Congregate Care Facility ⁴	NP	C	C	C	NP
Convalescent Home	NP	C	C	C	NP

Use	NC 1.1, NC 1.2	NC 2, NC 3, CC 1, CC 2, CC 3	RC 2	CRC-4
Day Care Facilities ⁵				
<u>a.</u> Small Day Care Home	P/MC	P/MC	P/MC	NP
<u>b.</u> Large Day Care Home	MC	MC	MC	NP
<u>c.</u> Day Care Center	C	C	C	NP

Group Instruction/Group Counseling	MC	C	NP	NP
Libraries	P	P	NP	NP
Parking Lots ⁶	MC	MC	NP	C
Parking Structures	C	C	NP	C
Parks ⁷	O	O	O	C
Public Utilities: ⁸				
a. City-Initiated Projects	O	O	O	C
b. Projects Initiated by Outside Agencies:				
i. Major Utilities	C	C	C	C
ii. Minor Utilities	P	P	P	C
School (Public and Private)	C	C		C
Transportation Facilities	NP	C	NP	C

Use	NC 1.1	NC 1.2	NC 2, NC 3, CC 1, CC 2, CC 3	RC 2	CRC-4
6. Residential Uses					
Affordable Housing Project ⁹	NP	NP	NC 2 and NC 3 only	NP	NP
Senior Housing Project ¹⁰	NP	C	C	NP	NP

Use	NC 1.1, NC 1.2	NC 2, NC 3, CC 1, CC 2, CC 3	RC 2	CRC-4
7. Restaurants and bars				
Bars, cocktail lounges (with or without dancing and/or entertainment)	C	C	NP	C
Restaurants:				
a. With drive-through ¹¹	NP	C	NP	NP
b. With no on-site consumption of liquor, no dancing, no entertainment	P	P	NP	P
c. With on-site sale of beer and wine:				

4.i. Indoors	MC	MC	NP	MC
2.ii. Outdoors with up to 16 seats or 4 tables	MC	MC	NP	C
3.iii. Outdoors with more than 16 seats and/or 4 tables	MC	MC	NP	C
a.d. With on-site sale of hard alcohol: ^{12,13}				
4.i. Indoors	C	C	NP	C
2.ii. Outdoors with up to 16 outdoor seats or 4 tables	MC/C	MC/C	NP	MC
3.iii. Outdoors with more than 16 outdoor seats and/or 4 tables	C	C	NP	C
b.e. With dancing and/or entertainment that has:				
4.i. No amplified sound	MC	MC	NP	MC
2.ii. Amplified sound	C	C	NP	C

Use	NC 1.1, NC 1.2	NC 2, NC 3, CC 1, CC 2, CC 3	RC 2	CRC-4
8. Unclassified Uses				
Accessory Buildings	C	C	C	C
Alcoholic Beverage Sales Concurrent With Motor Vehicle Fuel-Convenience Stores Sales ¹⁴	C	C	NP	NP
Amusement Centers ¹⁵	C	C	NP	C
Animal Grooming	MC	P	NP	NP
Bowling Alleys	NP	C	NP	C
Drive-Thru Facilities, When in Conjunction with a Use Permitted or Conditionally Permitted in the Zone	NP	C	NP	NP
Grading ¹⁶ , (Not Accompanying a Development Request)				

<u>a.</u> Emergency	P	P	P	P
<u>b.</u> Major	C	C	C	C
<u>c.</u> Minor	P	P	P	P
Health/Fitness/Sports Clubs and Facilities	C	C	NP	C
Internet Access Studio/Internet Café	P	P	NP	P
<u>a.</u> With 5 or more computers available to the public (excluding school, library and other similar public uses) ¹⁷	C	C	NP	C
Massage ¹⁸	P	P	P	P
Mortuaries	NP	C	NP	NP
Pool Halls ¹⁹	NP	C	NP	C
Recycling Facilities ²⁰				
<u>a.</u> Reverse Vending Machines	P	P	NP	NP
<u>b.</u> Small Collection	C	P	NP	NP
<u>c.</u> Large Collection	NP	C	NP	NP
Theaters	NP	C	NP	C
Wine Tasting (Only as an Accessory Use to establishments selling wine or wine-related products as a primary use)	MC	MC	NP	MC

Use	NC 1.1, NC 1.2	NC 2, NC 3, CC 1, CC 2, CC 3	RC 2	CRC-4
9. Vehicle-Related Repair, Sales and Service²¹				
Car Washes ²¹	NP	C	NP	NP
Service/Gas Station ²²	C	C	NP	NP
Vehicle Dealerships (Sales, Leasing, Rental, New and Used): ²³				NP
<u>a.</u> Auto Dealerships w/Fewer than 10 Cars	NP	MC	NP	
<u>b.</u> All Other Vehicle	NP	C	NP	

