



# AGENDA REPORT

SAN CLEMENTE CITY COUNCIL MEETING  
Meeting Date: November 19, 2013

Agenda Item 7A

**Approvals:**

City Manager [Signature]

Dept. Head [Signature]

Attorney [Signature]

Finance [Signature]

**Department:** Community Development  
**Prepared By:** Christopher Wright, Associate Planner CJW

**Subject:** **ZONING AMENDMENT 13-313, ZONING ORDINANCE CLEAN-UP ITEMS AND PROCEDURE FOR WITHDRAWING INACTIVE APPLICATIONS**

**Fiscal Impact:** None.

**Summary:** Staff recommends the Council adopt an ordinance to: 1) fix errors, remove inconsistencies, and clarify text in the Zoning Ordinance, and 2) add procedures for withdrawing projects that are inactive due to an applicant's prolonged failure to respond to staff comments and requests that are needed to process applications.

**Background:** Following the approval of a new General Plan, the Zoning Ordinance and other City planning documents must be updated or created to implement new policies and programs. In anticipation of this, the City Council approved a budget to begin work on the Zoning Ordinance update. The Zoning Ordinance is being updated in phases so the new General Plan can be implemented as soon as possible. Four phases of amendments are proposed:

1. "Clean-up" amendments to correct errors, clarify text, and remove inconsistencies (included in the proposed ordinance).
2. Amendments to "streamline" procedures (one streamlining item is included).
3. Update Zoning Ordinance sections to reflect new General Plan policies and programs.
4. Reword, reformat, and reorganize text and graphics to be more user friendly.

On September 18, the Commission supported most of the zoning amendments, but continued the item so staff could research State definitions and rules for family day care homes. The Commission directed staff to: 1) make sure the City's day care definitions are consistent with State law, and to 2) restrict day care facilities as much as possible in residential zones.

On October 16, staff presented a revised ordinance that prohibited small-family day care homes in multi-family residential units. Currently, the land use is allowed with a Minor Conditional Use Permit. After discussion, the Commission unanimously recommended the Council adopt the proposed ordinance (Attachment 1) that does not change how small-family day care homes are regulated. The Commission also directed staff to evaluate the costs and benefits of restricting day care homes and to present their findings when future phases of zoning amendments are processed.

Planning Commission meeting minutes are attached to provide additional background information.

Since the Commission made their recommendation, staff identified another clean-up item that should be addressed. It is included in the ordinance and is described below.

**Discussion: "Clean-up" amendments**

These amendments make the Zoning Ordinance more clear, consistent, and easy to use. Several code sections are amended. Refer to Attachment 2 for a description of the changes and refer to Attachment 3 to see amendments in "track changes" format.

*New clean-up item*

Staff added a clean-up item to the ordinance since the Commission made their recommendation on October 16, 2013. The new amendment rewords text in Section 17.16.250 and fixes an error from a previous ordinance (No. 1561, adopted on November 8, 2012). Ordinance 1561 removed a word "not" that is needed to address signs that are "not" located in an Architectural Overlay district. The amendment has been added to the ordinance in Section 23 of Attachment 1, Exhibit A.

***Withdrawal of inactive applications***

The City Planner would be given new authority to withdraw applications due to prolonged inactivity. Currently, there are no 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 can focus on active projects with applicants that are making an effort to get through the review process. Currently, there are 14 applications that have been inactive for six months or longer. They have been inactive an average of four years and for as long as seven years.

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 the decision making authority to deny the application without prejudice. The applicant would be

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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 withdraw provisions are used by other cities.

**Recommended**

**Action:**

THE PLANNING COMMISSION AND STAFF RECOMMEND THAT the City Council introduce an Ordinance entitled: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING ZONING AMENDMENT 13-313; AMENDING TITLE 17 OF THE SAN CLEMENTE MUNICIPAL CODE TO FIX ERRORS, CLARIFY TEXT, AND ADD PROCEDURES FOR WITHDRAWING INACTIVE APPLICATIONS.

**Attachments:**

1. Draft Ordinance amending Municipal Code Title 17  
Exhibit A - Zoning Amendments
2. Summary of the proposed amendments
3. Zoning Amendments in tracked changes format
4. Planning Commission meeting minutes: September 4, September 18, October 16, 2013

**Notification:**

Historical Society, Gail Burke

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## ORDINANCE NO.

### **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING ZONING AMENDMENT 13-313 THAT AMENDS TITLE 17 OF THE CITY OF SAN CLEMENTE MUNICIPAL CODE TO FIX ERRORS, CLARIFY TEXT, AND ADD PROCEDURES FOR WITHDRAWING INACTIVE APPLICATIONS**

**WHEREAS**, on June 18, 2013, 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**, Zoning Amendment 13-313 is a City-initiated request to amend the Zoning Ordinance. This ordinance is to: 1) correct errors, 2) clarify ambiguous text, 3) remove unnecessary and/or obsolete text, 4) provide new and updated definitions to clarify existing standards, and 5) 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 discussed the application and decided continue this agenda item to October 16, 2013 so staff could research some questions and provide a response; and

**WHEREAS**, on October 16, 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, and

recommended the City Council approve the proposed Zoning Ordinance amendments attached hereto as Exhibit A; and

**WHEREAS**, since the October 16 Planning Commission meeting, staff added an amendment to the ordinance as shown in Section 23 of Exhibit A; and

**WHEREAS**, on November 19, 2013, the City Council 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 City Council 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 Amendment 13-313, the City Council 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 City Council adopts the draft ordinance, amending the Zoning Ordinance as shown on Exhibit A.

**Section 4:** The City Clerk shall certify to the passage of this ordinance and cause the same to be published as required by law, and the same shall take effect as provided by law.

APPROVED AND ADOPTED this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

ATTEST:

\_\_\_\_\_  
City Clerk of the City of  
San Clemente, California

\_\_\_\_\_  
Mayor of the City of San  
Clemente, California

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STATE OF CALIFORNIA )  
COUNTY OF ORANGE ) ss.  
CITY OF SAN CLEMENTE )

I, JOANNE BAADE, City Clerk of the City of San Clemente, California, hereby certify that Ordinance No. \_\_\_\_\_ having been regularly introduced at the meeting of \_\_\_\_\_, was again introduced, the reading in full thereof unanimously waived, and duly passed and adopted at a regular meeting of the City Council held on the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, and said ordinance was adopted by the following vote:

AYES:

NOES:

ABSENT:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of San Clemente, California, this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
CITY CLERK of the City of  
San Clemente, California

APPROVED AS TO FORM:

\_\_\_\_\_  
CITY ATTORNEY

\_\_\_\_\_  
Secretary of the Planning Commission

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**Zoning Amendments**

**EXHIBIT A**

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

Zone Title	Map Designation
<b>A. Residential Zones.</b>	
Residential Very Low (1 dwelling unit/20 gross acres or legal lot <sup>1</sup> )	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>B. Commercial Zones.</b>	
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
<b>C. Mixed-Use Zones.</b>	
Downtown Mixed-Use Zone	MU 3
South El Camino Real Mixed-Use Zone	MU 5.1
<b>D. Public Zones.</b>	
Public and Parking	P
Civic Center	CVC
Institutional	INST
<b>E. Open Space Zones.</b>	
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
<b>F. Specific Plan Areas.</b>	



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
<b>G. Overlay Districts.</b>	
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:** 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.

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**Section 3:** 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 4:** 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

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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 5:** 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	

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**Section 6:** 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 7:** 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.

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Table 17.32.030 - Residential Zone Uses

Use	RVL	RL	RML	RM	RH
<b>1. Agricultural</b>					
Animals, Commercial Grazing of Large Species <sup>1</sup>	C				
Apiaries (Bee Farming)	C				
Crop and Tree Farming	C				
Nurseries (Farming Only)	C				
<b>2. Lodging</b>					
Bed-and-Breakfast Inns: <sup>2</sup>					
a. 5 or Fewer Guest Rooms	C	C	MC	MC	MC
b. 6 or More Guest Rooms	C	C	C	C	C
<b>3. Public/Quasi-Public and Institutional</b>					
Arboretums (Public/Private)	C				
Churches	C	C	C	C	C
Congregate Care Facility <sup>3</sup>			C	C	C
Convalescent Care			C	C	C
Day Care Facilities, Children's: <sup>4</sup>					
a. Small-Family Day Care Home <sup>5</sup>	O	O	O	O	O
b. Large-Family Day Care Home	MC	MC	MC	MC	MC
c. Day Care Center			C	C	C
Parking Lots <sup>6</sup>		C	C	C	C
Parks <sup>7</sup>	O		O	O	O
Preserves (Archaeological, Botanical, Geological, Wildlife)	C	C	C	C	C
Public Utilities <sup>8</sup>					
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
<b>4. Residential Uses</b>					
Accessory Uses (Pools, Detached Garages, Tool and					

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Garden Sheds, Gazebos, Patio Covers, Barbecues) a. Stables	P C	P	P	P	P
Guesthouses	C	P			
Home Occupation Permits <sup>9</sup>	P	P	P	P	P
Manufactured Homes <sup>10</sup>	P	P	P	P	P
Mobile Homes <sup>11</sup> a. Units b. Subdivisions and Parks <sup>12</sup>	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) <sup>13</sup>	P	P			
Senior Housing Projects <sup>14</sup>			C	C	C
Single-Family Dwellings	C	P	P	P	P
<b>5. Unclassified Uses</b>					
Accessory Buildings, Residential <sup>15</sup> Detached, Over 15 Feet in Height a. All Others b. Accessory Buildings, Nonresidential <sup>16</sup>	C P C	C P C	C P C	C P C	C P C
Grading, <sup>17</sup> (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-family day care homes are permitted in single-family homes. A Minor Conditional Use Permit is required to allow small-family day care homes in multi-family residential dwellings.
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.

