



# STAFF REPORT

## SAN CLEMENTE PLANNING COMMISSION

Date: April 22, 2015

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**PLANNER:** Jim Hare, Planning Consultant

**SUBJECT:** **AMENDMENTS TO THE ZONING MAP OF THE CITY OF SAN CLEMENTE AND TO AMEND THE SAN CLEMENTE MUNICIPAL CODE AT CHAPTER 17.36 [COMMERCIAL ZONES], CHAPTER 17.40 [MIXED USE ZONES], CHAPTER 17.88 [DEFINITIONS] AND SECTION 17.24.110.B [MEASUREMENT OF HEIGHT]**

### **INTRODUCTION**

At the direction of the City Council, staff has prepared amendments to the Centennial General Plan [CGP] and implementing zoning ordinance changes. The CGP amendments are the subject a separate report on this Planning Commission agenda. This report deals with zoning ordinance amendments for the Commercial and Mixed Use zones. The City Council sought these measures to be expedited ahead of other CGP/Zoning consistency work program elements due to opportunities and development proposals in these zone categories

Staff recommends that the Planning Commission open the public hearing, hear staff's presentation, take public testimony, provide discussion and direction to staff, and continue the public hearing to a date certain.

### **BACKGROUND**

On February 4, 2014, the City Council adopted the Centennial General Plan (CGP), which had a number of effects on the locations and development criteria of land use categories. On February 3, 2015 the City Council gave further direction and initiated amendments to the Centennial General Plan, including some zone boundaries and designations. Particular guidance was given regarding Mixed Use areas designated as MU 3.1 and MU 3.2. The City Council's initiation of the CGP amendments are discussed in a separate staff report on this Planning Commission agenda.

The City Council directions and guidance are to be implemented through amendments to the CGP and the adoption of changes in the zoning map and the uses and development criteria of the Mixed Use zones. Finally, the City Council gave further direction that the zoning amendments be processed expeditiously in light of opportunities presented by pending or possible private development proposals.

On March 18, 2015 the Planning Commission held a Study Session to review matters related to the City Council's February 3, 2015 direction, particularly changes to the development criteria in the MU 3.1 and MU 3.2 zones. At that Study Session, the Planning Commission took testimony and discussed a number of elements of the staff presentation, which are discussed in the Analysis section of this report, below.

## **DISCUSSION**

### ***Amendments to the Zoning Map***

Exhibit A of the attached draft City Council Ordinance is a map and description of the areas within the City which are proposed for changes in zoning related to the implementation of mixed use and commercial land uses. These changes are in direct correlation to the land use map changes discussed in the companion item addressing the current adopted CGP and proposed amendments to the CGP initiated by the City Council.

### ***Amendments to the Commercial Zones***

Exhibit B of the attached draft City Council Ordinance is the proposed version of Chapter 17.36 [Commercial Zones] of the San Clemente Municipal Code. The changes included in this draft are to:

- Add the zone category NC 1.3 reflecting the locations, purpose and criteria for this category in the CGP;
- Remove the zone category RC and the zones RC 1 and RC 2. The RC Zone is not applied within the City except as the designation of the commercial center within the Marblehead Coastal Specific Plan, and the RC 2 zone site, the hospital, is rezoned to CC 2;
- Reformat the table of commercial zone permitted uses, without substantive change except to add the category of 'Stand Alone Residential' and to show such use as prohibited in all commercial zones;
- Reformat the tables comprising the Commercial Zone Development Standards, making no substantive changes other than those related to the NC 1.3 and RC zones; and,
- Make non-substantive corrections and minor edits.

### ***Amendments to the Mixed Use Zones***

Exhibit C of the attached draft City Council Ordinance is the proposed version of Chapter 17.40 [Mixed Use Zones] of the San Clemente Municipal Code. The changes included in this draft are to:

- Add the zone categories MU 2, MU 3.1, and MU 3.2, reflecting the locations, purpose and criteria for this category in the CGP;
- Reformat the table of mixed use zone permitted uses, without substantive change except to add the category of 'Stand Alone Residential' and to show such use as permitted in zones MU 3.1 and MU 5, and prohibited in all other Mixed Use zones;

- Reformat the table comprising the development standards for the mixed use zones, making no changes other than to add a sub tables for the MU 2, MU 3.1, and MU 3.2 zones, containing criteria in accordance with Table LU-1 of the CGP as adopted and with modifications to reflect pending amendments to the CGP;
- In order to fulfill the pending amendments, include in the development standards table for the MU 3.2 zone a separate standard limiting the highest building plate and roof to 30'-0" and 35'-0", respectively, above the center point of the El Camino Real property line. Further, limit actual stories on the forward 25'-0" of lots by restricting the number of floor area planes above street level; and,
- Make non-substantive corrections and minor edits.

### ***Other Zoning Amendments***

In support of amendments within the Commercial and Mixed Use zones described above, two additional amendments are proposed:

- Within the zoning definitions, define the term "Stand Alone Residential" to mean, "The use of a lot or joined lots exclusively for residential and residential ancillary purposes;"
- Within the height measurement standards, add the provision that, "Plate Line is defined as the top of the highest horizontal framing member or solid wall of a building or structure or part thereof, upon which roof beams or ceiling rafters rest. Features excluded from measurement under this definition shall include gable ends, sloping roofs, parapet walls and other vertical extensions which are normally controlled by limits on roof height as set forth in this Section".

## **ANALYSIS**

### ***Issues Raised at Study Session***

Preliminary drafts of the amended zoning chapters for commercial and mixed use zones were presented at the Planning Commission Study Session of March 13, 2015. Since most of the changes outlined above are format changes and amendments reflecting criteria settled as a part of the CGP process, most of the discussion centered on emergent matter of the MU 3.2 plate height limitation.

Refinement of Plate and Plate Height Definition / Insertion of Mezzanines. Concern was expressed that the definition and measurement techniques related to plate height would be "gamed" to achieve greater interior volumes and make room for additional stories. The objective of the proposed MU 3.2 plate height limitation is to enforce a two-story massing as seen from El Camino Real while allowing greater heights rearward on the downward sloping parcels of the subject area. The proposed standard would codify the method that Planning Division staff have used in measuring plate height as that term – heretofore undefined within the code -- is used throughout the zoning ordinance. One of the reasons this method has worked in the past is that it is always used in conjunction with a limitation of roof height, which greatly limits the volume that can be achieved above the plate height. In addition to limiting absolute height above street grade, a provision has been drafted which would allow only one floor plane above an elevation 2'-0" above the street datum. Between these two

components, a two-story massing is achieved as well as an actual limitation of stories above grade. These provisions serve to implement the City Council's policy aim.

Height Averaging of the Highest Plate. The possibility of allowing some offsetting variance of the building fronts in the MU 3.2 zone was discussed, to address two concerns: (1) allowing a varied height for design flexibility, and, (2) to compensate for changes in grade across the frontage of the parcels. Staff seeks to avoid complication in the regulation. The proposal is already supplemental to the general measurement of height on the properties. Staff's preference would be for variability in the frontage to be achieved through the design review process which will be applied to each new building per the zoning ordinance. In regard to the slope of El Camino Real, a study of relative heights at intersections shows that the average change in elevation block-to-block is slightly more than four feet and no block sloping greater than eight feet, and no block having fewer than two parcels. Thus, greatest likely differential measured from the center point of the lot would be on the order of two feet above and below grade.

Demonstration of Concurrent Height Limits. Staff was requested to demonstrate how the two proposed height limits might work in the MU 3.2 zone. Attachment 3 of this report comprises the two examples of height measurement displayed during the Study Session, showing how both the general height limit and the plate height limit might come into play on a property.

## **REQUIRED FINDINGS**

Prior to approval of the proposed amendments, the following findings shall be made. The draft Resolution adopts findings contained in the draft City Council Ordinance contain proposed findings in supporting of the amendments' compliance with SCMC Section 17.16.040 [Zoning Amendments], that

- a. The proposed amendment is consistent with the General Plan; and,
- b. The proposed amendment will not adversely affect the public health, safety and welfare.

Staff has included the two following findings within the draft City Council ordinance, in support of the approval of the proposed amendments.

- The proposed amendments are consistent with the General Plan, since they are direct implementation of the Centennial General Plan as adopted on February 14, 2014 and subsequent amendments thereto adopted on [date], pursuant to Government Code section 65860(c), by placing zones on parcels mirroring the maps contained in the Land Use Element of the Centennial General Plan as adopted and subsequently amended, and by reflecting use provisions and development criteria from the Centennial General Plan as adopted and subsequently amended, including, particularly, such use provisions and development criteria found in Table LU-1.

- The rezoning of the areas and the adoption of the use provisions and development criteria as proposed will not adversely impact the public health, safety, and welfare since they further the Centennial General Plan objectives of, (1) meeting community values, needs and conditions; (2) guiding long-term public and private land use, transportation, economic development,, resource preservation, urban design and other public policy actions; and (3) reflecting the City Council’s review, direction and independent judgement regarding land use, circulation and transportation, economic development, environmental protection, recreation, public safety and services, coastal issues, historic preservation, natural resources, urban design, and governance and growth management policies.

**ENVIRONMENTAL REVIEW/COMPLIANCE (CEQA):**

The Planning Division is conducting an environmental assessment per the California Environmental Quality Act. Prior to the next public hearing, the assessment and any necessary environmental documents will be completed and made available to the public.

**CALIFORNIA COASTAL COMMISSION REVIEW**

Certain of the commercial and mixed use zones discussed in these amendments occur entirely or in part within the Coastal Zone. For these areas, the zoning amendments discussed in this report will be subject to California Coastal Commission review and an amendment of the City of San Clemente Local Coastal Program.

**ALTERNATIVES; IMPLICATIONS OF ALTERNATIVES**

1. The Planning Commission can concur with staff and recommend approval by the City Council of the amendments as proposed in the form of the ordinance draft attached.