Dealerships				
Vehicle Parts/Accessories Sales	NP	MC	NP	NP
Vehicle Repair/Service, Minor ²⁴	NP	C	NP	NP

Section 12: Section 17.40.030(B) and Table 17.40.030 of the Municipal Code is hereby amended as follows:

B. Prohibited Uses. The following uses are prohibited:

1. Uses that are listed in Table 17.40.030, but are not identified as either permitted—"P"—or conditionally permitted—"MC or C", or "O"; and
2. Uses that have been excluded from Table 17.40.030, unless they are found by the City to be similar to permitted or conditionally permitted uses.
3. Uses where a blank cell ~~the symbol "NP"~~ appears within Table 17.40.030
4. The following uses are not permitted in any mixed-use zone:
 - a. Medical Marijuana Dispensaries.

Table 17.40.030 - Mixed-Use Zone Uses

Use	MU 3	MU 3-CB	MU 5.1
1. Commercial Uses			
Antiques	P	P	P
Art Galleries	P	P	P
Bakery Goods/Sales (No Wholesale Distributors)	P	P	P
Barber Shops	P	P	P
Bicycle Shops	P	P	P
Bookstores	P	P	P
Ceramics (Retail Sales)	P	P	P
Cleaners and Laundromats (No Linen Service)	P	P	P
Clothing Stores	P	P	P

Confectionery Stores (Small Scale Production with Retail Sales)	P	P	P
Convenience Stores ¹	C	C	NP
Drugstores/Pharmacies	P	P	P
Electronics (Retail Sales and Repair)	P	P	P
Fabric Stores	P	P	P
Floor Covering Stores	P	P	P
Florists (Retail Sales)	P	P	P
Furniture Stores (Retail Sales)	P	P	P
Grocery/Food Stores (Not Convenience Stores)	P	P	P
Gunsmith/Gun Shops	C	C	C
Hair Salons	P	P	P
Hardware Stores	P	P	P
Home Appliance Stores (Retail Sales and Repair)	P	P	P
Ice Cream Parlors (Retail Sales with Small Production)	P	P	P
Interior Decorating Stores	P	P	P
Jewelry Stores	P	P	P
Liquor Sales:			
a. Hard Alcohol	C	C	C
b. Beer and Wine (Off-Site Consumption Only)	MC	MC	MC
Locksmith Shops	P	P	P
Mail-Order Stores	P	P	P
Medical/X-Ray Equipment (Sales Only)	NP	NP	P
Medical Marijuana Dispensaries	NP	NP	NP
Music Sales	P	P	P
Newsstands (On Private Property)	P	P	P
Nurseries (Indoor Garden Retail Sales)	P	P	P

Nurseries (Outdoor Garden Retail Sales)	C	C	C
Office Equipment/Supplies	P	P	P
Paint/Wallpaper Sales	P	P	P
Patio/Outdoor Furniture Sales	P	P	P
Pawn Shops	C	C	C
Pet Shops	MC	MC	MC
Pet Supply Stores	P	P	P
Photographic Equipment Sales	P	P	P
Pottery (Retail Sales with Small Production)	P	P	P
Shoe Stores (Retail Sales and Repair)	P	P	P
Specialty Food Stores	P	P	P
Sporting Goods (Retail Sales)	P	P	P
Stationery Stores	P	P	P
Swimming Pool Accessory Shops	P	P	P
Tailors/Dressmakers	P	P	P
2. Lodging			
Bed and Breakfast Inns: ²			
<u>a.</u> 5 or Fewer Guest Rooms	P	MC/ Ped	P
<u>b.</u> 6 to 10 Guest Rooms	MC	MC/ Ped	MC
<u>c.</u> Over 10 Guest Rooms	C	C	C
Hotel and Ancillary Uses	C	C	C
Motels	NP	NP	C
Timeshares	C	C	C
3. Professional Offices, Financial Institutions and Related Uses			
Ambulance Services (Office Only)	P	MC/ Ped	P
Banks/Financial Institutions	P	P	P
<u>a.</u> Special Consideration, ATM's	NP	NP	C
Employment Agencies	P	MC/ Ped	P
Offices, Medical:			