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

**Section 8:** 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
<b>1. Commercial Uses</b>				
Antiques (Retail Sales)	P	P		P
Art Galleries	P	P		P

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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 <sup>1</sup>	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

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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		

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Use	NC 1.1, NC 1.2	NC 2, NC 3, CC 1, CC 3	CC 2	RC 2	CRC-4
<b>2. Hospital Uses</b>					
Ambulance Services			C	C	
Ancillary Uses (Minor) to Hospital, such as Laboratories, Florists, Parking Lots <sup>2</sup>			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
<b>3. Lodging</b>					
Bed and Breakfast Inns: <sup>3</sup>					
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
<b>4. Professional Offices, Financial Institutions and Related Uses</b>				
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		

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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
<b>5. Public/Quasi Public and Institutional Uses</b>				
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 <sup>4</sup>		C	C	C	
Convalescent Home		C	C	C	

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Use	NC 1.1, NC 1.2	NC 2, NC 3, CC 1, CC 2, CC 3	RC 2	CRC-4
Day Care Facilities <sup>5</sup>				
a. Small Day Care Home <sup>6</sup>	O	O	O	
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 <sup>6</sup>	MC	MC		C
Parking Structures	C	C		C
Parks <sup>7</sup>	O	O	O	C
Public Utilities: <sup>8</sup>				
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
<b>6. Residential Uses</b>					
Affordable Housing Project <sup>9</sup>			NC 2 and NC 3 only		
Senior Housing Project <sup>10</sup>		C	C		

Use	NC 1.1, NC 1.2	NC 2, NC 3, CC 1, CC 2, CC 3	RC 2	CRC-4
<b>7. Restaurants and bars</b>				
Bars, cocktail lounges (with or without dancing and/or	C	C		C

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entertainment)				
Restaurants:				
a. With drive-through <sup>11</sup>		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: <sup>12,13</sup>				
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
<b>8. Unclassified Uses</b>				
Accessory Buildings	C	C	C	C
Alcoholic Beverage Sales Concurrent With Motor Vehicle Fuel-Convenience Stores Sales <sup>14</sup>	C	C		
Amusement Centers <sup>15</sup>	C	C		C
Animal Grooming	MC	P		

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Bowling Alleys		C		C
Drive-Thru Facilities, When in Conjunction with a Use Permitted or Conditionally Permitted in the Zone		C		
Grading <sup>16</sup> , (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) <sup>17</sup>	C	C		C
Massage <sup>18</sup>	P	P	P	P
Mortuaries		C		
Pool Halls <sup>19</sup>		C		C
Recycling Facilities <sup>20</sup>				
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
<b>9. Vehicle-Related Repair, Sales and Service<sup>21</sup></b>				
Car Washes <sup>21</sup>		C		

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Service/Gas Station <sup>22</sup>	C	C		
Vehicle Dealerships (Sales, Leasing, Rental, New and Used): <sup>23</sup>				
a. Auto Dealerships w/Fewer than 10 Cars		MC		
b. All Other Vehicle Dealerships		C		
Vehicle Parts/Accessories Sales		MC		
Vehicle Repair/Service, Minor <sup>24</sup>		C		

1. Refer to Section 17.28.120, Convenience Stores/Retail Establishments Selling Convenience Items, of this title, for special provisions for convenience stores.
2. Refer to Section 17.28.220, Parking Lots, of this title, for special provisions for single-use parking lots.
3. Refer to Section 17.28.090, Bed and Breakfast Inns, of this title, for special provisions for bed and breakfast inns.
4. Refer to Section 17.28.110 Congregate Care Facilities of this title for special provisions for congregate care facilities.
5. Refer to Section 17.28.100, Child Day Care Facilities, this title, for special provisions for day care facilities.
6. Small-family day care homes are permitted in single-family homes. A Minor Conditional Use Permit is required to allow small-family day care homes in other residential dwellings. Small-family day care homes only shall operate in buildings that were lawfully constructed.
7. Refer to Section 17.28.220, Parking Lots, of this title, for special provisions for parking lots.
8. Refer to Section 17.28.230, Public Park Facilities, of this title for review requirements for parks.
9. Refer to Section 17.28.240, Public Utilities, of this title, for special provisions for public utilities.
10. Refer to Section 17.56.090, Affordable Housing Overlay Zone, for projects in Commercial and Mixed-Use Zones, of this title, for special provisions for Affordable Housing Projects.
11. Refer to Section 17.28.280, Senior Housing Projects, of this title, for special provisions for senior housing projects.
12. Refer to Section 17.28.260, Restaurants, Drive-In, Drive-Through, of this title, for special provisions for drive-in/drive-thru restaurants.
13. When a restaurant has an approved CUP for the service of alcohol indoors and a CUP is required for the service of alcohol outdoors, then the applicant may request an amendment to the existing CUP to extend service outdoors. When a restaurant has an approved CUP for the service of alcohol indoors and an MCUP is required for the service of alcohol outdoors, an MCUP is the only application necessary (an amendment to the existing CUP shall not be necessary).
14. If a CUP has been previously approved for service of hard alcohol indoors, then that service may be extended outdoors for outdoor facilities with no more than 16 seats or four tables with the approval of an MCUP. If no CUP has been approved for service of hard alcohol indoors, then any service of hard alcohol outdoors requires a CUP.
15. Refer to Section 17.28.040, Alcoholic beverages and motor vehicle fuel, concurrent sale of, of this title, for special provisions for concurrent sales of motor fuel and alcoholic beverages.
16. Refer to Section 17.28.050, Amusement Centers, of this title, for special provisions for arcades/amusement centers.

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17. Refer to Section 17.28.130, Grading, of this title, for special provisions for grading requests that are not accompanying development requests.
18. The provisions for amusement centers shall apply to Internet Access Studios/Internet Cafés. Please refer to Section 17.28.050, Amusement Centers, for special provisions for amusement centers.
19. Massage is subject to Section 5.28 of the City of San Clemente Municipal Code.
20. The provisions for amusement centers shall apply to pool halls. Please refer to Section 17.28.050, Amusement Centers, for special provisions for amusement centers.
21. Refer to Section 17.28.250, Recycling Facilities, of this title, for special provisions for recycling facilities.
22. Refer to Section 17.28.330, Vehicle Service and Repair-Related Facilities, for provisions for all vehicle service and repair-related facilities.
23. Refer to Section 17.28.290, Service Stations, of this title, for special provisions for service/gas stations.
24. Refer to Section 17.28.310, Vehicle Dealerships, of this title, for special provisions for vehicle dealerships. The sales, leasing, and/or rental of new and/or used vehicles which meet any of the following criteria shall be prohibited within the commercial zones described in this chapter:
  25. Over-sized vehicles as defined in Section 17.88.030, Definitions, Vehicle, Over-Sized, of this title;
  26. Boats with trailers exceeding 40 feet in length, 20 feet in height (not including masts), or 15 feet in width; or Motor trucks as defined in the California Vehicle Code, excluding pick-up trucks, as defined in the same code.
27. Refer to Section 17.28.320, Vehicle Repair Facilities, of this title, for special provisions for vehicle repair facilities.

**Section 9:** 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.

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Table 17.40.030 - Mixed-Use Zone Uses

Use	MU 3	MU 3-CB	MU 5.1
<b>1. Commercial Uses</b>			
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 <sup>1</sup>	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

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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

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Tailors/Dressmakers	P	P	P
<b>2. Lodging</b>			
Bed and Breakfast Inns: <sup>2</sup>			
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
<b>3. Professional Offices, Financial Institutions and Related Uses</b>			
Ambulance Services (Office Only)	P	MC/ Ped	P
Banks/Financial Institutions	P	P	P
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
<b>4. Public/Quasi Public and Institutional Uses</b>			
Churches	C	C	C
Clubs/Social Organizations	C	C	C
Congregate Care Facilities <sup>3</sup>	C	C	C
Convalescent Homes			C

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Day Care Facilities: <sup>4</sup> a. Small Day Care Homes <sup>5</sup> b. Large Day Care Homes c. Day Care Centers	O MC C	O MC C	O MC C
Group Instruction/Group Counseling	P	MC/ Ped	P
Libraries	P	P	P
Parking Lots <sup>6</sup>	MC	MC	MC
Parking Structures	C	C	C
Parks <sup>7</sup>	O	O	O
Public Utilities <sup>8</sup> a. City-Initiated Projects b. Projects Initiated by Outside Agencies: i. Major Utilities ii. Minor Utilities	O  C P	O  C P	O  C P
Schools, Public and Private 1—12 Individuals Greater than 12 Individuals	MC  C	MC  C	MC  C
Transportation Facilities	C	C	C
<b>5. Residential Uses</b>	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 <sup>9</sup>	P		P
Manufactured Homes <sup>10</sup>			MC
Mobile Homes: <sup>11</sup> a. Units b. Subdivisions and Parks <sup>12</sup>			C C
Residential Units	C	C	C
Senior Housing Projects <sup>13</sup>	C	C	C
<b>6. Restaurants and bars</b>			
Bars, cocktail lounges (with or without dancing and/or	C	C	C

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entertainment)			
Restaurants			
a. With drive-through <sup>14</sup>			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 than 16 outdoor seats and/or 4 tables	C	C	C
d. With on-site sale of hard alcohol: <sup>15, 16</sup>			
i. Indoors	C	C	C
ii. Outdoors with up to 16 outdoor seats or 4 tables	MC/C	MC/C	MC/C
iii. Outdoors with ore than outdoor 16 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
<b>7. Unclassified Uses</b>			
Accessory Buildings, Residential <sup>17</sup>			
a. Detached, Over 15 Feet in Height			C
b. All Others			P
Accessory Buildings, Nonresidential <sup>18</sup>	C	C	C
Alcohol Beverage Sales Concurrent with Motor Vehicle Fuel-Convenience Store			C