*This action would result in the project moving forward for review and consideration by the City Council.*

2. The Planning Commission can, at its discretion, make a recommendation to the City Council that it add, modify or delete provisions of the proposed amendments.

*This action would result in any modifications being reviewed and considered by the City Council.*

3. The Planning Commission can recommend denial of the proposed amendments.

*This action would result in the Commission’s recommendation being forward for review and consideration by the City Council.*

**RECOMMENDATION**

**STAFF RECOMMENDS THAT** the Planning Commission continue this matter to a date certain with the public hearing held open, due to additional staff work required for the CGP amendments and environmental processing.

**Attachments:**

1. Resolution No.
2. City Council Ordinance Draft, including,
  - a. Exhibit A: Map of Zoning Amendments
  - b. Exhibit B: Amended Chapter 17.36 [Commercial Zones]
  - c. Exhibit C: Amended Chapter 17.40 [Mixed Use Zones]Graphics of the Calculation of Plate Height vs General Height in the MU 3.2 zone

[PLANNING COMMISSION DRAFT 4/22/15]  
PLANNING COMMISSION RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN CLEMENTE, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL ADOPT AMENDMENTS TO THE ZONING MAP OF THE CITY OF SAN CLEMENTE AND AMEND THE SAN CLEMENTE MUNICIPAL CODE AT CHAPTER 17.36 [COMMERCIAL ZONES], CHAPTER 17.40 [MIXED USE ZONES], CHAPTER 17.88 [DEFINITIONS] AND SECTION 17.24.110.B [MEASUREMENT OF HEIGHT]**

**WHEREAS**, on April 22, 2015, the Planning Commission held a duly noticed public hearing on amendments to the Zoning Map of the City of San Clemente and to amend the San Clemente Municipal Code at Chapter 17.36 [Commercial Zones], Chapter 17.40 [Mixed Use Zones], Chapter 17.88 [Definitions] and, Section 17.24.110.B [Measurement of Height] and considered the written staff report, along with public testimony, and thereafter continued the matter with the public hearing held open to [date]; and,

**WHEREAS**, on [date], the Planning Commission held a duly noticed continued public hearing on amendments to the Zoning Map of the City of San Clemente and to amend the San Clemente Municipal Code at Chapter 17.36 [Commercial Zones], Chapter 17.40 [Mixed Use Zones], Chapter 17.88 [Definitions] and, Section 17.24.110.B [Measurement of Height], considered evidence presented by City staff including a proffered draft City Council Ordinance and exhibits attached thereto, and heard other interested parties and made a recommendation to the City Council as fully set forth herein; and,

**WHEREAS**, the Planning Commission, among other actions, made findings and recommended to the City Council that it adopt amendments to the Zoning Map of the City of San Clemente and to amend the San Clemente Municipal Code at Chapter 17.36 [Commercial Zones], Chapter 17.40 [Mixed Use Zones], Chapter 17.88 [Definitions] and Section 17.24.110.B [Measurement of Height]; and,

**WHEREAS**, the Planning Division completed an initial environmental assessment for the project in accordance with the California Environmental Quality Act (CEQA) and determined that, [determination].

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

Section 1: The recitals as set forth in the draft City Council Ordinance submitted by staff as Attachment 2 of its report of [date] are adopted and incorporated herein.

Section 2: [CEQA determination action, pending].

Section 3: The findings as set forth in the draft City Council Ordinance at Section 2, submitted by staff as Attachment 2 of its report of [date], are adopted as the Planning Commission's findings, and incorporated herein.

Section 4: The Planning Commission recommends that the City Council of the City of San Clemente approve and adopt amendments to the Zoning Map of the City of San Clemente and to amend the San Clemente Municipal Code at Chapter 17.36 [Commercial Zones], Chapter 17.40 [Mixed Use Zones], Chapter 17.88 [Definitions] and, Section 17.24.110.B [Measurement of Height], as set forth in the draft City Council Ordinance at Sections 3, 4, 5 and 6 and in Exhibits A, B and C attached thereto, and incorporated herein.

Section 5: This Resolution shall take effect upon its adoption.

APPROVED, ADOPTED AND SIGNED this \_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
Planning Commission Chair, California

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney



\*\*\*DRAFT\*\*\*

PLANNING COMMISSION DRAFT, 4/22/15

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ADOPTING AMENDMENTS TO THE ZONING MAP OF THE CITY OF SAN CLEMENTE AND TO AMEND THE SAN CLEMENTE MUNICIPAL CODE AT CHAPTER 17.36 [COMMERCIAL ZONES], CHAPTER 17.40 [MIXED USE ZONES], CHAPTER 17.88 [DEFINITIONS] AND SECTION 17.24.110.B [MEASUREMENT OF HEIGHT]**

**WHEREAS**, on February 4, 2014, the City Council of the City of San Clemente adopted the Centennial General Plan, which, among other provisions, included changes in the areas comprising the various categories of Mixed Use and Commercial land use designations, as well as changes to the particular uses and development criteria for certain categories of those designations; and,

**WHEREAS**, as part of its consideration and action on the Centennial General Plan, the City Council made Environmental Impact Report Findings including a Statement of Overriding Considerations, certified Environmental Impact Report SCH No. 2013041021, and approved mitigation monitoring measures pursuant to the California Environmental Quality Act; and,

**WHEREAS**, on February 3, 2015 the City Council gave further direction and initiated amendments to the Centennial General Plan regarding changes in the areas comprising the various categories of Mixed Use and Commercial land use designations, as well as changes to the particular uses and development criteria for certain categories of those designations, with the further direction that such amendments be processed expeditiously in light of opportunities presented by pending or possible private development proposals; and,

**WHEREAS**, on March 18, 2015 the Planning Commission held a Study Session to review matters related to the City Council's February 3, 2015 direction, particularly changes to the development criteria in the MU 3.1 and MU 3.2 zones; and,

**WHEREAS**, on April 22, 2015, the Planning Commission held a duly noticed public hearing on amendments to the Centennial General Plan, and considered evidence presented by City staff and other interested parties and continued the matter with the public hearing held open to [date] made a recommendation to the City Council as fully set forth in Resolution \_\_\_\_\_; and,

**WHEREAS**, on [date], the Planning Commission held a duly noticed continued public hearing on amendments to the Centennial General Plan, and considered evidence presented by City staff and other interested parties and made a recommendation to the City Council as fully set forth in Resolution \_\_\_\_\_; and,

**WHEREAS**, on April 22, 2015, the Planning Commission held a duly noticed public hearing on amendments to the Zoning Map of the City of San Clemente and to amend the San Clemente Municipal Code at Chapter 17.36 [Commercial Zones], Chapter 17.40 [Mixed Use Zones], Chapter 17.88 [Definitions] and, Section 17.24.110.B [Measurement of Height], and considered evidence presented by City staff and other interested parties and continued the matter with the public hearing held open to [date]; and,

**WHEREAS**, on [date], the Planning Commission held a duly noticed continued public hearing on amendments to the Zoning Map of the City of San Clemente and to amend the San Clemente Municipal Code at Chapter 17.36 [Commercial Zones], Chapter 17.40 [Mixed Use Zones], Chapter 17.88 [Definitions] and, Section 17.24.110.B [Measurement of Height], and considered evidence presented by City staff and other interested parties and made a recommendation to the City Council as fully set forth in Resolution \_\_\_\_\_; and,

**WHEREAS**, the Planning Commission, among other actions, made findings and recommended to the City Council that it adopt amendments to the Zoning Map of the City of San Clemente and to amend the San Clemente Municipal Code at Chapter 17.36 [Commercial Zones], Chapter 17.40 [Mixed Use Zones], Chapter 17.88 [Definitions] and Section 17.24.110.B [Measurement of Height]; and,

**WHEREAS**, on [Date], 2015, the City Council held a duly noticed public hearing on the subject recommendation, and considered evidence presented by City staff, and other interested parties and the recommendation of the Planning Commission; and,

**WHEREAS**, the Planning Division completed an initial environmental assessment for the project in accordance with the California Environmental Quality Act (CEQA) and determined that, [determination]; and;

NOW, THEREFORE, the City Council of the City of San Clemente hereby ordains as follows:

Section 1: [CEQA determination action].

Section 2: The following findings are made regarding the amendments to the Zoning Ordinance, as set forth in Section 3, Section 4, Section 5 and Section 6 herein:

- A. The proposed amendments are consistent with the General Plan, since they are direct implementation of the Centennial General Plan as adopted on February 14, 2014 and subsequent amendments thereto adopted on [date], pursuant to Government Code section 65860(c), by placing zones on parcels mirroring the

maps contained in the Land Use Element of the Centennial General Plan as adopted and subsequently amended, and by reflecting use provisions and development criteria from the Centennial General Plan as adopted and subsequently amended, particularly including but not limited to, such use provisions and development criteria found in Table LU-1.

- B. The rezoning of the areas and the adoption of the use provisions and development criteria as proposed will not adversely impact the public health, safety, and welfare since they further the Centennial General Plan objectives of, (1) meeting community values, needs and conditions; (2) guiding long-term public and private land use, transportation, economic development,, resource preservation, urban design and other public policy actions; and (3) reflecting the City Council's review, direction and independent judgement regarding land use, circulation and transportation, economic development, environmental protection, recreation, public safety and services, coastal issues, historic preservation, natural resources, urban design, and governance and growth management policies.

Section 3: San Clemente Municipal Code Zoning Map is hereby amended to reflect the changes of the zones applied to particular parcels described in the attached Exhibit A and incorporated herein.

Section 4: San Clemente Municipal Code Chapter 17.36 [Commercial Zones] is hereby amended to read in its entirety as set forth in the attached Exhibit B and incorporated herein, with particular amendments described as follows:

- A. At Section 17.36.010.A first, and throughout, add the zone NC 1.3;
- B. At Section 17.36.010.C first, and throughout, remove the zone category RC and the zones RC 1 and RC 2;
- C. Reformat Table 17.36.020, comprising the Commercial Zone Uses, without substantive change except as noted in paragraph D, below;
- D. In Table 17.36.020, add the use category of 'Stand Alone Residential' and show such use as prohibited in all zones of the table;
- E. Reformat Table 17.36.030, Commercial Zone Development Standards, making no changes other than to, (i) add a sub table for the NC 1.3 zone reflecting criteria in accordance with Table LU-1 of the Centennial General Plan, and, (ii) to remove references to the RC 1 and RC 2 zones; and,
- F. Make non-substantive corrections and minor edits.