a. Optometrists with Retail Space	P	P	P
b. Optometrists without Retail Space	P	MC/Ped	P
c. Other Offices	P	MC/ Ped	P
Offices, Professional and/or General:			
a. Realtors	P	P	P
b. Other Offices	P	MC/ Ped	P
Offices, Veterinary/Animal Hospitals	C	C	C
Secretarial Services	P	MC/ Ped	P
Telemarketing Services	P	MC/ Ped	P
Travel Agencies	P	P	P
4. Public/Quasi Public and Institutional Uses			
Churches	C	C	C
Clubs/Social Organizations	C	C	C
Congregate Care Facilities ³	C	C	C
Convalescent Homes	NP	NP	C
Day Care Facilities: ⁴			
a. Small Day Care Homes ⁵	P/MC	P/MC	P/MC
b. Large Day Care Homes	MC	MC	MC
c. Day Care Centers	C	C	C
Group Instruction/Group Counseling	P	MC/ Ped	P
Libraries	P	P	P
Parking Lots ⁶	MC	MC	MC
Parking Structures	C	C	C
Parks ⁷	O	O	O
Public Utilities ⁸			
a. City-Initiated Projects	O	O	O
b. Projects Initiated by Outside Agencies:			
i. Major Utilities	C	C	C
ii. Minor Utilities	P	P	P
Schools, Public and Private	MC	MC	MC
1—12 Individuals			
Greater than 12 Individuals	C	C	C

Transportation Facilities	C	C	C
5. Residential Uses	Residential uses in the MU3 zone are limited to the floors above street level. In the AH Overlay, dwellings that are part of an affordable housing project are permitted to be located at the street level. Exceptions may be granted for historic structures. Refer to Section 17.40.030(A)(2) (c), Location of Residential Uses, of this title.		Refer to Section 17.40.050(A), Residential Use Restrictions for MU5.1, of this title
Affordable Housing Projects ⁹	P	NP	P
Manufactured Homes ¹⁰	NP	NP	MC
Mobile Homes: ¹¹	NP	NP	C
a. Units	NP	NP	C
b. Subdivisions and Parks ¹²			
Residential Units	C	C	C
Senior Housing Projects ¹³	C	C	C
6. Restaurants and bars			
Bars, cocktail lounges (with or without dancing and/or entertainment)	C	C	C
Restaurants			
a. With drive-through ¹⁴	NP	NP	C
b. With no on-site consumption of liquor, no dancing, no entertainment	P	P	P
c. With on-site sale of beer and wine:			
1.i. Indoors	MC	MC	MC
2.ii. Outdoors with up to 16 outdoor seats or 4 tables	MC	MC	MC
3.iii. Outdoors with more than 16 outdoor seats and/or 4 tables	C	C	C
d. With on-site sale of hard alcohol: ^{15, 16}			
1.i. Indoors	C	C	C

2.ii. Outdoors with up to 16 outdoor seats or 4 tables	MC/C	MC/C	MC/C
3.iii. Outdoors with ore than outdoor 16 seats and/or 4 tables	C	C	C
e. With dancing and/or entertainment that has:			
4.i. No amplified sound	MC	MC	MC
2.ii. Amplified sound	C	C	C
7. Unclassified Uses			
Accessory Buildings, Residential ¹⁷			
a. Detached, Over 15 Feet in Height	NP	NP	C
b. All Others	NP	NP	P
Accessory Buildings, Nonresidential ¹⁸	C	C	C
Alcohol Beverage Sales Concurrent with Motor Vehicle Fuel-Convenience Store Sales ¹⁹	NP	NP	C
Amusement Centers ²⁰	C	C	C
Animal Grooming Shops	NP	NP	MC
Bowling Alleys	NP	NP	C
Drive-Thru Facilities, When in Conjunction with a Use Permitted or Conditionally Permitted in this Zone	NP	NP	C
Grading ²¹ , Not Accompanying a Development Request:			
a. Emergency	P	P	P
b. Major	C	C	C
c. Minor	P	P	P
Health/Fitness/Sports Clubs and Facilities	C	C	C
Internet Access Studio/Internet Café	P	P	P
a. With 5 or more computers	C	C	C

available to the public (excluding school, library and similar public uses) ²²			
Massage ²³	P	P	P
Mortuaries	NP	NP	C
Pool Halls ²⁴	C	C	C
Recycling Facilities. ²⁵ Reverse Vending Machines	MC	MC	MC
Theaters	C	C	C
Urban Private Storage ²⁶	C	C	NP
Wine Tasting (Only as an Accessory Use to establishments selling wine or wine related products as a primary use)	MC	MC	MC
8. Vehicle-Related Repair, Sales and Service²⁷			
Car Washes	NP	NP	C
Vehicle Parts/Accessories Sales	NP	NP	MC

Section 13: Section 17.44.020 and Table 17.44.020 of the Municipal Code is hereby amended as follows:

B. Prohibited Uses. The following uses are prohibited:

1. Uses that are listed in Table 17.44.020, but are not identified as either permitted—"P"—or conditionally permitted—"MC or C"; and
2. Uses that have been excluded from Table 17.44.020, unless they are found by the City to be similar to permitted or conditionally permitted uses.
3. Uses where a blank cell ~~the symbol "NP"~~ appears within Table 17.44.020