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Sales <sup>19</sup>			
Amusement Centers <sup>20</sup>	C	C	C
Animal Grooming Shops			MC
Bowling Alleys			C
Drive-Thru Facilities, When in Conjunction with a Use Permitted or Conditionally Permitted in this Zone			C
Grading <sup>21</sup> , 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 available to the public (excluding school, library and similar public uses) <sup>22</sup>	C	C	C
Massage <sup>23</sup>	P	P	P
Mortuaries			C
Pool Halls <sup>24</sup>	C	C	C
Recycling Facilities: <sup>25</sup> Reverse Vending Machines	MC	MC	MC
Theaters	C	C	C
Urban Private Storage <sup>26</sup>	C	C	
Wine Tasting (Only as an Accessory Use to establishments selling wine or wine related products as a primary use)	MC	MC	MC
<b>8. Vehicle-Related Repair, Sales and Service<sup>27</sup></b>			
Car Washes			C
Vehicle Parts/Accessories Sales			MC

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1. Refer to Section 17.28.120, Convenience Stores/Retail Establishments Selling Convenience Items, of this title.
2. Refer to Section 17.28.090, Bed and Breakfast, of this title.
3. Refer to Section 17.28.110, Congregate Care Facilities, of this title.
4. Refer to Section 17.28.100, Child Day Care Facilities, of this title.
5. Small-family day care homes are permitted in single-family homes. A Minor Conditional Use Permit is required to allow small-family day care homes in other residential dwellings. Small-family day care homes only shall operate in buildings that were lawfully constructed.
6. Refer to Section 17.28.220, Parking Lots, of this title.
7. Refer to Section 17.28.230, Public Park Facilities, of this title.
8. Refer to Section 17.28.240, Public Utilities, of this title.
9. Refer to Section 17.56.090 Affordable Housing Overlay District in Commercial and Mixed-Use Zones, of this title, for special provisions for Affordable Housing Projects.
10. Manufactured homes are subject to the same requirements as individual mobile homes. Please refer to Section 17.28.190(D), Minimum Standards for Individual Mobile Homes, of this title.
11. Refer to Section 17.28.190, Mobile Homes, of this title.
12. Refer to Section 17.36.040, Planned Residential District Overlay, of this title.
13. Refer to Section 17.28.280, Senior Housing Projects, of this title.
14. Refer to Section 17.28.260, Drive-Throughs.
15. When a restaurant has an approved CUP for the service of alcohol indoors and a CUP is required for the service of alcohol outdoors, then the applicant may request an amendment to the existing CUP to extend service outdoors.
16. When a restaurant has an approved CUP for the service of alcohol indoors and an MCUP is required for the service of alcohol outdoors, an MCUP is the only application necessary (an amendment to the existing CUP shall not be necessary).
17. If a CUP has been previously approved for service of hard alcohol indoors, then that service may be extended outdoors for outdoor facilities with no more than 16 seats or four tables with the approval of an MCUP. If no CUP has been approved for service of hard alcohol indoors, then any service of hard alcohol outdoors requires a CUP.
18. Refer to Section 17.24.040, Accessory Buildings, of this title.
19. Refer to Section 17.24.040, Accessory Buildings, of this title.
20. Refer to Section 17.28.040, Alcoholic beverages and motor vehicle fuel, concurrent sale of, of this title, for special provisions for concurrent sales of motor fuel and alcoholic beverages.
21. Refer to Section 17.28.050, Amusement Centers, of this title.
22. Refer to Section 17.28.130, Grading, of this title.
23. The provisions for amusement centers shall apply to Internet Access Studios/Internet Cafés. Refer to Section 17.28.050, Amusement Centers, of this title.
24. Massage is subject to Section 5.28 of the City of San Clemente Municipal Code.
25. The provisions for amusement centers shall apply to pool halls. Refer to Section 17.28.050, Amusement Centers, of this title.
26. Refer to Section 17.28.250, Recycling Facilities, of this title.
27. Refer to Section 17.28.305, Urban Private Storage, of this title.
28. Refer to Section 17.28.330, Vehicle Service and Repair-Related Facilities, of this title.

**Section 10:** 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
<b>1. Agricultural Uses</b>					
Animals, Commercial Grazing of Large Species <sup>1</sup>			C		
Apiaries (Bee Raising)			C		
Crop and Tree Farming			C		
Nurseries, Farming Only			C		
<b>2. Commercial Uses</b>					
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			

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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 <sup>2</sup>
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 <sup>3</sup>	C	C			
Parks <sup>4</sup>	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,		C			

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Break-Waters, Groins, Harbor Channels, Sea Walls, Cliff Retaining Walls					
Public Safety Facilities (Including Police, Fire and Marine Safety)	MC	MC	MC	MC	MC
Public Utilities: <sup>5</sup>					
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
<b>4. Residential Uses</b>						
Caretaker's Unit and Related Offices			C			C
<b>5. Unclassified Uses</b>						
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 <sup>6</sup> , (Not Accompanying a Development Request)					

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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				

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. New golf courses in the OSC zone require approval of a Site Plan Permit, in accordance with Section 17.16.050, Site Plan Permits and Minor Site Plan Permits, of this title.
3. Refer to Section 17.28.220, Parking Lots, of this title, for special provisions for single-use parking lots.
4. Please refer to Section 17.28.230, Public Park Facilities, of this title, for other review requirements for public park facilities. Passive and active facilities require different types of review.
5. Refer to Section 17.28.240, Public Utilities, of this title, for special provisions for public utilities.
6. 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 17.48.020(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 12:** 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
<b>1. Commercial Uses</b>	
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

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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.
<b>2. Hospital Uses</b>	
Convalescent Home	1 per 4 patient beds
Hospitals	2 per patient bed
<b>3. Industrial Uses</b>	
Manufacturing	1 per 500 sq. ft.
Research and Development	1 per 500 sq. ft.
Warehousing/Storage	1 per 2,000 sq. ft.
<b>4. Lodging</b>	
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
<b>5. Professional Offices, Financial Institutions and Related Uses</b>	
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.
<b>6. Public/Quasi-Public Uses</b>	
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

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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.)
<b>7. Residential Uses</b>	
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)	<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"> <li>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.</li> <li>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.</li> </ol>

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Three or More Dwelling Units on a Single Lot

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:
  - 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.



	<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
<b>8. Restaurants</b>	
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"> <li>1. Single destination restaurants over 3,000 square feet: 1 per 120 square feet of interior space.</li> <li>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.</li> </ol>

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<b>9. Unclassified Uses</b>	
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
<b>10. Vehicle-Related Repair, Sales and Service</b>	
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 13:** 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

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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 14:** 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 State-licensed 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 facilities include Day Care Centers, Large-family Day Care Homes, and Small-family Day Care Homes, as follows:

1. **Day Care Center, Child.** "Child day care center" means a Day Care Facility other than a Large-family Day Care Home and Small-family Day Care Home, including infant centers, preschools, extended day care facilities, and schoolage child care centers.
2. **Day Care Home, Large-Family.** "Large-Family Day Care Home" means a home that provides care, protection, and supervision 14 or fewer children at any one time, as defined and regulated in Health and Safety Code Section 1597.465 et seq. Large-Family Day Care Homes can care for up to three infants when a facility cares for more than 12 children.
3. **Day Care Home, Small-Family.** "Small-Family Day Care Home" means a home that provides care, protection, and supervision of eight or fewer children, as defined and regulated in Health and Safety Code Section 1597.44 et seq. Small-Family Day Care Homes can care for up to two infants when a facility cares for more than six children.

**Section 15:** 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 16:** 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.

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**Section 17:** 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 18:** 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 19:** 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 20:** 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 21:** 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.

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**Section 22:** Category "Sidewalk Waiver Appeal" is hereby added to Table 17.12.100 of the Municipal Code as follows:

**Table 17.12.100 - Public Hearing Requirements**

Application (required by this Title unless stated otherwise)	Required Radius	Number of Sets	
		Stamped, Labeled Envelopes <sup>1</sup>	Mailing List
Architectural/Cultural Heritage Permit	300 feet	1	1
Conditional Use Permit	300 feet	1	1
Development Agreements	300 feet	2	1
General Plan Amendment	300 feet	2	1
Minor Architectural/Cultural Heritage Permit	300 feet	1	1
Minor Conditional Use Permit	300 feet	1	1
Minor Exception Permit	300 feet	1	1
Minor Site Plan Permit	300 feet	1	1
Sidewalk Waiver Appeal (see Municipal Code Chapter 12.08)	300 feet	1	1
Site Plan Permit	300 feet	1	1
Specific Plan Amendment	300 feet	2	1
Variance	300 feet	1	1
Zoning Amendment	300 feet	2	1

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**Section 23:** Section 17.16.250(C) of the Municipal Code is hereby amended in its entirety as follows:

**C. Applicability.** A Discretionary Sign Permit is required to allow any of the following:

1. Sign types for which a Discretionary Sign Permit is required in Table 17.84.030(A), Matrix of Sign Types.
2. Multiple signs for a tenant with total sign area exceeding 64 square feet.
3. An Individual sign for a tenant located within an Architectural Overlay District that is larger than 25 square feet.
4. Multiple signs for a tenant located within an Architectural Overlay District with total sign area exceeding 25 square feet.
5. Signs with neon lighting within an Architectural Overlay District per Section 17.84.020(C)(3).

See Chapter 17.84 for review procedures that apply to sign types which do not require a Discretionary Sign Permit, such as temporary banners, portable signs, and window signs.