Section 5: Chapter 17.40 [Mixed Use Zones] is hereby amended to read in its entirety as set forth in the attached Exhibit C and incorporated herein, with particular amendments described as follows:

- A. At Section 17.40.010 first, and throughout, add the zones MU 2, MU 3.1, and MU 3.2;
- B. Reformat Table 17.40.030 comprising the Mixed Use Zone Uses, without substantive change except as noted in paragraph C, below;

- C. In Table 17.040.030, add the use category of 'Stand Alone Residential' and show such use as permitted in zones MU 3.1, and MU 5, and prohibited in all other Mixed Use zones; and,
- D. Reformat Table 17.40.040 Development Standards table making no changes other than to add a sub tables for the MU 2, MU 3.1, and MU 3.2 zones, each and all reflecting criteria in accordance with Table LU-1 of the Centennial General Plan as adopted and subsequently amended, and to remove references to the RC 1 and RC 2 zones.
- G. With particular regard to the measurement of Plate Height in the MU 3.2 zone, include the following within the Table 17.40.040 Mixed-Use Zone Development Standards, "The measurement of plate height set forth in Section 17.24.110.B.2. [Height Limit to Plate Line] notwithstanding, in order to limit development facing El Camino Real to two- story massing the following shall be applied in addition to the General Height Limitation: Using as datum the elevation of the midpoint of the front lot line [i.e.- the El Camino Real Frontage], no plate line shall exceed a height of 30'-0" above datum, nor shall a top of roof exceed a height of 35'-0" above datum.
- H. With particular regard to the measurement of stories in the MU 3.2 zone, include the following within the Table 17.40.040 Mixed Use Zone Development Standards, "In order to limit development facing El Camino Real to two actual stories above street level, the following additional standard shall be applied: Using the same datum determined in the application of the foregoing "Height Limitation, El Camino Real Frontage", on the portion of a lot or lots between the front property line and a parallel line 25'-0" rearward of the front property line, at no point within a building or portion thereof may a vertical line drawn upward from a plane 2'-0" above datum elevation intersect more than one plane comprising floor area applicable to the calculation of Floor Area Ratio."
- I. Make non-substantive corrections and minor edits.

Section 6: In order to implement parts of the amendments set forth within Section 3 and Section 4, above, two further amendments within Title 17 are made, as follows:

- A. Within Section 17.88 [Definitions] at the appropriate alphabetical insertion point, add: "Stand Alone Residential. The use of a lot or joined lots exclusively for residential and residential ancillary purposes."
- B. Within Section 17.24.110.B.2. [Height Limit to Plate Line], add inset subparagraph iii, to read in its entirety: "Plate Line is defined as the top of the highest horizontal framing member or solid wall of a building or structure or part thereof, upon which roof beams or ceiling rafters rest. Features excluded from measurement under this definition shall include gable ends, sloping roofs, parapet walls and other vertical extensions which are normally controlled by limits on roof height as set forth in this Section."

Section 7: If any section, subsection, sentence, clause, or phrase of this Ordinance is, for any reason, held to be invalid or unenforceable, such decision shall not affect the validity or enforceability of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance and each section, subsection, clause, or phrase hereof, irrespective of the fact that any one or

more sections, subsections, sentences, clauses, and phrases would be declared invalid or unenforceable.

Section 8: The City Clerk shall certify to the passage of this Ordinance and publish the same in the manner required by law, and this Ordinance shall take effect as provided by law.

APPROVED, ADOPTED AND SIGNED this \_\_\_\_ day of \_\_\_\_\_, 2015.

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

California

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney

ATTEST:

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

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

I, \_\_\_\_\_, City Clerk of the City of San Clemente, California, do hereby certify that Ordinance No. \_\_\_\_\_ was introduced at the meeting of \_\_\_\_\_, 2015, the reading in full thereof unanimously waived, and was adopted at a regular meeting of the City Council held on the \_\_\_\_ day of \_\_\_\_\_, 2015, by the following vote:

AYES:  
NOES:  
ABSENT:

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

Zoning Amendment (ZA) 14-456, Update of Commercial and Mixed Use zones  
Summary and map key of proposed zoning changes

EXHIBIT A

#	Map pages	Existing Zoning	Proposed Zone Changes (for General Plan consistency)
1	1	Regional Commercial (RC2)	Zone change to Community Commercial 2 (CC2). Update CC2 zoning standards and allowed uses to reflect the General Plan and the current RC2 zoning standards
2	1,6	Community Commercial (CC2)	Update standards to reflect the proposed General Plan Amendments
3	1	Community Commercial (CC2)	Add Medical Office Overlay (-MO)
4	1,4	Neighborhood Commercial (NC2) and Coastal Overlay	Renames the zone to Neighborhood Commercial 1.2 (NC1.2). No change in standards
5	1,3	Neighborhood Commercial (NC1) and Coastal Overlay	Renames the zone as Neighborhood Commercial 1.1 (NC1.1). No change in standards
6	2	Regional Commercial (RC1)	Zone change to Community Commercial 2 (CC2). Update standards to reflect the General Plan
7	3	Commercial (C-2) and Coastal Overlay	Zone change to Mixed Use 3.1 (MU3.1). Add Architectural Design Overlay (-A) and Pedestrian Overlay (-P). Add standards consistent with the General Plan
8	3	Manufacturing (M-2) and Coastal Overlay	Zone change to Mixed Use 3.1 (MU3.1). Add Architectural Design Overlay (-A), Pedestrian Overlay (-P), and Mixed Use Overlay (-MU). Add standards consistent with the General Plan
9	3	The property has two zoning designations: Commercial (C-2) and Manufacturing (M-2), since the zoning boundary doesn't align with lot lines. The properties are in the Coastal Overlay (-CZ)	Zone change to Light Industrial (LI) and add Architectural Design Overlay (-A), Pedestrian Overlay (-P), and Mixed Use Overlay (-MU). Add standards consistent with the General Plan
10	3	The property has two zoning designations: Commercial (C-2) and Manufacturing (M-2), since the zoning boundary doesn't align with lot lines. The properties are in the Coastal Overlay (-CZ)	Zone change to Light Industrial (LI) and add Architectural Design Overlay (-A), Pedestrian Overlay (-P), and Mixed Use Overlay (-MU). Add standards consistent with the General Plan
11	3	Commercial (C-3) and Coastal Overlay (-CZ)	Zone change to Light Industrial (LI) and add Architectural Design Overlay (-A), Pedestrian Overlay (-P), and Mixed Use Overlay (-MU). Add standards consistent with the General Plan

Zoning Amendment (ZA) 14-456, Update of Commercial and Mixed Use zones  
Summary and map key of proposed zoning changes

#	Map pages	Existing Zoning	Proposed Zone Changes (for General Plan consistency)
12	3	Manufacturing (M-2) and Coastal Overlay (-CZ)	Zone change to Light Industrial (L1) and add Architectural Design Overlay (-A), Pedestrian Overlay (-P), and Mixed Use Overlay (-MU)
13	3	Commercial (C-2) and Coastal Overlay (-CZ)	Zone change to Mixed Use 2 (MU2). Add Architectural Design Overlay (-A) and Pedestrian Overlay (-P). Add standards consistent with the General Plan
14	3	The property has two zones: Commercial (C-2) and C-3, since the zoning boundary doesn't align with lot lines	Zone change to Mixed Use 2 (MU2). Adjust zoning boundary to align with lot lines. Add Architectural Design Overlay (-A) and Pedestrian Overlay (-P). Add standards consistent with the General Plan
15	3	Commercial (C-3) and Coastal Overlay (-CZ)	Zone change to Mixed Use 2 (MU2). Add Architectural Design Overlay (-A) and Pedestrian Overlay (-P). Add standards consistent with the General Plan
16	3,4,5	Neighborhood Commercial (NC2) and Coastal Overlay	Update standards to reflect density increase in General Plan (from .35 Floor Area Ratio to .50). Add Architectural Design Overlay
17	3	Neighborhood Commercial (NC2) and Coastal Overlay	Zone change to Neighborhood Commercial 1.2 (NC1.2) and add Architectural Design Overlay (-A)
18	3	Neighborhood Commercial (NC2) and Coastal Overlay	Zone change to Residential Medium Density (RM)
19	3,4	Neighborhood Commercial (NC2) and Coastal Overlay	Zone change to Residential Medium Density (RM)
20	4	Residential Medium Density (RM) and Coastal Overlay	Zone change to Neighborhood Commercial 1.2 (NC1.2)
21	4	Residential Medium Low Density (RM)	Zone change to Residential Medium Density (RM) and add Affordable Housing Overlay (-AH)
22	4	Mixed Use 3 (MU3) and Architectural Overlay (-A) and Coastal Overlay (-CZ)	Rename zone as Mixed Use 3.1 (MU3.1). Specify stand alone residential is allowed. Update standards to reflect the General Plan
23	4	Mixed Use 3 (MU3) and Architectural Overlay (-A), Central Business Overlay (-CB), and Coastal Overlay (-CZ)	Rename zone as Mixed Use 3.0 (MU3.0). Update standards to reflect the General Plan

Zoning Amendment (ZA) 14-456, Update of Commercial and Mixed Use zones  
 Summary and map key of proposed zoning changes