Table 17.44.020 - Open-Space Zone Uses

Use	OS/ 1	OS/ S1	OS 2/ OS 3	OS/ S2	OSC
1. Agricultural Uses					
Animals, Commercial Grazing of Large Species ¹	NP	NP	C	NP	NP
Apiaries (Bee Raising)	NP	NP	C	NP	NP

Crop and Tree Farming	NP	NP	C	NP	NP
Nurseries, Farming Only	NP	NP	C	NP	NP
2. Commercial Uses					
Business Concessions in Conjunction with Approved Recreational Uses	MC	MC	MC	MC	MC
Clubhouses (Private) in Conjunction with Recreational Uses	NP	NP	C	C	C
Private or Rental Cabanas w/o Kitchens (Not Suitable for Dwelling; Serving Only as Temporary Shelters and Dressing Rooms)	NP	NP	NP	C	NP
Recreational Rental Concessions in Conjunction with Previously Approved Recreational Uses	C	C	C	C	C
Tourist Information Offices	C	C	NP	NP	NP
3. Public/Quasi-Public and Institutional Uses					
Amphitheaters, Open Air (Not Including Drive-Ins)	C	NP	NP	NP	NP
Arboretums, Public or Private	C	NP	C	NP	NP
Aquariums	C	C	NP	NP	NP
Athletic Fields	C	NP	C	NP	NP
Boardwalks	NP	C	NP	C	NP
Community Recreation Center (Public)	C	C	NP	NP	NP
Dance Pavilions (Open Air, Public)	C	NP	NP	NP	NP

Use	OS/ 1	OS/ S1	OS 2/ OS 3	OS/ S2	OSC
Golf Courses (Public/Private) and Ancillary Facilities Such as Clubhouses, Restaurants and Bars	NP	NP	C	NP	P ²
Golf Driving Ranges:					

Free-Standing In Association with Golf Courses	NP	NP	C	NP	C
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Use	OS/ 1	OS/ S1	OS 2/ OS 3	OS/ S2	OSC
Observatories or Planetariums	C	NP	NP	NP	NP
Open Space (Undeveloped)	P	P	P	P	P
Parking Lots in Conjunction with Recreational Uses ³	C	C	NP	NP	NP
Parks ⁴	O	O	O	O	O
Preserves: (Archeological, Botanical, Geological, Historical, Wildlife):					
a. No Physical Change	P	P	P	P	P
b. With Physical Change	C	C	C	C	C
Public Beaches	NP	P	NP	P	NP
Public Piers, Revetments, Break-Waters, Groins, Harbor Channels, Sea Walls, Cliff Retaining Walls	NP	C	NP	NP	NP
Public Safety Facilities (Including Police, Fire and Marine Safety)	MC	MC	MC	MC	MC
Public Utilities: ⁵					
a. City-Initiated Project	O	O	O	O	O
b. Projects Initiated by Outside Agencies					
i. Major	C	C	C	C	C
ii. Minor	P	P	P	P	P
Railroad Facilities:					
a. Establishment of New Tracks and Appurtenant Railroad Facilities	NP	C	NP	C	NP
b. Maintenance of Tracks and Appurtenant Railroad Facilities	NP	P	NP	P	NP

Riding Academies/Public Stables for Boarding Horses on Site (Minimum 5+ Acres)	C	NP	NP	NP	NP
Trails: (Riding, Hiking, Bicycle, No Motorized Vehicles)	C	C	C	C	C

Use	OS/ 1	OS/ S1	OS 2	OS 3	OS/ S2	OSC
4. Residential Uses						
Caretaker's Unit and Related Offices	NP	NP	C	NP	NP	C
5. Unclassified Uses						
Accessory Buildings	C	C	C	C	C	C
Baseball Batting/Pitching Ranges (Outdoor)	NP	C	C	NP	NP	C

Use	OS/ 1	OS/ S1	OS 2/ OS 3	OS/ S2	OSC
Grading ⁶ , (Not Accompanying a Development Request)					
<u>a.</u> Emergency	P	P	P	P	P
<u>b.</u> Major	C	C	C	C	C
<u>c.</u> Minor	P	P	P	P	P
Shooting Ranges, Outdoor	C	NP	NP	NP	NP

Section 14: Section 17.48.020(B) of the Municipal Code is hereby amended as follows:

B. Prohibited Uses. The following uses are prohibited:

1. Uses that are listed in Table 17.48.020, Public Zone Uses, but are not identified as either permitted—"P"—or conditionally permitted—"MC or C"; and
2. Uses that have been excluded from Table 17.48.020, Public Zone Uses, unless they are found by the City to be similar to permitted or conditionally permitted uses.
3. Uses where a blank cell ~~the symbol "NP"~~ appears within Table 17.48.020, Public Zone Uses.