# ATTACHMENT 2

Table 1 describes amendments and explains why they are proposed. It also identifies the location of each amendment in the draft resolution (Attachment 1, 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	17.12.065	2-3	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."
3	1	17.16.050 (C)(2)	3	Minor site plan permits	Rewords section for clarity and grammar
4	1	17.16.060 (C)	3-5	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)
5	1	Table 17.24.080 (B)	5	Setback encroachments	Identifies "tankless water heaters" for clarity
6	1	17.24.110	6-7	Height Limits	Corrects minor grammatical errors
7	1, 2	17.32.030(B) and Table 17.32.030	7-10	Prohibited uses	Main changes are: 1) reformats residential land use tables to clearly and consistently identify prohibited uses, and 2) rewords some text for clarification
8	1	17.36.020(B) and Table 17.36.020	10-19	Prohibited uses	Main changes are: 1) reformats commercial land use tables to clearly and consistently identify prohibited uses, 2) adds a footnote and rewords some text for clarification
9	1	17.40.030(B) and Table 17.40.030	19-26	Prohibited uses	Main changes are: 1) reformats mixed use land use tables to clearly and consistently identify prohibited uses, and 2) rewords some text for clarification
10	1	17.44.020(B) and Table 17.44.020	27-30	Prohibited uses	Reformats open-space land use tables to clearly and consistently identify prohibited uses
11	1	17.48.020	30	Prohibited uses	Rewords to clearly and consistently identify prohibited uses

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Section of draft Ordinance	Zoning Ordinance Update Phase	Municipal Code Section Number(s)	Page Number(s) in Attachment 3	Subject	Amendment Description
12	1	Table 17.64.050	30-35	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
13	1	17.64.060	36	Parking (off street) design standards	Rewords text to clarify when Engineering Division technical standards are used
14	1	17.88.030	36-37	Definition "Child day care facilities"	Revises definition "Day care facility, child" to be consistent with State law
15	1	17.88.030	37-38	Definition "Historical Resources"	Adds to definition of "Historical Resources" for further clarification
16	1	17.88.030	38	Definition "Lot coverage"	Revises definition "Lot coverage" to include garages and decks
17	1	17.88.030	38	Definitions	Clarifies that a dictionary or other reference can be used when terms and interpretations are not defined in Zoning Ordinance
18	1	17.88.030	38	Definition "Original grade"	Adds definition "Original grade" for clarification
19	1	17.88.030	38-39	Definition "Average building height"	Adds definition "Height, average building" for clarification
20	1	17.88.030	39	Definition "Building height"	Rewords for grammar/clarity
21	1	17.88.030	39	Definition "Covered parking"	Adds definition "Covered parking" for clarification
22	1	Table 17.12.100	39-40	Public notification requirements	Adds "Sidewalk Waiver Appeals" category to table for clarification. The Municipal Code section for sidewalk waivers (Chapter 12.08) refers to this Zoning Ordinance table for required radius of noticing, but the table doesn't include a category for Sidewalk Waiver Appeals

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Section of draft ordinance	Zoning Ordinance Update Phase	Municipal Code Section Number(s)	Page Number(s) in Attachment 3	Subject	Amendment Description
23	1	17.16.250(C)	40	Discretionary Sign Permits	Rewords text for clarification and fixes an error from Zoning Amendment 12-285 (Ordinance No. 1561), adopted in November 2012. That ordinance removed a word "not" that should be included in Subsection C(2) to address signs "not" located in an Architectural Overlay district.

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

Zone Title	Map Designation
<b>A. Residential Zones.</b>	
Residential Very Low (1 dwelling unit/20 gross acres or legal lot <sup>1</sup> )	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>B. Commercial Zones.</b>	
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>
<b>C. Mixed-Use Zones.</b>	
Downtown Mixed-Use Zone	MU 3
South El Camino Real Mixed-Use Zone	MU 5.1
<b>D. Public Zones.</b>	
Public and Parking	P
Civic Center	CVC
Institutional	INST
<b>E. Open Space Zones.</b>	
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
<b>F. Specific Plan <u>Areas.</u> <del>and Study Area Zones.</del></b>	

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<del>Future Specific Plan</del>	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
<del>North Beach Study Area</del>	NBSA
<b>G. Overlay Districts.</b>	
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:** 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.

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**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 3:** 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 4:** 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:
<del>Amusement centers</del>	<del>Section 17.28.050, Amusement Centers</del>
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 5:** 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, <a href="#">Tankless Water Heaters</a>	Not Permitted	0 ft. from property line	0 ft. from property line	Not Permitted	

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**Section 6:** 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 ~~S~~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 7:** 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.

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Table 17.32.030 - Residential Zone Uses

Use	RVL	RL	RML	RM	RH
<b>1. Agricultural</b>					
Animals, Commercial Grazing of Large Species <sup>1</sup>	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
<b>2. Lodging</b>					
Bed-and-Breakfast Inns: <sup>2</sup>					
a. 5 or Fewer Guest Rooms	C	C	MC	MC	MC
b. 6 or More Guest Rooms	C	C	C	C	C
<b>3. Public/Quasi-Public and Institutional</b>					
Arboretums (Public/Private)	C	NP	NP	NP	NP
Churches	C	C	C	C	C
Congregate Care Facility <sup>3</sup>	NP	NP	C	C	C
Convalescent Care	NP	NP	C	C	C
Day Care Facilities, Children's: <sup>4</sup>					
a. Small-Family Day Care Home <sup>5</sup>	<del>P/MCO</del>	<del>P/MCO</del>	<del>P/MCO</del>	<del>P/MCO</del>	<del>P/MCO</del>
b. Large-Family Day Care Home	<del>C</del> MC	MC	MC	MC	MC
c. Day Care Center	NP	NP	C	C	C
Parking Lots <sup>6</sup>	NP	C	C	C	C
Parks <sup>7</sup>	O	NP	O	O	O
Preserves (Archaeological, Botanical, Geological, Wildlife)	C	C	C	C	C
Public Utilities <sup>8</sup>					
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
<b>4. Residential Uses</b>					

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Accessory Uses (Pools, Detached Garages, Tool and Garden Sheds, Gazebos, Patio Covers, Barbecues)	P	P	P	P	P
<u>a.</u> Stables	C	NP	NP	NP	NP
Guesthouses	C	P	NP	NP	NP
Home Occupation Permits <sup>9</sup>	P	P	P	P	P
Manufactured Homes <sup>10</sup>	P	P	P	P	P
Mobile Homes <sup>11</sup>					
<u>a.</u> Units	C	C	C	C	C
<u>b.</u> Subdivisions and Parks <sup>12</sup>	C	C	C	C	C
Multifamily Dwellings:					
<u>a.</u> 4 Units or Fewer	NP	NP	P	P	P
<u>b.</u> 5 Units or More	NP	NP	C	C	C
Second Residential Units (Inland Side of I-5) <sup>13</sup>	P	P	NP	NP	NP
Senior Housing Projects <sup>14</sup>	NP	NP	C	C	C
Single-Family Dwellings	C	P	P	P	P
<b>5. Unclassified Uses</b>					
Accessory Buildings, Residential <sup>15</sup>					
Detached, Over 15 Feet in Height	C	C	C	C	C
<u>a.</u> All Others	P	P	P	P	P
<u>b.</u> Accessory Buildings, Nonresidential <sup>16</sup>	C	C	C	C	C
Grading, <sup>17</sup> (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

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-family day care homes are permitted in~~in legal nonconforming or conforming~~ single-family homes. ~~only are permitted. All other small-family day care homes require a~~ A Minor Conditional Use Permit ~~is required to allow small-family day care homes in multi-family residential dwellings.~~
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.

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9. Refer to Section 17.28.160, Home Occupations, of this title for special provisions for Home Occupation Permits.
10. 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.
11. Refer to Section 17.28.190, Mobilehomes, of this title for special provisions for mobile homes.
12. Refer also to Section 17.56.040, Planned Residential District Overlay, of this title, for special provisions for planned residential developments.
13. Refer to Section 17.28.270, Second Residential Units, of this title for special provisions for second residential units.
14. Refer to Section 17.28.280, Senior Housing Projects, of this title for special provisions for senior housing projects.
15. Refer to Section 17.24.040, Accessory Buildings, of this title for special provisions for accessory buildings.
16. Refer to Section 17.24.040, Accessory Buildings, of this title for special provisions for accessory buildings.
17. Refer to Section 17.28.130, Grading, of this title, for special provisions for grading requests that are not accompanying development requests.

**Section 8:** 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
<b>1. Commercial Uses</b>				

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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 <sup>1</sup>	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

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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 Dispensaries	NP	NP	NP	NP
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
<b>2. Hospital Uses</b>					
Ambulance Services	NP	NP	C	C	NP
Ancillary Uses (Minor) to Hospital, such as Laboratories, Florists, Parking Lots <sup>2</sup>	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
<b>3. Lodging</b>					
Bed and Breakfast Inns: <sup>3</sup>					
<u>a.</u> 5 or Fewer Guest Rooms	NP	P	P	NP	C
<u>b.</u> 6 to 10 Guest Rooms	NP	MC	MC	NP	C
<u>c.</u> 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
<b>4. Professional Offices, Financial Institutions and Related Uses</b>				
Banks/Financial Institutions	P	P	NP	NP
<u>a.</u> 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

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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
<b>5. Public/Quasi Public and Institutional Uses</b>				
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 <sup>4</sup>	NP	C	C	C	NP

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Convalescent Home	NP	C	C	C	NP
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Use	NC 1.1, NC 1.2	NC 2, NC 3, CC 1, CC 2, CC 3	RC 2	CRC-4
Day Care Facilities <sup>5</sup>				
a. Small Day Care Home <sup>6</sup>	P/MCO	P/MCO	P/MCO	NP
b. Large Day Care Home	MC	MC	MC	NP
c. Day Care Center	C	C	C	NP
Group Instruction/Group Counseling	MC	C	NP	NP
Libraries	P	P	NP	NP
Parking Lots <sup>6</sup>	MC	MC	NP	C
Parking Structures	C	C	NP	C
Parks <sup>7</sup>	O	O	O	C
Public Utilities: <sup>8</sup>				
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
<b>6. Residential Uses</b>					
Affordable Housing Project <sup>9</sup>	NP	NP	NC 2 and NC 3 only	NP	NP
Senior Housing Project <sup>10</sup>	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
<b>7. Restaurants and bars</b>				

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Bars, cocktail lounges (with or without dancing and/or entertainment)	C	C	NP	C
Restaurants:				
a. With drive-through <sup>11</sup>	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:				
1.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
d. With on-site sale of hard alcohol: <sup>12,13</sup>				
1.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
e. With dancing and/or entertainment that has:				
1.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
<b>8. Unclassified Uses</b>				
Accessory Buildings	C	C	C	C
Alcoholic Beverage Sales Concurrent With Motor Vehicle Fuel-Convenience Stores Sales <sup>14</sup>	C	C	NP	NP