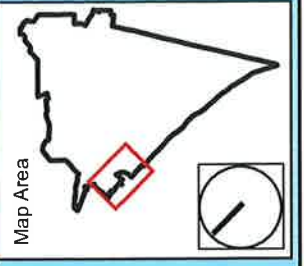
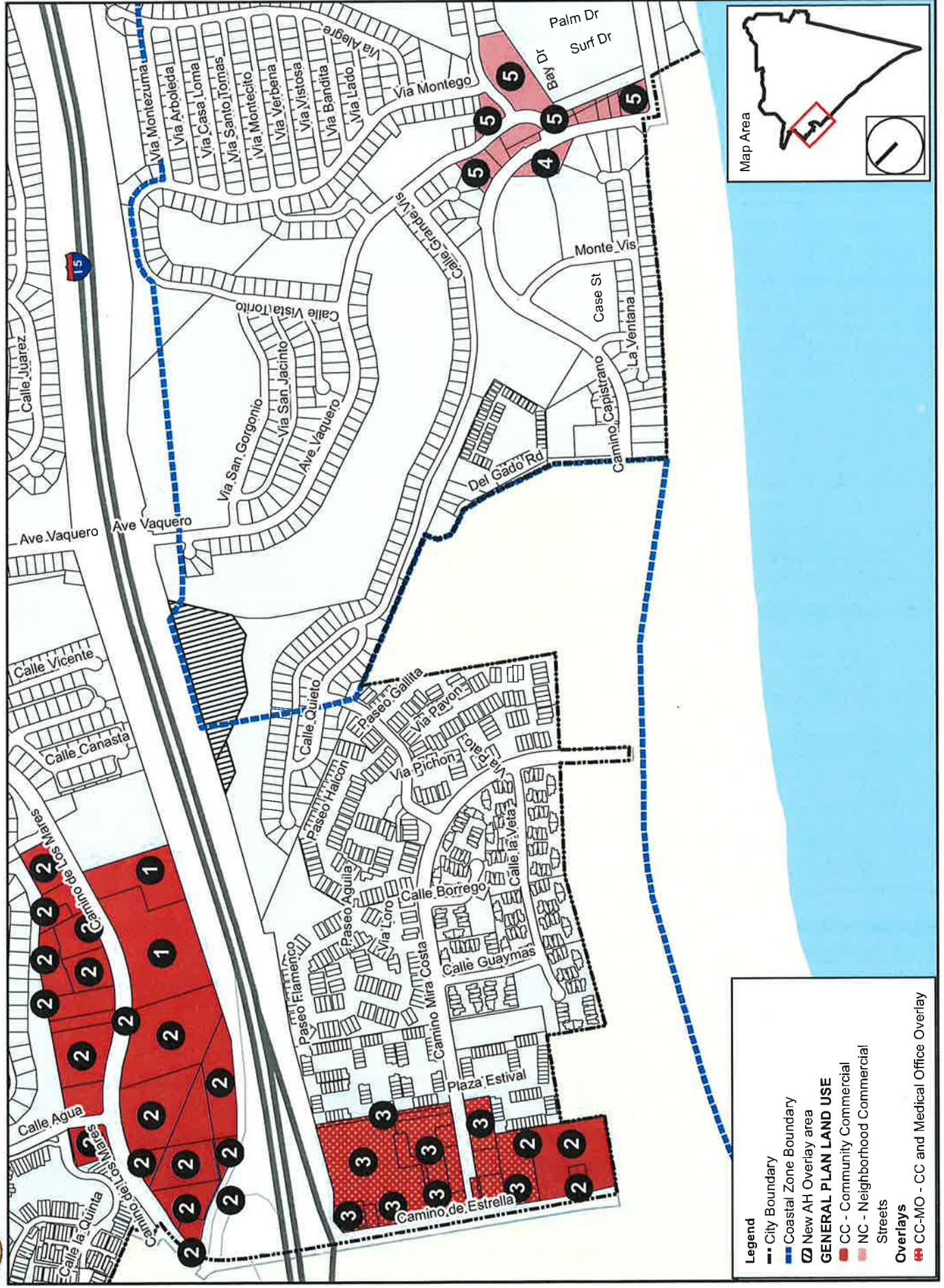
#	Map pages	Existing Zoning	Proposed Zone Changes (for General Plan consistency)
24	4	Mixed Use 3 (MU3) and Architectural Overlay (-A) and Coastal Overlay (-CZ)	Zone change to Residential Medium Density (RM)
25	4,5	Neighborhood Commercial (NC2). Some properties are located in the Coastal Overlay	Zone change to new Mixed Use 3.2 (MU3.2) district. Add standards to reflect General Plan Amendment in process
26	4,5	Neighborhood Commercial (NC2). Some properties are located in the Coastal Overlay	Zone change to Neighborhood Commercial 3 (NC3). Update standards to reflect density increase in General Plan (from .35 Floor Area Ratio to .75). Add Architectural Design Overlay
27	5,6	Neighborhood Commercial (NC2). Some properties are located in the Coastal Overlay	Rename zone to Neighborhood Commercial (NC1.3)
28	7	Mixed Use 5.1 (MU5.1) and Coastal Overlay (-CZ)	Rename zone to Mixed Use 5 (MU5)





# Proposed Commercial and Mixed Use Zoning Updates ZA14-456: Zoning Amendments for General Plan Consistency (See key for details)

## Map 1

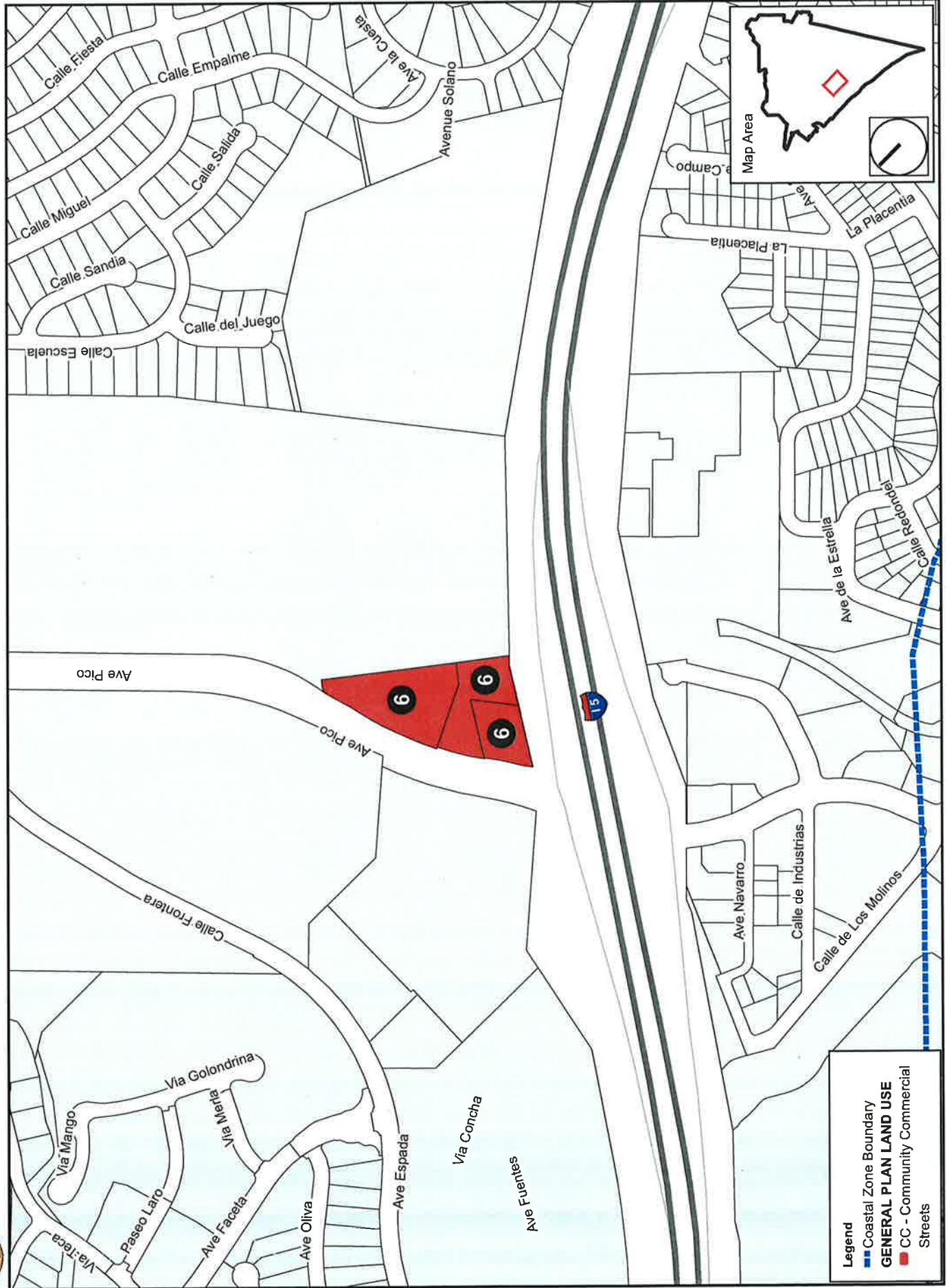


0 340 680 1,360 Feet  
Data Source: City of San Clemente 3.26.2015



**Proposed Commercial and Mixed Use Zoning Updates  
ZA14-456: Zoning Amendments for General Plan Consistency (See key for details)**