Section 15: Table 17.64.050 of the Municipal Code is hereby amended as follows:

Table 17.64.050 – Number of Parking Spaces Required

Use	Number of Parking Spaces Required
1. Commercial Uses	
Convenience Stores or Mini-Markets	Please refer to Section 17.28.120, Convenience Stores.
General Retail Stores	In MU 3: 1 per 400 square feet. Elsewhere: 1 per 300 square feet
Beauty Shops or Barbershops	1 per 200 square feet
Furniture and Appliance Stores	2 spaces plus 1 space per 500 square feet
Laundromats	1 per 4 washing machines
Massage	1 per 200 square feet
Retail Nursery/Garden Shop, Retail	1 space for each 300 sq. ft. of indoor display area; 1 space for each 800 sq. ft. of outdoor display area.
2. Hospital Uses	
Convalescent Home	1 per 4 patient beds
Hospitals	2 per patient bed
3. Industrial Uses	
Manufacturing	1 per 500 sq. ft.
Research and Development	1 per 500 sq. ft.
Warehousing/Storage	1 per 2,000 sq. ft.
4. Lodging	
Bed and Breakfast Inns	Please refer to Section 17.28.090, Bed and Breakfast Inns.
Hotels and Motels	Please refer to Section 17.28.170, Hotels and Motels.
Timeshares	1.2 per unit
5. Professional Offices, Financial Institutions and Related Uses	
Banking Institutions	1 per 300 sq. ft.
Offices, General and Professional	In MU 3: 1 per 350 sq. ft. Elsewhere: 1 per 300 sq. ft.
Offices, Medical	1 per 200 sq. ft.
6. Public/Quasi-Public Uses	

Art/Dance Studio <u>Group Counseling/Group Instruction</u>	1 space per employee; 1 space per 2 students, maximum capacity
Churches	1 per 4 seats, based on seating capacity and/or occupancy signs posted by the Orange County Fire Authority
Public Assembly	1 per 4 seats, based on seating capacity and/or occupancy signs posted by the Orange County Fire Authority
Day Care Facilities	1 for each 2 employees; 1 for each 5 children. Minimum of 3 spaces
Educational Facilities	
Elementary/Junior High	1 per staff, 1 per 10 students
High School	1 per 3 students
Community College/University	1 per 2 students
Business/Professional/Trade	1 per staff; 1 per 2 students
Driving Range	1.25 spaces for each tee
Golf Course	6 spaces per hole, plus parking required for incidental uses (such as restaurant, pro-shop, etc.)
Retail Nursery/Garden Shop	1 space for each 300 sq. ft. of indoor display area; 1 space for each 800 sq. ft. of outdoor display area
7. Residential Uses	
Congregate Care Facility	Please refer to Section 17.28.110, Congregate Care
Single Dwelling Unit on a Single Lot	2 per dwelling unit
Guesthouses	1 per guesthouse
Second Residential Units	Please refer to Section 17.28.270, Second Residential Units.
	All required parking for single-family dwelling units shall be covered. Exceptions to covered parking requirements may be granted pursuant to Section 17.40.050(C)(f), Miscellaneous Parking Requirements for Existing Development being converted to a Mixed-use Project, of this title.
Two Dwelling Units on a Single Lot (Except for Single-family Homes with Second Residential Units)	2 per dwelling unit. 50% of the spaces must be covered. Each dwelling unit shall be assigned at least 1 covered parking space. Exceptions to covered parking requirements may be granted pursuant to Section 17.40.050(C)(f), Miscellaneous Parking Requirements for Existing Development

	<p>being converted to a Mixed-use Project, of this title.</p> <ol style="list-style-type: none"> 1. <u>Large Two-unit Projects:</u> Two-unit projects which have a cumulative bedroom count which exceeds 7 and/or a project net floor area which exceeds 5400 square feet shall provide 1 additional parking space for the project. 2. <u>Tandem Parking on Narrow Lots:</u> Lots less than 50 feet wide measured 50 feet back from the front property line, may have tandem parking. Please refer to Section 17.64.090, Tandem Parking—Residential Uses, for special development standards required when tandem parking is employed. This exception shall not be applied to mixed-use projects containing residential and nonresidential uses.
<p>Three or More Dwelling Units on a Single Lot</p>	<ol style="list-style-type: none"> 1. <u>The Total Parking Required for a Project:</u> The total number of parking spaces required for a project shall comply with all of the following: <ol style="list-style-type: none"> a. The total number of parking spaces required for a project shall be the sum of the parking required for the dwelling units (subsection (2)) and the parking required for guests (subsection (3)); b. The total number of parking spaces required for a project shall not be less than two spaces per unit; c. Fractional calculations shall be rounded off as provided for in subsection (4), below 2. <u>Parking Requirements for Dwelling Units:</u> The number of parking spaces required for each dwelling unit shall be determined using the following 2 methods of calculating parking. The method resulting in the greater number of spaces being required for a unit shall be used for that unit: <ol style="list-style-type: none"> a. <u>Method 1—Number of Bedrooms in a Dwelling Unit:</u> <ul style="list-style-type: none"> 0-1 Bedroom: 1.5 spaces