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Amusement Centers <sup>15</sup>	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 <sup>16</sup> , (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	NP	C
Internet Access Studio/Internet Café	P	P	NP	P
a. With 5 or more computers available to the public (excluding school, library and other similar public uses) <sup>17</sup>	C	C	NP	C
Massage <sup>18</sup>	P	P	P	P
Mortuaries	NP	C	NP	NP
Pool Halls <sup>19</sup>	NP	C	NP	C
Recycling Facilities <sup>20</sup>				
a. Reverse Vending Machines	P	P	NP	NP
b. Small Collection	C	P	NP	NP
c. 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
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<b>9. Vehicle-Related Repair, Sales and Service<sup>21</sup></b>				
Car Washes <sup>21</sup>	NP	C	NP	NP
Service/Gas Station <sup>22</sup>	C	C	NP	NP
Vehicle Dealerships (Sales, Leasing, Rental, New and Used): <sup>23</sup>				NP
a. Auto Dealerships w/Fewer than 10 Cars	NP	MC	NP	
b. All Other Vehicle Dealerships	NP	C	NP	
Vehicle Parts/Accessories Sales	NP	MC	NP	NP
Vehicle Repair/Service, Minor <sup>24</sup>	NP	C	NP	NP

Footnotes:

1. Refer to Section 17.28.120, Convenience Stores/Retail Establishments Selling Convenience Items, of this title, for special provisions for convenience stores.
2. Refer to Section 17.28.220, Parking Lots, of this title, for special provisions for single-use parking lots.
3. Refer to Section 17.28.090, Bed and Breakfast Inns, of this title, for special provisions for bed and breakfast inns.
4. Refer to Section 17.28.110 Congregate Care Facilities of this title for special provisions for congregate care facilities.
5. Refer to Section 17.28.100, Child Day Care Facilities, this title, for special provisions for day care facilities.
6. Small-family day care homes are permitted in single-family homes. A Minor Conditional Use Permit is required to allow small-family day care homes in other residential dwellings. Small-family day care homes only shall operate in buildings that were lawfully constructed.
- ~~5-7.~~ Refer to Section 17.28.220, Parking Lots, of this title, for special provisions for parking lots.
- ~~6-8.~~ Refer to Section 17.28.230, Public Park Facilities, of this title for review requirements for parks.
- ~~7-9.~~ Refer to Section 17.28.240, Public Utilities, of this title, for special provisions for public utilities.
- ~~8-10.~~ Refer to Section 17.56.090, Affordable Housing Overlay Zone, for projects in Commercial and Mixed-Use Zones, of this title, for special provisions for Affordable Housing Projects.
- ~~9-11.~~ Refer to Section 17.28.280, Senior Housing Projects, of this title, for special provisions for senior housing projects.
- ~~10-12.~~ Refer to Section 17.28.260, Restaurants, Drive-In, Drive-Through, of this title, for special provisions for drive-in/drive-thru restaurants.
- ~~11-13.~~ When a restaurant has an approved CUP for the service of alcohol indoors and a CUP is required for the service of alcohol outdoors, then the applicant may request an amendment to the existing CUP to extend service outdoors. When a restaurant has an approved CUP for the service of alcohol indoors and an MCUP is required for the service of alcohol outdoors, an MCUP is the only application necessary (an amendment to the existing CUP shall not be necessary).
- ~~12-14.~~ If a CUP has been previously approved for service of hard alcohol indoors, then that service may be extended outdoors for outdoor facilities with no more than 16 seats or four tables with the approval

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of an MCUP. If no CUP has been approved for service of hard alcohol indoors, then any service of hard alcohol outdoors requires a CUP.

- | ~~13.~~15. Refer to Section 17.28.040, Alcoholic beverages and motor vehicle fuel, concurrent sale of, of this title, for special provisions for concurrent sales of motor fuel and alcoholic beverages.
- | ~~14.~~16. Refer to Section 17.28.050, Amusement Centers, of this title, for special provisions for arcades/amusement centers.
- | ~~15.~~17. Refer to Section 17.28.130, Grading, of this title, for special provisions for grading requests that are not accompanying development requests.
- | ~~16.~~18. The provisions for amusement centers shall apply to Internet Access Studios/Internet Cafés. Please refer to Section 17.28.050, Amusement Centers, for special provisions for amusement centers.
- | ~~17.~~19. Massage is subject to Section 5.28 of the City of San Clemente Municipal Code.
- | ~~18.~~20. The provisions for amusement centers shall apply to pool halls. Please refer to Section 17.28.050, Amusement Centers, for special provisions for amusement centers.
- | ~~19.~~21. Refer to Section 17.28.250, Recycling Facilities, of this title, for special provisions for recycling facilities.
- | ~~20.~~22. Refer to Section 17.28.330, Vehicle Service and Repair-Related Facilities, for provisions for all vehicle service and repair-related facilities.
- | ~~21.~~23. Refer to Section 17.28.290, Service Stations, of this title, for special provisions for service/gas stations.
- | ~~22.~~24. Refer to Section 17.28.310, Vehicle Dealerships, of this title, for special provisions for vehicle dealerships. The sales, leasing, and/or rental of new and/or used vehicles which meet any of the following criteria shall be prohibited within the commercial zones described in this chapter:
  - | ~~23.~~25. Over-sized vehicles as defined in Section 17.88.030, Definitions, Vehicle, Over-Sized, of this title;
  - | ~~24.~~26. Boats with trailers exceeding 40 feet in length, 20 feet in height (not including masts), or 15 feet in width; or Motor trucks as defined in the California Vehicle Code, excluding pick-up trucks, as defined in the same code.
- | ~~25.~~27. Refer to Section 17.28.320, Vehicle Repair Facilities, of this title, for special provisions for vehicle repair facilities.

**Section 9:** 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:

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a. Medical Marijuana Dispensaries.

Table 17.40.030 - Mixed-Use Zone Uses

Use	MU 3	MU 3-CB	MU 5.1
<b>1. Commercial Uses</b>			
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 <sup>1</sup>	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

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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
<b>2. Lodging</b>			
Bed and Breakfast Inns: <sup>2</sup>			
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	NP	NP	C
Timeshares	C	C	C
<b>3. Professional Offices, Financial Institutions and Related Uses</b>			
Ambulance Services (Office Only)	P	MC/ Ped	P
Banks/Financial Institutions	P	P	P
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
<b>4. Public/Quasi Public and Institutional Uses</b>			
Churches	C	C	C

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Clubs/Social Organizations	C	C	C
Congregate Care Facilities <sup>3</sup>	C	C	C
Convalescent Homes	NP	NP	C
Day Care Facilities: <sup>4</sup>			
a. Small Day Care Homes <sup>5</sup>	P/MGO	P/MGO	P/MGO
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 <sup>6</sup>	MC	MC	MC
Parking Structures	C	C	C
Parks <sup>7</sup>	O	O	O
Public Utilities <sup>8</sup>			
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
<b>5. Residential Uses</b>	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 <sup>9</sup>	P	NP	P
Manufactured Homes <sup>10</sup>	NP	NP	MC
Mobile Homes: <sup>11</sup>			
a. Units	NP	NP	C
b. Subdivisions and Parks <sup>12</sup>	NP	NP	C
Residential Units	C	C	C
Senior Housing Projects <sup>13</sup>	C	C	C

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<b>6. Restaurants and bars</b>			
Bars, cocktail lounges (with or without dancing and/or entertainment)	C	C	C
<b>Restaurants</b>			
a. With drive-through <sup>14</sup>	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: <sup>15, 16</sup>			
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:			
1.i. No amplified sound	MC	MC	MC
2.ii. Amplified sound	C	C	C
<b>7. Unclassified Uses</b>			
Accessory Buildings, Residential <sup>17</sup>			
a. Detached, Over 15 Feet in Height	NP	NP	C
b. All Others	NP	NP	P
Accessory Buildings, Nonresidential <sup>18</sup>	C	C	C

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Alcohol Beverage Sales Concurrent with Motor Vehicle Fuel-Convenience Store Sales <sup>19</sup>	NP	NP	C
Amusement Centers <sup>20</sup>	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 <sup>21</sup> , 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 available to the public (excluding school, library and similar public uses) <sup>22</sup>	C	C	C
Massage <sup>23</sup>	P	P	P
Mortuaries	NP	NP	C
Pool Halls <sup>24</sup>	C	C	C
Recycling Facilities: <sup>25</sup> Reverse Vending Machines	MC	MC	MC
Theaters	C	C	C
Urban Private Storage <sup>26</sup>	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
<b>8. Vehicle-Related Repair, Sales and Service<sup>27</sup></b>			
Car Washes	NP	NP	C