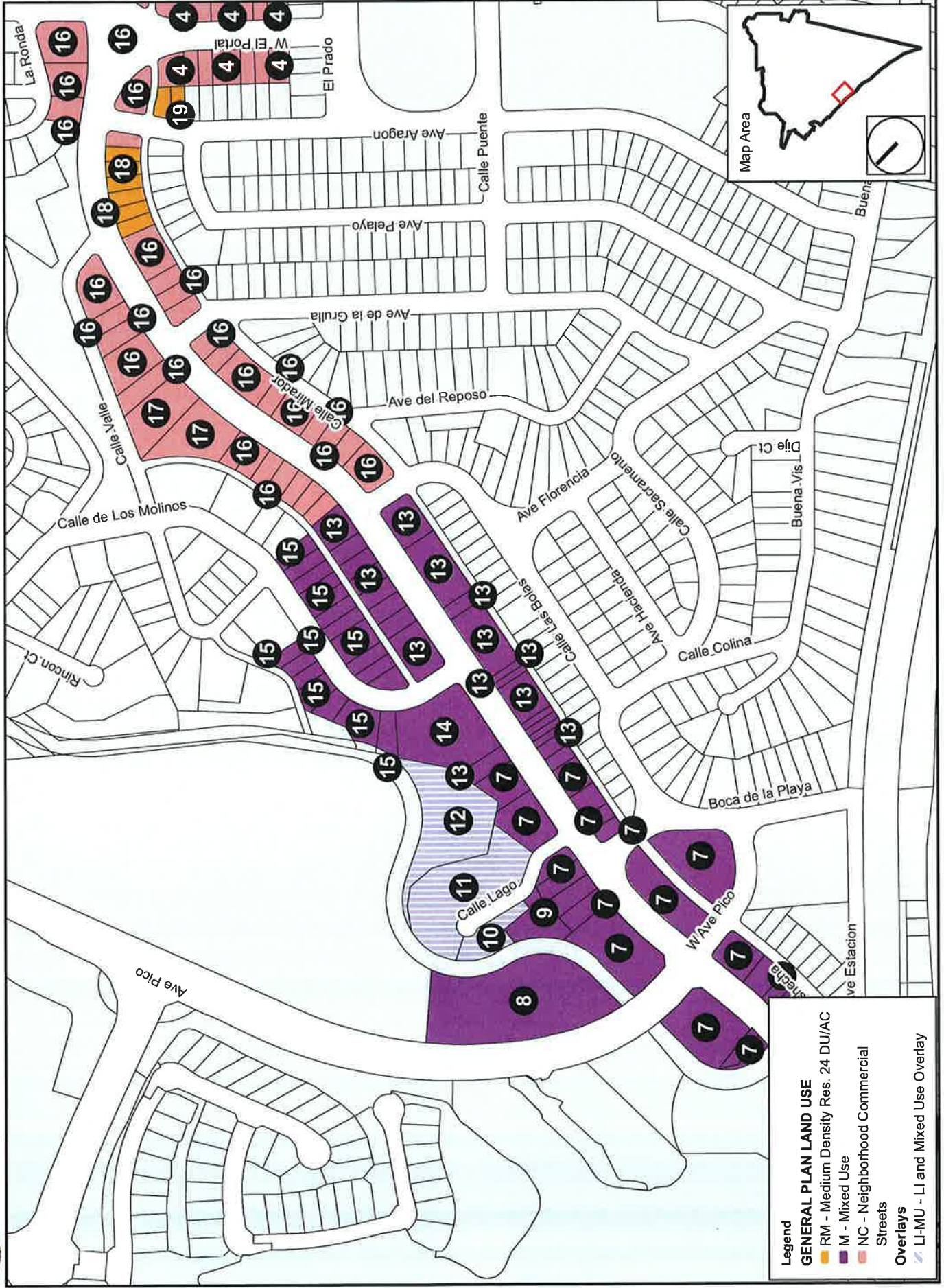
**Map 2**





**Proposed Commercial and Mixed Use Zoning Updates  
ZA14-456: Zoning Amendments for General Plan Consistency (See key for details)**

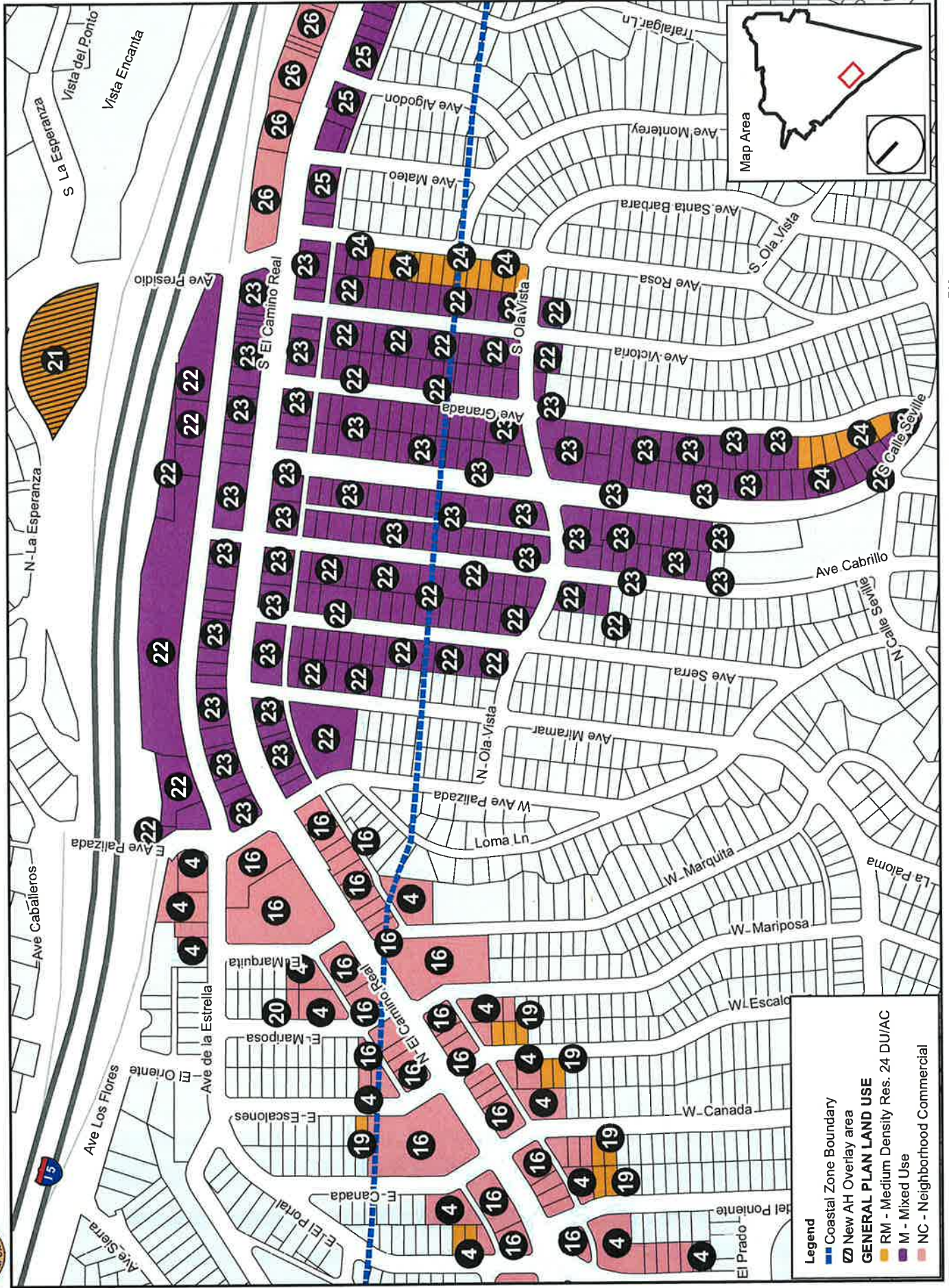
**Map 3**





**Proposed Commercial and Mixed Use Zoning Updates  
ZA14-456: Zoning Amendments for General Plan Consistency (See key for details)**

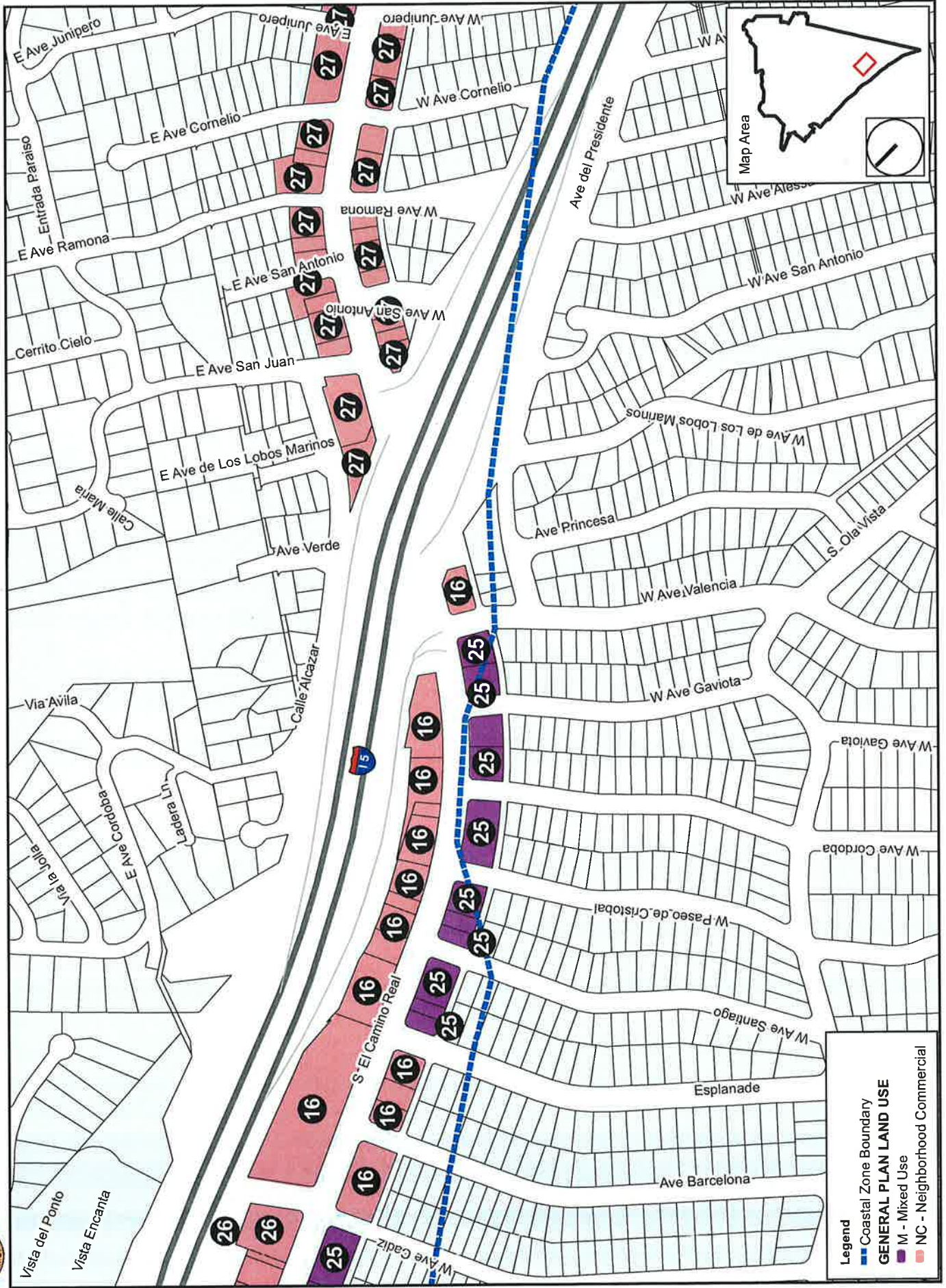
**Map 4**





**Proposed Commercial and Mixed Use Zoning Updates  
ZA14-456: Zoning Amendments for General Plan Consistency (See key for details)**