	<p>2 Bedrooms: 2.0 spaces 3 Bedrooms: 2.5 spaces Over 3 Bdrms.: 3.0 spaces</p> <p>b. Method 2—Net Floor Area of a Dwelling Unit: To 900 sq. ft.: 1.5 spaces To 1,800 sq. ft.: 2.0 spaces To 2,700 sq. ft.: 2.5 spaces Over 2,700 sq. ft.: 3.0 spaces</p> <p>c. Covered Spaces: 50 percent of the total number of parking spaces required for the dwelling units shall be covered, with no less than one covered assigned parking space being provided for each dwelling unit.</p> <p>3. Guest Parking: The number of guest parking spaces provided for a project shall be .333 spaces per dwelling unit.</p> <p>4. Rounding Off: Fractional numbers shall be rounded off once the dwelling unit and guest parking requirements have been added together. The following rules regarding rounding shall apply:</p> <p>a. Fewer than 5 Units: If the total number of required parking spaces is a fractional number of .45 or greater, that number shall be rounded up to the next whole number; if the total number of required parking spaces is a fractional number less than .45, that number shall be rounded down to the next whole number.</p> <p>b. Five or Greater Units: If the total number of required parking spaces is a fractional number, the total number shall be rounded up to the nearest whole number.</p>
Senior Housing Projects	Please refer to Section 17.28.280, Senior Housing
Mobilehome Parks	Please refer to Section 17.28.190, Mobilehomes
8. Restaurants	

Bars, Cocktail Lounges	1 per 4 seats, based on seating capacity or occupancy signs posted by the Orange County Fire Department.
Restaurants	In MU3 <u>zoning district</u> : 1 per 5 indoor seats, based on seating capacity or occupancy signs posted by the Orange County Fire Department, except in the following cases: Elsewhere: 1 per 4 indoor seats. based <u>Required parking based</u> on seating capacity or occupancy signs posted by the Orange County Fire Department, except in the following cases: <ol style="list-style-type: none"> 1. Single destination restaurants over 3,000 square feet: 1 per 120 square feet of interior space. 2. Drive-thru/take-out/fast food restaurants: 1 per 35 square feet of public seating area, plus 1 per 200 square feet of all other gross floor area, with 1 lane for each drive-up window with stacking spaces for 6 vehicles.
9. Unclassified Uses	
Bowling Alleys	2 per alley, plus parking for incidental uses (restaurant, pro-shop, etc.)
Health Club/Fitness Facilities	1 per 150 sq. ft.
With Instruction (Such as Aerobics, Jazzercise)	1 per 125 sq. ft.
Theater	1 per 4 seats, based on seating capacity as shown by capacity signs posted by the Orange County Fire Authority
Tennis/Racquetball Courts	3 spaces per court, plus parking required for incidental uses
10. Vehicle-Related Repair, Sales and Service	
Car Wash: <u>a.</u> Full Service (Includes Gas)	1 per every 3 employees on the maximum shift plus 600 square feet of operations parking area for each 20 feet of conveyor length
<u>b.</u> Self Service	1 per stall plus 1 space queuing lane in front of each stall
Oil Change, Lube and Tune Shops	1 per service bay, plus 1 for each employee, plus 2 space queuing lanes for each bay, with a minimum

	of 5 spaces.
Service/Gas Stations	Please refer to Section 17.28.290, Service Stations.
Vehicle Dealerships	Please refer to Section 17.28.310, Vehicle Dealerships.
Vehicle Repair/Service	Please refer to Section 17.28.320, Vehicle Repair Facilities.

Section 16: Section 17.64.060 of the Municipal Code is hereby amended as follows:

According to requirements in this section and the City Engineering Division’s technical standards, parking design standards are as follows, eExcept as otherwise provided for in Section 17.64.125, Waivers of Parking Requirements, or Section 17.64.070, Disabled Accessible Parking Spaces

~~, required parking spaces and areas shall be designed as specified by this section and the City Engineering Division’s technical standards.~~

A. Parking Space Size.

~~Parking spaces with a minimum width of nine feet and a minimum length of 19 feet shall be required in residential garages meeting both of the following criteria:~~

- ~~1. The individual garage contains four or fewer parking spaces;~~
- ~~2. The individual garage does not include circulation elements such as driveway aisles, but consists primarily of parking spaces.~~

1. Garages or carports that contain four or fewer parking spaces. Parking spaces shall be a minimum of 9 feet wide and minimum length of 19 feet in residential garages or carports that contain four or fewer parking spaces and do not include circulation elements such as driveway aisles, but consists primarily of parking spaces.