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Vehicle Parts/Accessories Sales	NP	NP	MC
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1. Refer to Section 17.28.120, Convenience Stores/Retail Establishments Selling Convenience Items, of this title.
2. Refer to Section 17.28.090, Bed and Breakfast, of this title.
3. Refer to Section 17.28.110, Congregate Care Facilities, of this title.
4. Refer to Section 17.28.100, Child Day Care Facilities, of this title.
5. Small-family day care homes are permitted in single-family homes. A Minor Conditional Use Permit is required to allow small-family day care homes in other residential dwellings. Small-family day care homes only shall operate in buildings that were lawfully constructed.
- ~~5. Small day care homes in legal nonconforming or conforming single-family homes 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.
7. Refer to Section 17.28.230, Public Park Facilities, of this title.
8. Refer to Section 17.28.240, Public Utilities, of this title.
9. Refer to Section 17.56.090 Affordable Housing Overlay District in Commercial and Mixed-Use Zones, of this title, for special provisions for Affordable Housing Projects.
10. Manufactured homes are subject to the same requirements as individual mobile homes. Please refer to Section 17.28.190(D), Minimum Standards for Individual Mobile Homes, of this title.
11. Refer to Section 17.28.190, Mobile Homes, of this title.
12. Refer to Section 17.36.040, Planned Residential District Overlay, of this title.
13. Refer to Section 17.28.280, Senior Housing Projects, of this title.
14. Refer to Section 17.28.260, Drive-Throughs.
15. When a restaurant has an approved CUP for the service of alcohol indoors and a CUP is required for the service of alcohol outdoors, then the applicant may request an amendment to the existing CUP to extend service outdoors.
16. When a restaurant has an approved CUP for the service of alcohol indoors and an MCUP is required for the service of alcohol outdoors, an MCUP is the only application necessary (an amendment to the existing CUP shall not be necessary).
17. If a CUP has been previously approved for service of hard alcohol indoors, then that service may be extended outdoors for outdoor facilities with no more than 16 seats or four tables with the approval of an MCUP. If no CUP has been approved for service of hard alcohol indoors, then any service of hard alcohol outdoors requires a CUP.
18. Refer to Section 17.24.040, Accessory Buildings, of this title.
19. Refer to Section 17.24.040, Accessory Buildings, of this title.
20. Refer to Section 17.28.040, Alcoholic beverages and motor vehicle fuel, concurrent sale of, of this title, for special provisions for concurrent sales of motor fuel and alcoholic beverages.
21. Refer to Section 17.28.050, Amusement Centers, of this title.
22. Refer to Section 17.28.130, Grading, of this title.
23. The provisions for amusement centers shall apply to Internet Access Studios/Internet Cafés. Refer to Section 17.28.050, Amusement Centers, of this title.
24. Massage is subject to Section 5.28 of the City of San Clemente Municipal Code.
25. The provisions for amusement centers shall apply to pool halls. Refer to Section 17.28.050, Amusement Centers, of this title.
26. Refer to Section 17.28.250, Recycling Facilities, of this title.
27. Refer to Section 17.28.305, Urban Private Storage, of this title.
28. Refer to Section 17.28.330, Vehicle Service and Repair-Related Facilities, of this title.

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**Section 10:** 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
<b>1. Agricultural Uses</b>					
Animals, Commercial Grazing of Large Species <sup>1</sup>	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
<b>2. Commercial Uses</b>					
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

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Tourist Information Offices	C	C	NP	NP	NP
<b>3. Public/Quasi-Public and Institutional Uses</b>					
Amphitheatres, 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 <sup>2</sup>
Golf Driving Ranges: Free-Standing In Association with Golf Courses	NP	NP	C	NP	C

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 <sup>3</sup>	C	C	NP	NP	NP
Parks <sup>4</sup>	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

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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: <sup>5</sup>					
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
<b>4. Residential Uses</b>						
Caretaker's Unit and Related Offices	NP	NP	C	NP	NP	C
<b>5. Unclassified Uses</b>						
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
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Grading <sup>6</sup> , (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	NP	NP	NP	NP

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. New golf courses in the OSC zone require approval of a Site Plan Permit, in accordance with Section 17.16.050, Site Plan Permits and Minor Site Plan Permits, of this title.
3. Refer to Section 17.28.220, Parking Lots, of this title, for special provisions for single-use parking lots.
4. Please refer to Section 17.28.230, Public Park Facilities, of this title, for other review requirements for public park facilities. Passive and active facilities require different types of review.
5. Refer to Section 17.28.240, Public Utilities, of this title, for special provisions for public utilities.
6. 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 17.48.020(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 12:** 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
<b>1. Commercial Uses</b>	
Convenience Stores or Mini-Markets	Please refer to Section 17.28.120, Convenience Stores.

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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
<u>Retail</u> Nursery/Garden Shop, <del>Retail</del>	1 space for each 300 sq. ft. of indoor display area; 1 space for each 800 sq. ft. of outdoor display area.
<b>2. Hospital Uses</b>	
Convalescent Home	1 per 4 patient beds
Hospitals	2 per patient bed
<b>3. Industrial Uses</b>	
Manufacturing	1 per 500 sq. ft.
Research and Development	1 per 500 sq. ft.
Warehousing/Storage	1 per 2,000 sq. ft.
<b>4. Lodging</b>	
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
<b>5. Professional Offices, Financial Institutions and Related Uses</b>	
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.
<b>6. Public/Quasi-Public Uses</b>	
<del>Art/Dance Studio</del> <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
<b>Educational Facilities</b>	
Elementary/Junior High	1 per staff, 1 per 10 students
High School	1 per 3 students
Community College/University	1 per 2 students
<b>Business/Professional/Trade</b>	1 per staff; 1 per 2 students
<b>Driving Range</b>	1.25 spaces for each tee
<b>Golf Course</b>	6 spaces per hole, plus parking required for incidental uses (such as restaurant, pro-shop, etc.)
<del>Retail Nursery/Garden Shop</del>	<del>1 space for each 300 sq. ft. of indoor display area; 1 space for each 800 sq. ft. of outdoor display area</del>
<b>7. Residential Uses</b>	
<b>Congregate Care Facility</b>	Please refer to Section 17.28.110, Congregate Care
<b>Single Dwelling Unit on a Single Lot</b>	2 per dwelling unit
<b>Guesthouses</b>	1 per guesthouse
<b>Second Residential Units</b>	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.
<b>Two Dwelling Units on a Single Lot (Except for Single-family Homes with Second Residential Units)</b>	<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> <p><u>1.</u> 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.</p> <p><u>2.</u> Tandem Parking on Narrow Lots: Lots less than 50 feet wide measured 50 feet back from</p>

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	<p>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>
<p>Three or More Dwelling Units on a Single Lot</p>	<ol style="list-style-type: none"> <li>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"> <li>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));</li> <li>b. The total number of parking spaces required for a project shall not be less than two spaces per unit;</li> <li>c. Fractional calculations shall be rounded off as provided for in subsection (4), below</li> </ol> </li> <li>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:             <ol style="list-style-type: none"> <li>a. Method 1—Number of Bedrooms in a Dwelling Unit:                 <ul style="list-style-type: none"> <li>0-1 Bedroom: 1.5 spaces</li> <li>2 Bedrooms: 2.0 spaces</li> <li>3 Bedrooms: 2.5 spaces</li> <li>Over 3 Bdrms.: 3.0 spaces</li> </ul> </li> <li>b. Method 2—Net Floor Area of a Dwelling Unit:                 <ul style="list-style-type: none"> <li>To 900 sq. ft.: 1.5 spaces</li> <li>To 1,800 sq. ft.: 2.0 spaces</li> <li>To 2,700 sq. ft.: 2.5 spaces</li> <li>Over 2,700 sq. ft.: 3.0 spaces</li> </ul> </li> </ol> </li> </ol>

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	<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
<b>8. Restaurants</b>	
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, <del>based on seating capacity or occupancy signs posted by the Orange County Fire Department, except in the following cases:</del> Elsewhere: 1 per 4 indoor seats. <del>based</del> <u>Required parking based</u> on seating capacity or occupancy signs posted by the Orange County Fire Department, except in the following cases:

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	<ol style="list-style-type: none"> <li>1. Single destination restaurants over 3,000 square feet: 1 per 120 square feet of interior space.</li> <li>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.</li> </ol>
<b>9. Unclassified Uses</b>	
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)	<del>1 per 125 sq. ft.</del>
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
<b>10. Vehicle-Related Repair, Sales and Service</b>	
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.

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**Section 13:** 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. e~~Except 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 14:** 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 Day care Care facility~~Facility" means a State-licensed 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:~~ Day care facilities include Day Care Centers, Large-family Day Care Homes, and Small-family Day Care Homes, as follows:

- 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~~

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~~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.~~ means a Day Care Facility other than a Large-family Day Care Home and Small-family Day Care Home, including infant centers, preschools, extended day care facilities, and schoolage child care centers.

2. **Day Care Home, Large-Family.** "~~Large-family Family day Day care Care homeHome~~" means ~~a child day care facility in~~ a home ~~which that~~ provides ~~family day care, protection, and supervision~~ ~~to seven to 12 14 or fewer~~ children at any one time, ~~including children under the age of 10 years who reside at the home,~~ as defined ~~and regulated~~ in Health and Safety Code Section ~~1597.40, et seq. 1597.465~~ et seq. Large-Family Day Care Homes can care for up to three infants when a facility cares for more than 12 children.
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 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 1597.40, et seq.~~ "Small-Family Day Care Home" means a home that provides care, protection, and supervision of eight or fewer children, as defined and regulated in Health and Safety Code Section 1597.44 et seq. Small-Family Day Care Homes can care for up to two infants when a facility cares for more than six children.

**Section 15:** 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.

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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 16:** 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 17:** 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 18:** 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 19:** Definition "Height, Average Building" is hereby added to Section 17.88.030 of the Municipal Code as follows:

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“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 20:** 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~~<sup>of</sup> determining building height.

**Section 21:** 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 22:** Category “Sidewalk Waiver Appeals” is hereby added to Table 17.12.100 of the Municipal Code as follows:

**Table 17.12.100 - Public Hearing Requirements**

Application <u>(required by this Title unless stated otherwise)</u>	Required Radius	Number of Sets	
		Stamped, Labeled Envelopes <sup>1</sup>	Mailing List
Architectural/Cultural Heritage Permit	300 feet	1	1
Conditional Use Permit	300 feet	1	1
Development Agreements	300 feet	2	1
General Plan Amendment	300 feet	2	1
Minor Architectural/Cultural Heritage Permit	300 feet	1	1
Minor Conditional Use Permit	300 feet	1	1
Minor Exception Permit	300 feet	1	1
Minor Site Plan Permit	300 feet	1	1

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<a href="#">Sidewalk Waiver Appeal (see Municipal Code Chapter 12.08)</a>	<a href="#">300 feet</a>	<a href="#">1</a>	<a href="#">1</a>
Site Plan Permit	300 feet	1	1
Specific Plan Amendment	300 feet	2	1
Variance	300 feet	1	1
Zoning Amendment	300 feet	2	1

**Section 23:** Section 17.16.250(C) of the Municipal Code is hereby amended in its entirety as follows:

**C. Applicability.** A Discretionary Sign Permit is required ~~for~~ to allow any of the following:

1. ~~All applicable s~~Sign types, as indicated in the [for which a Discretionary Sign Permit is required in Table 17.84.030\(A\), Matrix of Sign Types.](#)
2. ~~Businesses with sign area greater than 64 square feet within an Architectural Overlay District.~~ [Multiple signs for a tenant with total sign area exceeding 64 square feet.](#)
3. ~~Signs with an area greater than 25 square feet within an Architectural Overlay District.~~ [An Individual sign for a tenant located within an Architectural Overlay District that is larger than 25 square feet.](#)
4. ~~Businesses with sign area greater than 25 square feet within an Architectural Overlay District.~~ [Multiple signs for a tenant located within an Architectural Overlay District with total sign area exceeding 25 square feet.](#)
5. Signs with neon lighting within an Architectural Overlay District per Section 17.84.020(C)(3).