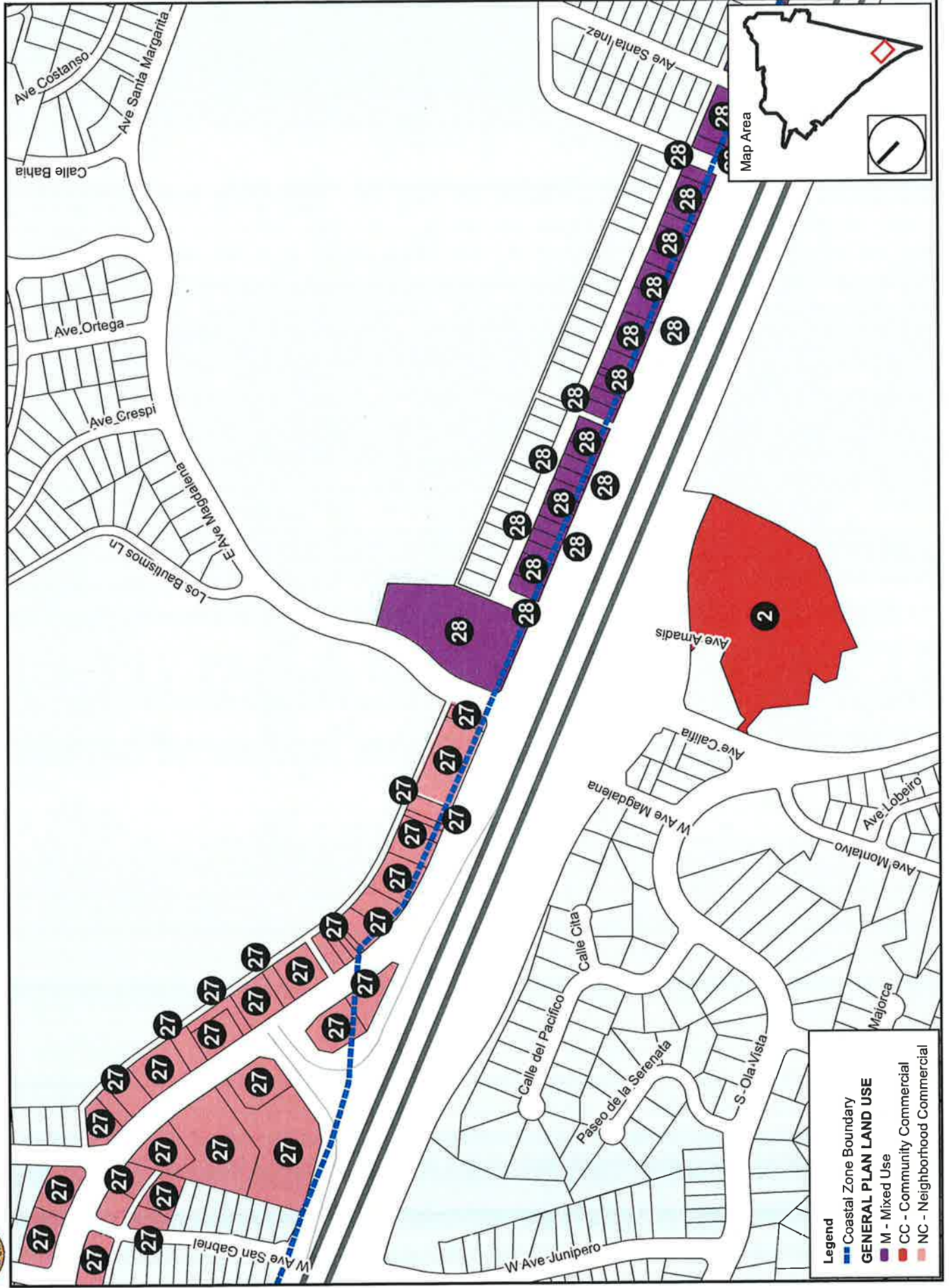
**Map 5**





**Proposed Commercial and Mixed Use Zoning Updates  
ZA14-456: Zoning Amendments for General Plan Consistency (See key for details)**

**Map 6**





**Proposed Commercial and Mixed Use Zoning Updates  
ZA14-456: Zoning Amendments for General Plan Consistency (See key for details)**

**Map 7**



CHAPTER 17.36 COMMERCIAL ZONES AND STANDARDS

4/22/15 DRAFT ORDINANCE EXHIBIT B

CHAPTER 17.36 COMMERCIAL ZONES AND STANDARDS [11](#)

Sections:

[17.36.010 Purpose and intent.](#)

[17.36.020 Commercial use regulations.](#)

[17.36.030 Commercial zone general development standards.](#)

[17.36.040 Commercial zone special development standards.](#)

**17.36.010 Purpose and intent.**

The General Plan details the goals, objectives and policies for the City's commercial zones, including provisions for a range of retail and office uses necessary to support the daily needs of residents of and visitors to San Clemente. It is the purpose of this chapter to implement the General Plan's vision for the commercial zones through development regulations that allow for a variety of retail and office uses, while creating distinct commercial areas that are compatible with their surrounding environment.

- A. **Neighborhood Commercial (NC) Zones.** Neighborhood Commercial Zones are intended to be less intense than community or regionally oriented commercial zones in San Clemente. There are five neighborhood commercial zones: NC1.1, NC1.2, NC 1.3, NC2 and NC3. The General Plan restricts the intensity of the Neighborhood Commercial Zones primarily through the floor area ratio limit for the zones. The maximum floor area ratio allowed in the NC Zones—0.35—is smaller than those allowed in other commercial zones. The uses prescribed by the General Plan for the Neighborhood Commercial Zones are essentially the same as those prescribed by the General Plan for the Community Commercial Zones, which are described below.
- B. **Community Commercial (CC) Zones.** Community Commercial Zones are more intense than Neighborhood Commercial Zones. The General Plan allows for this additional intensity by allowing higher floor area ratio limits in the Community Commercial Zones. There are three Community Commercial Zones: CC 1, CC 2 and CC 3. The maximum floor area ratio limits for these districts range from 0.5 to 0.7. The General Plan allows the same uses in the Community Commercial Zones as it allows in the Neighborhood Commercial Zones, with the exception of provisions for an automobile center on the 400—500 block of Camino de Estrella and hospital uses within the CC 2 zone.
- ~~C. **Regional Commercial (RC) Zones.** Regional Commercial Zones are designed to allow region-oriented uses. The sites in San Clemente receiving this designation are large, and can accommodate an intensity of development required for a region-oriented use. There is one general-purpose Regional Commercial Zone, RC 1, and one special purpose area regulated by the RC 2 zone. The General Plan primarily distinguishes the RC 2 site by the uses allowed, which provides for the continued use and development of the existing hospital facilities at 654 Camino de los Mares.~~

(Ord. 1172 § 3 (part), 1996)

(Ord. No. 1536, § 4(Exh. A), 6-21-2011)

**17.36.020 Commercial use regulations.**

- A. **Permitted and Conditionally Permitted Uses.** Tables 17.36.020, Commercial Zone Uses, list uses which shall be the primary uses allowed to occur on a property. All uses except for those provided for



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CHAPTER 17.36 COMMERCIAL ZONES AND STANDARDS

in Sections 17.28.210, Outdoor Display Areas, and 17.28.300, Temporary Uses and Structures, of this title shall be conducted within enclosed structures. The primary uses identified in Table 17.36.020, **Commercial Zone Uses Permitted and Conditional Uses Within Commercial Zones**, shall be permitted or conditionally permitted as indicated:

P —	Where the symbol "P" appears, the use shall be permitted.
MC —	Where the symbol "MC" appears, the use shall be permitted subject to the issuance of a Minor Conditional Use Permit, in accordance with Section 17.16.070, Minor Conditional Use Permits, of this title.
C —	Where the symbol "C" appears, the use shall be permitted subject to the issuance of a Conditional Use Permit, in accordance with Section 17.16.060, Conditional Use Permits, of this title.
O —	Where the symbol "O" appears, the use is subject to an alternative review process described in a subsequent footnote.