2. Other garages. Please refer to the City of San Clemente Engineering Division’s Technical Standards for parking space size requirements for all other parking spaces.

Section 17: Definition “Day Care Facility, Child” in Section 17.88.030 of the Municipal Code is hereby amended as follows:

Day Care Facility, Child. "Child day care facility" means a facility which provides nonmedical care to children under 18 years of age in need of personal services, supervision or assistance essential for sustaining the activities of daily living or for the

protection of the individual on less than a 24-hour basis. Child day care facilities includes ~~child day care centers and~~ family day care homes, as defined below:

~~1. 1. Day Care Center, Child. "Child day care center" means a facility which provides nonmedical care to children under 18 years of age in need of personal services, supervision or assistance essential for sustaining the activities of daily living or for the protection of the individual on less than a 24-hour basis. Day care center means any child care facility other than a family day care home and includes infant centers, preschools, and extended day care facilities.~~

2.1. Day Care Home, Family. “Family day care home” means a home that regularly provides care, protection, and supervision for 14 or fewer children, in the provider’s own home for periods of less than 24 hours per day, while the parents or guardians are away and is either a large family day care home or a small family day care home.

3.2. Day Care Home, Large-Family. “Large-family day care home” means ~~a child day care facility in~~ a home ~~which that~~ provides family day care ~~for to~~ seven to ~~12~~ 14 children at any one time, including children under the age of 10 years who reside at the home, as defined in Health and Safety Code Section 1597.465 and as defined in regulations.0, et seq.

4.3. Day Care Home, Small-Family. “Small-family day care home” means ~~a child day care facility in~~ a home ~~which that~~ provides family day care ~~for to~~ ~~six~~ eight or fewer children, including children under the age of 10 years who reside at the home, as defined in Health and Safety Code Section 1597.44 and as defined in regulations.0, et seq.

Section 18: Definition “Historical Resources” in Section 17.88.030 of the Municipal Code is hereby amended as follows:

“Historical Resources”; means all properties (historic, archaeological, landscapes, traditional, etc.) eligible or potentially eligible for the National Register of Historic Places, as well as those that may be significant pursuant to state and local laws and registration programs such as the California Register of Historical Resources or the City of San Clemente Historic Resources Inventory. For the purpose of this title, the following definitions shall apply:

1. **"Adjacent property"** means any property that is located within 100 yards of property which has been designated as historically significant, and which is determined by the Planning Commission to have an actual or potential visual impact on the historically significant property.

2. **"Historical district"** means an area or distinct section containing structures which have a special character, historical interest or aesthetic value or which represents the Spanish Heritage architectural style typical to the history of the City.
3. **"Historically significant property"** means any site, building or structure of particular historic, architectural or cultural significance to the City as determined by the Planning Commission. Such site may be identified with historic personages or with important events in the main currents of national, State or local history, or may embody the distinguishing characteristics of an architectural specimen, inherently valuable for a study of a period, style, method of construction, or may be a notable work of a master builder, designer or architect whose individual genius influenced his age.
4. **"Landmark"** means a building, site, structure, object, or improvement, manmade or natural, with special character or special historical, cultural, architectural, archeological, social, or aesthetic value inherent to the heritage of the City of San Clemente, the State of California, and/or the United States.
5. **"Demolition of Historic Structures"** means an act that destroys in whole or in part a designated historic resource.

Section 19: Definition "Lot coverage" in Section 17.88.030 of the Municipal Code is hereby amended as follows:

"Lot coverage" means the percent of the lot area that may be covered by all buildings or roofed structures. This includes garages, ~~all~~ accessory buildings ~~or structures~~, balconies, covered patios, decks, covered entryways, and any similar structures that reduce the amount of lot area open to the sky.

Section 20: A supplemental reference is hereby added to Section 17.88.030 as follows:

In cases where a term is not defined below, the City Planner has authority to use Merriam-Webster Dictionary or other similar reference to define the meaning of terms, and to interpret terms that may influence decisions.

Section 21: Definition "Original Grade" is hereby added to Section 17.88.030 of the Municipal Code as follows:

"Original grade" means the grade of a property that existed before the ground was disturbed or development occurred

Section 22: Definition “Height, Average Building” is hereby added to Section 17.88.030 of the Municipal Code as follows:

“**Average Building Height**” means the methodology used to calculate maximum height limit based on averaging the height of each corner of the roof element compared to finished grade. Please refer to section 17.24.110 for the method of determining average building height.

Section 23: Definition “Height, Building” in section 17.88.030 of the Municipal Code is hereby amended as follows:

Please refer to Section 17.24.110, “~~Height Limitations~~”, for the method ~~for~~of determining building height.