[See Chapter 17.84 for review procedures that apply to sign types which do not require a Discretionary Sign Permit, such as temporary banners, portable signs, and window signs.](#)

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**MINUTES OF THE REGULAR MEETING  
OF THE CITY OF SAN CLEMENTE  
PLANNING COMMISSION  
September 4, 2013 @ 7:00 p.m.  
City Council Chambers  
100 Avenida Presidio  
San Clemente, CA 92672**

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**1. CALL TO ORDER**

Chair Darden called the Regular Meeting of the Planning Commission of the City of San Clemente to order at 7:00 p.m.

**2. PLEDGE OF ALLEGIANCE**

Commissioner Eggleston led the Pledge of Allegiance.

**3. ROLL CALL**

Commissioners Present: Wayne Eggleston, Jim Ruehlin and Kathleen Ward; Chair pro tem Barton Crandell, Vice Chair Donald Brown and Chair Julia Darden

Commissioners Absent: Michael Kaupp

Staff Present: Jim Pechous, City Planner  
Christopher Wright, Associate Planner  
Clifford Jones, Associate Planner  
Adam Atamian, Assistant Planner  
Ajit Thind, Assistant City Attorney  
Mary Colletti, Recording Secretary

**4. SPECIAL ORDERS OF BUSINESS- None**

**5. MINUTES**

**F. Zoning Amendment 13-313, Zoning Ordinance Clean-up and Streamlining Items (Wright)**

The City has initiated amendments to the Zoning Ordinance that would clean up items and streamline rules and procedures. The City Council and staff have placed a high priority on customer service, and a primary customer service goal is to create a Zoning Ordinance that is clear, easy to use and streamlines review processes. The amendments are proposed to meet this goal. The clean-up amendments would: 1) correct erroneous

text and/or formatting problems, 2) clarify ambiguous language, 3) remove unnecessary and/or obsolete text, and 4) provide new and updated definitions to clarify existing standards. The first streamlining amendment would: 1) remove Home Occupation Permits from the Zoning Ordinance because they are unnecessary. Business licenses are already required for home-based businesses. The second streamlining amendment would: 2) create a provision that allows the City to withdraw, or recommend for denial, a project that has been deemed incomplete or inactive for longer than 180 days due to applicant delays.

City Planner Pechous recommended continuing this item to the next regular meeting to be held on September 18, 2013.

Chair Darden opened the public hearing.

Alex Maniscalco Esq, an attorney representing Capistrano Shores Mobile Home Park, said the owners are opposed to the language in the Zoning Ordinance in regard to the Open Space zoning code. They have objected in previous communications to the City (see his correspondence dated May 29, 2013 and July 24, 2013). He said owners have been deprived of due process in regard to noticing. They want to see either the OS2 be restored to the S1 prior to 1996 or, that the current OS2 be revised to emulate an R1, in which a permitted mobile home park is not subject to a Conditional Use Permit when development is proposed. They do not wish to be considered a legal nonconforming entity, especially when adequate notice is deprived them. As part of the Open Space Citizen Vote Provision, Mr. Maniscalco's request, above, would restore the status quo, and a vote by the City is not needed, per Mr. Maniscalco.

Chair Darden closed the public hearing.

IT WAS MOVED BY COMMISSIONER EGGLESTON, SECONDED BY COMMISSIONER RUEHLIN, AND UNANIMOUSLY CARRIED, TO CONTINUE 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", TO THE NEXT REGULAR MEETING TO BE HELD ON SEPTEMBER 18, 2013.

**[ITEM CONTINUED. PLANNING COMMISSION DECISION PENDING.]**

*These minutes were amended and approved at the Planning Commission meeting of 09-18-13.*

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**MINUTES OF THE REGULAR MEETING  
OF THE CITY OF SAN CLEMENTE  
PLANNING COMMISSION  
September 18, 2013 @ 7:00 p.m.  
City Council Chambers  
100 Avenida Presidio  
San Clemente, CA 92672**

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**1. CALL TO ORDER**

Chair Darden called the Regular Meeting of the Planning Commission of the City of San Clemente to order at 7:00 p.m.

**2. PLEDGE OF ALLEGIANCE**

Commissioner Ward led the Pledge of Allegiance.

**3. ROLL CALL**

Commissioners Present: Wayne Eggleston, Michael Kaupp, Jim Ruehlin and Kathleen Ward; Chair pro tem Barton Crandell, Vice Chair Donald Brown and Chair Julia Darden

Commissioners Absent: None

Staff Present: Jim Pechous, City Planner  
Jeff Hook, Principal Planner  
Christopher Wright, Associate Planner  
Adam Atamian, Assistant Planner  
Ajit Thind, Assistant City Attorney  
Eileen White, Recording Secretary

**B. Zoning Amendment 13-313, Zoning Ordinance Clean-Up and Streamlining Items (Wright) (continued from 09-04-13)**

The City has initiated amendments to the Zoning Ordinance that would "clean up" items and streamline rules and procedures. The City Council and staff have placed a high priority on customer service, and a primary customer service goal is to create a Zoning Ordinance that is clear, easy to use and that streamlines review processes. The amendments are proposed to meet this goal. The clean-up amendments would: 1) correct erroneous text and/or formatting problems, 2) clarify ambiguous language, 3) remove unnecessary and/or obsolete text, and 4) provide new and updated definitions to clarify existing standards. The first streamlining

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amendment would remove Home Occupation Permits from the Zoning Ordinance because they are unnecessary. Business licenses are already required for home-based businesses. The second streamlining amendment would create a provision that allows the City to administratively withdraw, or to recommend for denial, a project that has been deemed incomplete or inactive for longer than 180 days due to applicant delays.

Christopher Wright, Associate Planner, narrated a PowerPoint Presentation entitled, "Zoning Amendment 13-313, dated September 18, 2013." Staff recommended approval of the Zoning Amendments as proposed.

Mr. Wright displayed the application form that must be completed to allow a home based business. He explained applicants must provide contact information, initial that they understand and agree to comply with home occupation rules, and provide a description of their business. Mr. Wright explained that at one time the City required two forms to be completed for a home based business: 1) a business license application and 2) Home Occupation Permit application. A prior City Planner decided this was redundant. The business license and Home Occupation Permit applications were merged into one. This is the application Mr. Wright showed to the Commission and he noted that if the proposed zoning amendments are approved, planning staff would still have to approve a business license in order to allow a home based business. The proposed amendments would "memorialize" the existing review process. Mr. Wright noted that the ordinance would not remove home occupation requirements but would delete references to Home Occupation Permits and procedures because a business license is already required and provides a process for reviewing home based businesses. Mr. Wright explained that this review process has been adequate for planning to make sure business descriptions are consistent with zoning rules and to document how applicants agree to meet the code.

Commissioners asked several questions to clarify how the proposed amendments would change the Zoning Ordinance and allow staff to enforce zoning requirements for home based businesses. Mr. Wright explained that the proposed amendments would remove Home Occupation Permit procedures in the Zoning Code and staff would use the business license process to review home based businesses. Mr. Wright emphasized that home occupation requirements would be kept in place, such as limits on noise, traffic, employees, etc. Mr. Wright clarified that the intent of the zoning amendments is to make it so the Zoning Code reflects the existing process that has been used to review applications.

Commissioner Brown noted that the proposed ordinance would review and appeal procedures in the Zoning Ordinance and he thought staff should make sure good procedures and enforcement tools are in other

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parts of the Municipal Code before they are removed from the Zoning Ordinance.

Commissioners asked Mr. Wright if the business license application would stay the same and questioned if planning staff must approve application edits.

Mr. Wright stated that the existing application would be used but minor edits would be made so there is no mention of Home Occupation Permits.

Mr. Pechous explained that the planning staff would be consulted on changes to the form.

Commissioner Eggleston established from Jim Pechous, City Planner, that staff does not follow up with site visits upon issuance of business licenses that meet code. Code Enforcement staff are sent out in response to any complaints that may be lodged against the subject business. The City requires corrective action if the business owner is not performing as required by code.

Jim Pechous, City Planner, agreed to research and bring back information regarding business license procedures as well as data indicating how many complaints are received concerning home based businesses.

Mr. Wright explained that the proposed amendment establishes a process to close inactive applications. Mr. Wright noted that this would improve customer service by allowing staff to focus on applications that are in good standing and applicants that are committed to working with staff to get through the review process quickly.

Commissioner Ruehlin asked for clarification on the proposed language that says deposit account funds would be refunded "upon request." Commissioner Ruehlin asked what would happen if an applicant did not request a refund.

Ajit Thind, Assistant City Attorney, agreed to research and report back regarding procedures followed concerning the return of funds on inactive applications.

Commissioner Ward asked several questions regarding the day care definition changes and noted that there appears to be overlap between a small day care home and large day care home. A large care home can have 7 to 14 children and a small day care home can have less than 8 children, which means a day care home with 7 children could be a large day care home and small day care home. Commissioner Ward asked staff to clarify this.

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Mr. Wright suggested for this item to be continued so staff can research state law with the Assistant City Attorney. Staff would make any necessary changes to reflect state law and retain City oversight of day cares as much as possible.

Commissioner Eggleston suggested for staff to address vacation rental parking in the Zoning Ordinance update. Commission Darden also suggested for staff to consider parking for residences being used as wedding facilities.

Chair Darden opened the public hearing.