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	Zones								
	NC 1.1	NC 1.2	NC 1.3	NC 2	NC 3	CC 1	CC 2	CC 3	NOTE
<b>1. Commercial</b>									
Antiques (Retail Sales)	P	P	P	P	P	P	P	P	
Art Galleries	P	P	P	P	P	P	P	P	
Bakery Goods/Sales (No Wholesale Distributors)	P	P	P	P	P	P	P	P	

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Barber Shops	P	P	P	P	P	P	P	P	
Bicycle Shops	P	P	P	P	P	P	P	P	
Bookstores	P	P	P	P	P	P	P	P	
Carpet Sales	MC	MC	MC	P	P	P	P	P	
Ceramics (Retail Sales)	MC	MC	MC	P	P	P	P	P	
Cleaners and Laundromats (No Linen Service)	P	P	P	P	P	P	P	P	
Clothing (Retail Sales)	P	P	P	P	P	P	P	P	
Confectionery Stores (Small Scale Production with Retail Sales)	P	P	P	P	P	P	P	P	
Convenience Stores	C	C	C	C	C	C	C	C	1
Drugstores/Pharmacies	P	P	P	P	P	P	P	P	
Electronics (Retail Sales and Repair)	P	P	P	P	P	P	P	P	
Fabric Stores	P	P	P	P	P	P	P	P	
Florists (Retail Sales)	P	P	P	P	P	P	P	P	
Floor Covering Stores	MC	MC	MC	P	P	P	P	P	
Furniture Stores (Retail Sales)	MC	MC	MC	P	P	P	P	P	
Glass/Mirror Sales	MC	MC	MC	P	P	P	P	P	
Grocery/Food Stores (Not Convenience Stores)	P	P	P	P	P	P	P	P	
Gunsmith/Gun Shops				C	C	C	C	C	
Hair Salons	P	P	P	P	P	P	P	P	
Hardware Stores	P	P	P	P	P	P	P	P	
Home Appliance Stores (Retail Sales and Repair)	MC	MC	MC	P	P	P	P	P	
Ice Cream Parlors (Retail Sales with Small Production)	P	P	P	P	P	P	P	P	

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Interior Decorating Stores	MC	MC	MC	P	P	P	P	P	
Janitorial Supplies				P	P	P	P	P	
Jewelry Stores	P	P	P	P	P	P	P	P	
Lawnmower Sales/Service	MC	MC	P	P	P	P	P	P	
Liquor Sales:									
a. Hard Alcohol	C	C	C	C	C	C	C	C	
b. Beer and Wine (Off-Site Consumption Only)	MC	MC	MC	MC	MC	MC	MC	MC	
Locksmith Shops	MC	MC	MC	P	P	P	P	P	
Mail-Order Stores	MC	MC	MC	P	P	P	P	P	
Medical/X-Ray Equipment (Sales Only)				P	P	P	P	P	
Medical Marijuana Dispensaries									
Music Sales	P	P	P	P	P	P	P	P	
Newsstands (On Private Property)	P	P	P	P	P	P	P	P	
Nurseries (Indoor Garden Retail Sales)	MC	MC	MC	P	P	P	P	P	
Nurseries (Outdoor Garden Retail Sales)				C	C	C	C	C	
Office Equipment/Supplies	C	C	C	P	P	P	P	P	
Paint/Wallpaper Sales	MC	MC	MC	P	P	P	P	P	
Patio/Outdoor Furniture Sales	MC	MC	MC	P	P	P	P	P	
Pawn Shops				C	C	C	C	C	
Pet Shops	MC	MC	MC	MC	MC	MC	MC	MC	
Pet Supply Stores	MC	MC	MC	P	P	P	P	P	
Photographic Equipment Sales	MC	MC	MC	P	P	P	P	P	

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Pottery (Retail Sales with Small Production)	MC	MC	P	P	P	P	P	P	
Shoe Stores (Retail Sales and Repair)	P	P	P	P	P	P	P	P	
Specialty Food Stores	P	P	P	P	P	P	P	P	
Sporting Goods (Retail Sales)	MC	MC	MC	P	P	P	P	P	
Stationery Stores	P	P	P	P	P	P	P	P	
Surfboard (Custom Manufacturing)				C	C	C	C	C	
Swimming Pool Accessory Shops	MC	MC	MC	P	P	P	P	P	
Tailors/Dressmakers	P	P	P	P	P	P	P	P	
<b>2. Hospital Uses</b>	<b>NC 1.1</b>	<b>NC 1.2</b>	<b>NC 1.3</b>	<b>NC 2</b>	<b>NC 3</b>	<b>CC 1</b>	<b>CC 2</b>	<b>CC 3</b>	<b>NOTE</b>
Ambulance Services							C		
Ancillary Uses (Minor) to Hospital, such as Laboratories, Florists, Parking Lots <sup>2</sup>							P		2
Hospital	3						C		
<b>3. Lodging</b>	<b>NC 1.1</b>	<b>NC 1.2</b>	<b>NC 1.3</b>	<b>NC 2</b>	<b>NC 3</b>	<b>CC 1</b>	<b>CC 2</b>	<b>CC 3</b>	<b>NOTE</b>
Bed and Breakfast Inns:									3
a. Five or Fewer Guest Rooms				P	P	P	P	P	
b. Six to 10 Guest Rooms				MC	MC	MC	MC	MC	
c. Over 10 Guest Rooms				C	C	C	C	C	
Hotel and Ancillary Uses				C	C	C	C	C	
Motels					C	C	C	C	
Timeshares				C	C	C	C	C	

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<b>4. Professional Offices, Financial Institutions and Related Uses</b>	<b>NC 1.1</b>	<b>NC 1.2</b>	<b>NC 1.3</b>	<b>NC 2</b>	<b>NC 3</b>	<b>CC 1</b>	<b>CC 2</b>	<b>CC 3</b>	<b>NOTE</b>
Ambulance Services (Office Only)	P	P	P	P	P	P	P	P	
Banks/Financial Institutions Special Consideration, ATM's	P	P	P	P	P	P	P	P	
Banks/Financial Institutions with Drive-Through Facilities	C	C	C	C	C	P	P	P	
Newspaper Publication and Office				P	P	P	P	P	
Employment Agencies				P	P	P	P	P	
Offices, Medical	P	P	P	P	P	P	P	P	
Offices, Professional	P	P	P	P	P	P	P	P	
Offices, Veterinary/Animal Hospitals	MC	MC	MC	P	P	P	P	P	
Secretarial Services	P	P	P	P	P	P	P	P	
Telemarketing Services				P	P	P	P	P	
Travel Agencies	MC	MC	MC	P	P	P	P	P	
<b>5. Public/Quasi Public and Institutional Uses</b>	<b>NC 1.1</b>	<b>NC 1.2</b>	<b>NC 1.3</b>	<b>NC 2</b>	<b>NC 3</b>	<b>CC 1</b>	<b>CC 2</b>	<b>CC 3</b>	<b>NOTE</b>
Churches	C	C	C	C	C	C	C	C	
Clubs/Social Organizations	C	C	C	C	C	C	C	C	
Congregate Care Facilities				C	C	C	C	C	4
Convalescent Homes				C	C	C	C	C	
Day Care Facilities:									5
a. Small Day Care Homes	O	O	O	O	O	O	O	O	6
b. Large Day Care Homes	MC	MC	MC	MC	MC	MC	MC	MC	
c. Day Care Centers	C	C	C	C	C	C	C	C	

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Group Instruction/Group Counseling	MC	MC	MC	MC	MC	MC	MC	MC	
Libraries	P	P	P	P	P	P	P	P	
Parking Lots	MC	MC	MC	MC	MC	MC	MC	MC	7
Parking Structures	C	C	C	C	C	C	C	C	
Parks	O	O	O	O	O	O	O	O	8
Public Utilities:									9
a. City-Initiated Projects	O	O	O	O	O	O	O	O	
b. Projects Initiated by Outside Agencies:									
i. Major Utilities	C	C	C	C	C	C	C	C	
ii. Minor Utilities	P	P	P	P	P	P	P	P	
Schools, Public and Private 1—12 Individuals	MC	MC	MC	MC	MC	MC	MC	MC	
Greater than 12 Individuals	C	C	C	C	C	C	C	C	
Transportation Facilities				C	C	C	C	C	
<b>6. Residential Uses</b>	<b>NC 1.1</b>	<b>NC 1.2</b>	<b>NC 1.3</b>	<b>NC 2</b>	<b>NC 3</b>	<b>CC 1</b>	<b>CC 2</b>	<b>CC 3</b>	<b>NOTE</b>
Affordable Housing Projects				P	P	P	P	P	10
Manufactured Homes									
Mobile Homes:									
a. Units									
b. Subdivisions and Parks									
Residential Units									
Senior Housing Projects		C	C	C	C	C	C	C	11
<b>Stand Alone Residential</b>									
<b>7. Restaurants and bars</b>	<b>NC 1.1</b>	<b>NC 1.2</b>	<b>NC 1.3</b>	<b>NC 2</b>	<b>NC 3</b>	<b>CC 1</b>	<b>CC 2</b>	<b>CC 3</b>	<b>NOTE</b>

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Bars, cocktail lounges (with or without dancing and/or entertainment)	C	C	C	C	C	C	C	C	
Restaurants:									
a. With drive-through				C	C	C	C	C	12
b. With no on-site consumption of liquor, no dancing, no entertainment	P	P	P	P	P	P	P	P	
c. With on-site sale of beer and wine:									13
i. Indoors	MC	MC	MC	MC	MC	MC	MC	MC	
ii. Outdoors with up to 16 outdoor seats or four tables	MC	MC	MC	MC	MC	MC	MC	MC	
iii. Outdoors with more than 16 outdoor seats and/or four tables	MC	MC	MC	MC	MC	MC	MC	MC	
d. With on-site sale of hard alcohol:									13,14
i. Indoors	C	C	C	C	C	C	C	C	
ii. Outdoors with up to 16 outdoor seats or four tables									
iii. Outdoors with more than outdoor 16 seats and/or four tables	MC/C	MC/C	MC/C	MC/C	MC/C	MC/C	MC/C	MC/C	
e. With dancing and/or entertainment that has:									
i. No amplified sound	MC	MC	MC	MC	MC	MC	MC	MC	
ii. Amplified sound	C	C	C	C	C	C	C	C	
<b>8. Unclassified Uses</b>	<b>NC</b> <b>1.1</b>	<b>NC</b> <b>1.2</b>	<b>NC</b> <b>1.3</b>	<b>NC</b> <b>2</b>	<b>NC</b> <b>3</b>	<b>CC</b> <b>1</b>	<b>CC</b> <b>2</b>	<b>CC</b> <b>3</b>	<b>NOTE</b>
Accessory Buildings	C	C	C	C	C	C	C	C	