Section 24: Definition “Covered parking” is hereby added to Section 17.88.030 as follows:

“**Covered parking**” means a parking stall(s) within a garage, carport, or completely under the overhanging portion of a building.

Wright, Christopher

From: Pechous, Jim
Sent: Friday, September 06, 2013 11:19 AM
To: Wright, Christopher
Subject: FW: Home Occupancy Permits

For your file

From: Gail Burke [mailto:gebscl@aol.com]
Sent: Wednesday, September 4, 2013 4:45 PM
To: Pechous, Jim
Subject: Home Occupancy Permits

Dear Mr. Pechous,

I was just informed of this meeting a few minutes ago and cannot attend. This is a hasty attempt to share my views and needs some editing. My apologies. I understand the Planning Commission is conducting a hearing tonight on the subject of home occupancy permits. The central coastal area of San Clemente is experiencing blighted conditions from runaway home businesses. People want to "live" in their homes and business owners want to "operate" their businesses. This creates a conflict of interest. Business owners, particularly construction-related businesses, are extremely competitive and oftentimes hostile to anyone they feel interferes with what they want to do.

For example, on our street business owners operating out of garages and trucks are engaging in activities that would be in violation of any building permit here. I am trying to repair my deck with city permits and have numerous restrictions about hours of operation, sound, dust, etc. Inspections are involved, change orders and monitoring. On the other hand businesses here operate saws, drills, industrial chemicals, create noise and dust anytime they want and when I contact Code Enforcement they can't do a thing about it because they lost their business license enforcement staff.

It simply makes no sense that they can engage in activities as a business on my street that I cannot as a homeowner maintaining my own home. Furthermore, my very close monitoring of real estate websites proves out that homes don't sell as fast here because blight is taking over this part of town with home occupations and their noise, advertising trucks, parking spaces taking up with employees and associates coming to the home businesses, etc. Children are kicked off driveways because they are interfering with a carpet business or loading and off loading of materials. This is not a family environment and these are not family businesses. Also, we can't enjoy our patios or decks because loud conference calls are going on in the outdoor spaces. We have to listen to bidding, negotiations, and endless marketing calls going on outdoors.

Finally, even though it is illegal, entertaining with alcohol goes along with these businesses. There is so much boozing here in the name of "marketing." This is not living at the Beach. My home has sat on the market unsold since December because every time anyone drives up commercial operations cloud out the residential flavor of my street. Ladder trucks with billboards on the side make it so no one can even use the sidewalks. A bicyclist could be decapitated just riding their bike down the 200 Block of West Marquita. I have tried lowering the price and it made no difference. I have a fabulous ocean view, walk to the beach/Linda Lane Park, custom home with many amenities. The same thing happened with real estate sales on La Paloma where the situation is even worse. Houses taken off the market, brand new condos reduced \$200K after sitting for months. Over there, children can't do their homework at night or sleep because of the garage business activities. We pride ourselves on opening our windows for fresh air. We have to keep our windows closed because of all the commercial activities here. Many of these businesses operate out of apartments. This is a higher density area than SW San Clemente and Talega. When you compress all these businesses,

mixed with families, in such tight quarters, it creates an intolerable situation. Our canyons are like echo chambers, further magnifying the noise.

This city's revenues, according to the city's own pie chart, depend on property taxes for 41% of income. When these homes fail to reset to the prices that should because of proximity to the beach, multiplied by 10 to 20 years, the city will lose out on hundreds of millions of dollars as this blighted condition continues to depress these neighborhoods. Folks drive into the Beach Trail and beaches, because these neighborhoods look like trash with taxi operations, contractors, sales organizations, etc.

Consider this, if I tried to move my family to one of our industrial zones in town, I would be denied the right to do so because it is not zoned "residential." So why are businesses that are commercial allowed here in our residential zones???? Life is much quieter and safer in the industrial zones of town, because they are set up with shops, haz mat controls, proper trash disposal, ample parking for customers and business meetings, etc.

Why are you ruining our neighborhoods with this trashy activity? Please don't visualize single family neighborhoods when you make this vote. Consider our higher density parts of town where we are becoming like Calcutta. Do you really want to do this to your City? P.S. The city just invested tens of thousands of dollars in new sidewalks on La Paloma and no one can use them because to do so would upset business owners who think they own them for their trucks to hang over. I have been trying to help my handicapped neighbors walk on their new sidewalks since they went in early summer. To date it cannot happen. Why did we build them? People and families count for nothing here. The business owners run this part of town. They contribute nothing and take away the beauty, the peace, the harmony and have no neighborhood pride.

Sincerely, Gail E. Burke
Owner/builder, 217 W. Marquita since 1987