Gail Burke, resident, questioned whether complaints about violations committed by home based businesses were adequately addressed by Code Enforcement personnel. She had to address safety and other concerns in order to be granted a building permit to build a deck at her home. Code Enforcement personnel called her to control the dust generated by her deck project. In contrast, she has called to complain many times about the dust generated by a home based business across the street from her home to no avail. In addition, she questioned whether signage guidelines were being followed when cars/vehicles with multiple signs attached were allowed to be parked on the street.

The Commissioners acknowledged a multipage letter from Ms. Burke detailing many examples of abuse by home based businesses.

Chair Darden closed the public hearing.

The Commissioners considered approving certain sections of the Zoning Amendment and continuing other sections while awaiting additional information from staff. They concluded it would be preferable to present it for City Council consideration in its entirety and elected to continue the entire Amendment to the October 16, 2013, meeting.

IT WAS MOVED BY COMMISSIONER KAUPP, SECONDED BY VICE CHAIR BROWN, AND UNANIMOUSLY CARRIED TO CONTINUE ZONING AMENDMENT 13-313, ZONING ORDINANCE CLEAN-UP AND STREAMLINING ITEMS TO THE REGULAR PLANNING COMMISSION MEETING OF OCTOBER 16, 2013.

**[ITEM CONTINUED. PLANNING COMMISSION DECISION PENDING.]**

**These minutes were amended and approved at the Planning Commission meeting of 10-02-13.**

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**MINUTES OF THE ADJOURNED REGULAR MEETING  
OF THE CITY OF SAN CLEMENTE  
PLANNING COMMISSION  
October 16, 2013 @ 6:00 p.m.  
City Council Chambers  
100 Avenida Presidio  
San Clemente, CA 92672**

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**1. CALL TO ORDER**

Chair Darden called the Regular Meeting of the Planning Commission of the City of San Clemente to order at 6:00 p.m.

**2. PLEDGE OF ALLEGIANCE**

Commissioner Crandell led the Pledge of Allegiance.

**3. ROLL CALL**

Commissioners Present: Wayne Eggleston, Michael Kaupp, Jim Ruehlin and Kathleen Ward; Chair pro tem Barton Crandell, Vice Chair Donald Brown and Chair Julia Darden

Commissioners Absent: None

Staff Present: Jim Pechous, City Planner  
Cliff Jones, Associate Planner  
Christopher Wright, Associate Planner  
Sharon Heider, Beaches, Parks & Recreation Director  
Pam Passow, Recreation Manager  
Ajit Thind, Assistant City Attorney  
Eileen White, Recording Secretary

**6. SPECIAL ORDERS OF BUSINESS- None**

**7. MINUTES**

**D. Zoning Amendment 13-313, Zoning Ordinance Clean-Up and Streamlining Items (Wright) (continued from 09-18-13)**

The City has initiated amendments to the Zoning Ordinance that would clean up items and streamline rules and procedures. The City Council and staff have placed a high priority on customer service, and a primary customer service goal is to create a Zoning Ordinance that is clear, easy to use and streamlines review processes. The amendments are proposed to meet this goal. The clean-up amendments would: 1) correct erroneous

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text and/or formatting problems, 2) clarify ambiguous language, 3) remove unnecessary and/or obsolete text, and 4) provide new and updated definitions to clarify existing standards. The first streamlining amendment would remove Home Occupation Permits from the Zoning Ordinance because they are unnecessary. Business licenses are already required for home-based businesses. The second streamlining amendment would create a provision that allows the City to withdraw, or recommend for denial, a project that has been deemed incomplete or inactive for longer than 180 days due to applicant delays.

On September 18, 2013, the Commission supported most of the zoning amendments, but had some questions about the elimination of Home Occupation Permits, procedures for the withdrawal of inactive applications, and day care definitions. The Commission continued the item so staff could research and report on: 1) business license procedures and how they compare to Home Occupation Permits, 2) the refunding of surplus deposit account funds for the withdrawal of inactive applications, and 3) State definitions and rules for day care facilities in residential zones. The Commission also directed staff to make sure: 1) the proposed day care definitions are consistent with State law, and that 2) day care facilities are restricted as much as possible in residential zones. Staff presented the findings of their research and the proposed revisions. He noted the staff report has two options regarding small family day care centers in multi-family dwellings for Commission consideration; the more restrictive language would prohibit small family day care centers in multi-family dwellings. Currently, a small family day care is allowed in a multi-family dwelling with a Minor Conditional Use Permit. The second option (alternative text attached to staff report) would not make the code more restrictive. Staff requested the Commission provide input with regard to small family day care centers in multi-family dwellings. Staff recommended the Commission to defer action on the elimination of Home Occupation Permits to allow further research by staff. Overall, staff recommended the Commission vote in support of City Council approval of the remaining amendments as proposed by staff.

In response to questions from the Commissioners, Mr. Wright advised that existing small family day care centers in multi-family dwellings would be allowed to continue as a nonconforming use, but no new applications would be permitted. The Commission also asked about Home Occupation Permits and regulations for home occupations. Mr. Wright stated that home occupations can not occupy more than 20% of a dwelling for the business and required parking spaces in the garage cannot be used for the business. There are other restrictions in place to ensure home occupations are compatible with residential areas. Home occupations are to be conducted indoors with few exceptions for outdoor uses, such as limited private swimming instruction in exterior swimming pools.

Jim Pechous, City Planner, described the difference between a business license and a Home Occupation Permit. Home Occupation Permits are mostly required for small, sole proprietor-type businesses that operate out of a residential home. They are required in addition to a business license. Working in your own home for a company with headquarters elsewhere does not usually trigger the need for a Home Occupation Permit. All home based business activities must follow Zoning Ordinance requirements to ensure certain activities, such as manufacturing, could not be done that negatively impacts a residential neighborhood. He noted Code Enforcement is tasked with enforcing Home Occupation Permits should they receive a complaint or notable issues arise that are reported to City staff.

At the September 18, 2013 Commission meeting, the City Attorney was directed to confirm what the City should do with deposit accounts if an inactive application is withdrawn, there is extra money in an account, and an applicant does not request a refund. Mr. Wright described State requirements that apply to unclaimed funds. It has long been practice for staff to make repeated efforts to contact an applicant to notify them they are eligible for a refund, using various forms of communication and all contact information provided. Sometimes staff can not contact an applicant or the applicant does not respond. According to State law, the City may close accounts and keep unclaimed funds, if funds are unclaimed for three years and the City posts a notice in a newspaper (once a week for two consecutive weeks) and an applicant fails to request a refund within 45 days. The Commission noted that they appreciated staff's efforts to contact applicants and suggested this practice be continued. Unclaimed money should be kept when other efforts to arrange a refund have not worked.

Commissioner Crandell mentioned language in the State Residential Building Code that seems to be effective at addressing unclaimed funds. He advised staff to take a look at that language. On the subject of home occupations, Commissioner Crandell advised that all OSHA regulations must be met if cabinetry work is being done out of a residential home and suggested the City call the State for help shutting down a non-compliant business.

Chair Darden opened the public hearing.

Gail Burke, resident, related problems she has encountered in attempts to abate a construction-oriented business from operating from a residential home. She understood that staff is recommending the Commission to defer action on Home Occupation Permits for now. When the subject is considered in the future, Ms. Burke suggested a representative from Code Enforcement be present at staff and Commission meetings to make sure all have opportunity for input. She brought copies of regulations from the City of Mission Viejo for the Commissioners to review, and noted the City

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is losing out on a large amount of money by allowing this operation to continue.

Chair Darden closed the public hearing.

Commissioners thanked Ms. Burke for her persistence, patience, and information from the City of Mission Viejo; requested a study session with information from other cities, potential solutions, options, etc. In addition, they requested staff work with representatives from Code Enforcement and Building Division to ensure all are on the same page.

Mr. Wright advised the Commission that staff will consider Home Occupation Permit in the next phase of the Zoning Ordinance update that will involve a comprehensive process to streamline zoning procedures where it is more appropriate to make decisions at lower levels. Also, staff will consider ideas for consolidating applications to make it easier for the public to understand the review process and minimize the different types of forms to complete for various projects. Throughout the Zoning Ordinance update process, staff will consult with various departments and the public on issues, including building professionals that are familiar with and regularly use the City's Zoning Code.

The Commissioners discussed potential prohibition of small family day care centers in multi-family dwellings, focusing on impacts to multi-family dwellings caused by the day care center, potential need for day care centers in multi-family areas, and safety issues with regard to balconies, stairs etc. The Commission requested staff to provide additional information when they consider day care homes in future phases of the Zoning Ordinance update. The Commission asked for staff to provide information on the number of day care centers currently operating in the Los Mares multi-family area and the number of residents potentially affected by a decision to limit small family day care centers in single family homes. In addition, staff should discuss the existing need for services with Denise Obrero, Housing Coordinator.

Jim Pechous, City Planner, recommended the Commission defer decision on the issue of small family day care centers in multi-family dwellings to a future meeting. Existing regulations can remain in place for the time being, and staff will bring back additional information and potential actions at a future meeting.

IT WAS MOVED BY COMMISSIONER KAUPP, SECONDED BY COMMISSIONER RUEHLIN AND UNANIMOUSLY CARRIED TO ADOPT 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 AND CREATE A PROVISION FOR

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THE WITHDRAWAL OF INACTIVE APPLICATIONS, with the following recommendations:

Alternative text for Table 17.32.030, as set forth in Attachment 7, adopted.

Commission recommendation regarding Home Occupation Permits deferred to future meeting.

**[ACTION SUBJECT TO CITY COUNCIL APPROVAL]**

IT WAS MOVED BY COMMISSIONER KAUPP, SECONDED BY CHAIR PRO TEM CRANDELL AND UNANIMOUSLY CARRIED DIRECT STAFF TO RESEARCH AND RETURN WITH REQUESTED AND ADDITIONAL INFORMATION REGARDING SMALL DAY CARE HOMES IN MULTI-FAMILY LOCATIONS.

**[ITEM CONTINUED. PLANNING COMMISSION DECISION PENDING.]**

*These minutes will be considered for approval at the Planning Commission meeting of 11-6-13*