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Alcohol Beverage Sales Concurrent with Motor Vehicle Fuel-Convenience Store Sales	C	C	C	C	C	C	C	C	15
Amusement Centers	C	C	C	C	C	C	C	C	16
Animal Grooming Shops	MC	MC	MC	P	P	P	P	P	
Bowling Alleys				C	C	C	C	C	
Drive-Thru Facilities, When in Conjunction with a Use Permitted or Conditionally Permitted in this Zone				C	C	C	C	C	
Grading, Not Accompanying a Development Request:									
a. Emergency	P	P	P	P	P	P	P	P	
b. Major	C	C	C	C	C	C	C	C	
c. Minor	P	P	P	P	P	P	P	P	
Health/Fitness/Sports Clubs and Facilities	C	C	C	C	C	C	C	C	
Internet Access Studio/Internet Café:									
a. With four or fewer computers	P	P	P	P	P	P	P	P	
b. With five or more computers available to the public (excluding school, library and similar public uses)	C	C	C	C	C	C	C	C	
Massage	P	P	P	P	P	P	P	P	19
Mortuaries				C	C	C	C	C	
Pool Halls				C	C	C	C	C	20
Recycling Facilities:									21



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a. Reverse Vending Machines	P	P	P	P	P	P	P	P	
b. Small Collection	C	C	C	P	P	P	P	P	
c. Large Collection				C	C	C	C	C	
Theaters				C	C	C	C	C	
Urban Private Storage									
Wine Tasting (Only as an Accessory Use to establishments selling wine or wine related products as a primary use)	MC	MC	MC	MC	MC	MC	MC	MC	
<b>9. Vehicle-Related Repair, Sales and Service</b>	<b>NC 1.1</b>	<b>NC 1.2</b>	<b>NC 1.3</b>	<b>NC 2</b>	<b>NC 3</b>	<b>CC 1</b>	<b>CC 2</b>	<b>CC 3</b>	<b>NOTE</b>
Car Washes				C	C	C	C	C	22
Service/Gas Station	C	C	C	C	C	C	C	C	23
Vehicle Parts/Accessories Sales				MC	MC	MC	MC	MC	
Vehicle Dealerships (Sales, Leasing, Rental, New and Used):									23
a. Auto Dealerships with fewer than 10 cars				MC	MC	MC	MC	MC	
b. All Other Vehicle Dealerships				C	C	C	C	C	
Vehicle Repair/Service, Minor				C	C	C	C	C	24

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.

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### CHAPTER 17.36 COMMERCIAL ZONES AND STANDARDS

- 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.
- 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.

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CHAPTER 17.36 COMMERCIAL ZONES AND STANDARDS

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.

(Ord. 1314 §§ 37—43, 2006; Ord. 1308 § 13, 2006; Ord. 1182 § 13, 1997; Ord. 1172 § 3 (Repealed by 96-555), 1996)

(Ord. No. 1517, § 3, 8-17-2010; Ord. No. 1524, §§ 5, 6, 12-7-2010; Ord. No. 1536, § 4(Exh. A), 6-21-2011; Ord. No. 1561, § 3(Exh. A, § 20), 11-27-2012; Ord. No. 1575, § 3(Exh. A, § 8), 12-3-2013)

**17.36.030 Commercial zone general development standards.**

The following property development standards shall apply to all land and permitted or conditionally permitted buildings located within their respective commercial zones.

- A. **Creation of New Lots.** The creation of new lots within commercial zones following the date of adoption of this title shall conform to the minimum dimensions for lots established within this zone, except in the case of condominium lots or individual lots within a shopping center, in which case minimum dimensions shall be applied to the boundaries around the entire center. Individual lots created within shopping centers are exempt from the site development standards stated herein, as they relate to minimum lot areas and lot width, as long as the following conditions are met:
1. A Site Plan Permit for the entire center has been processed and approved pursuant to Section 17.16.050, Site Plan Permits and Minor Site Plan Permits, of this title;
  2. Easements for reciprocal access, parking and maintenance are recorded in a form approved by the City Attorney and maintained; and
  3. All applicable setbacks adjacent to the exterior boundaries of the shopping center or commercial development are met.
- B. **General Development Standards.** Tables 17.36.030(A), Commercial Zone Development Standards, Neighborhood Commercial Zones, and 17.36.030(B), Commercial Zone Development Standards, Community and Regional Commercial Zones, list the site development standards required for projects located in commercial zones.

**Table 17.36.030A**

**Commercial Zone Development Standards**

**Development Standards Applicable to Commercial Zones**

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Lot Frontage, Minimum	Refer to Section 17.24.140, Lot Frontage Requirements, Minimum, of this title.
Landscape Setback for Parking Areas	Please refer to Section 17.64.060(C), Landscaping, for landscaping setbacks for parking areas.
Setbacks from Residentially Zoned Property	Please refer to Section 17.24.170, Residentially Zoned Property, Development Adjacent to, for setbacks from residentially zoned property.
Parking	For parking requirements, please refer to Chapter 17.64, Parking and Access Standards, of this title.
Landscaping	Refer to Chapter 17.68, Landscaping Standards, of this title, for landscaping requirements.
Floor Area Ratio, Historic Structures	Please refer to Section 17.24.100, Increases in Floor Area Ratio, for increases in floor area ratio when historic structures are preserved on-site or relocated to appropriate zones

<b>NC 1.1 Development Standards</b>	
<b>Standard</b>	<b>NC 1,1 Zone Requirement</b>
Lot Area, Minimum	4,000 Square Feet
Lot Width, Minimum	40'-0"
Front Setback, Minimum	0'-0"
Interior Side Setback, Minimum	0'-0"
Street Side Setback, Minimum	0'-0"
Rear Setback Minimum	0'-0"
Lot Coverage, Maximum	50 percent of lot area
Floor Area Ratio	.35
Height Limitation	15'-0"; 1 Story

<b>NC 1.2 Development Standards</b>	
<b>Standard</b>	<b>NC 1.2 Zone Requirement</b>
Lot Area, Minimum	4,000 Square Feet
Lot Width, Minimum	40'-0"
Front Setback, Minimum	0'-0"
Interior Side Setback, Minimum	0'-0"
Street Side Setback, Minimum	0'-0"
Rear Setback Minimum	0'-0"
Lot Coverage, Maximum	50 percent of lot area

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<b>Floor Area Ratio</b>	<b>.35</b>
<b>Height Limitation</b>	<b>33'-0" Top of Roof; 26'-0" Plate; 2 Stories</b>

<b>NC 1.3 Development Standards</b>	
<b>Standard</b>	<b>NC 1.3 Zone Requirement</b>
Lot Area, Minimum	4,000 Square Feet
Lot Width, Minimum	40'-0"
Front Setback, Minimum	0'-0"
Interior Side Setback, Minimum	0'-0"
Street Side Setback, Minimum	0'-0"
Rear Setback Minimum	0'-0"
Lot Coverage, Maximum	50 percent of lot area
Floor Area Ratio	.35
Height Limitation	45'-0" Top of Roof; 37'-0" Plate; 3 Stories

<b>NC 2 Development Standards</b>	
<b>Standard</b>	<b>NC 2 Zone Requirement</b>
Lot Area, Minimum	6,000 Square Feet
Lot Width, Minimum	60'-0"
Front Setback, Minimum	0'-0"
Interior Side Setback, Minimum	0'-0"
Street Side Setback, Minimum	0'-0"
Rear Setback Minimum	0'-0"
Lot Coverage, Maximum	50 percent of lot area
Floor Area Ratio	.35; See also Section 17.24.100 "Increases in Floor Area Ratio" pertaining to historic structures on parcels not within the Coastal Zone
Height Limitation	33'-0" Top of Roof; 26'-0" Plate; 2 Stories

<b>NC 3 Development Standards</b>	
<b>Standard</b>	<b>NC 3 Zone Requirement</b>
Lot Area, Minimum	6,000 Square Feet
Lot Width, Minimum	60'-0"
Front Setback, Minimum	0'-0"
Interior Side Setback, Minimum	0'-0"

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Street Side Setback, Minimum	0'-0"
Rear Setback Minimum	0'-0"
Lot Coverage, Maximum	50 percent of lot area
Floor Area Ratio	.35
Height Limitation	45'-0" Top of Roof; 37'-0" Plate; 3 Stories

<b>CC 1 Development Standards</b>	
<b>Standard</b>	<b>CC 1 Zone Requirement</b>
Lot Area, Minimum	6,000 Square Feet
Lot Width, Minimum	60'-0"
Front Setback, Minimum	0'-0"
Interior Side Setback, Minimum	0'-0"
Street Side Setback, Minimum	0'-0"
Rear Setback Minimum	0'-0"
Lot Coverage, Maximum	60 percent of lot area
Floor Area Ratio	.50
Height Limitation	33'-0" Top of Roof; 26'-0" Plate; 2 Stories

<b>CC 2 Development Standards</b>	
<b>Standard</b>	<b>CC 2 Zone Requirement</b>
Lot Area, Minimum	6,000 Square Feet
Lot Width, Minimum	60'-0"
Front Setback, Minimum	0'-0"
Interior Side Setback, Minimum	0'-0"
Street Side Setback, Minimum	0'-0"
Rear Setback Minimum	0'-0"
Lot Coverage, Maximum	60 percent of lot area; A lot coverage of 80 percent of lot area is allowed if the use of the parcel is comprised entirely of uses listed in Table 17.36.020 "Commercial Zone Uses" under subheading "2. Hospital Uses"
Floor Area Ratio	.50; A floor area ratio of 2.00 is allowed if the use of the parcel is comprised entirely of uses listed in Table 17.36.020 "Commercial Zone Uses" under subheading "2. Hospital Uses"
Height Limitation	45'-0" Top of Roof; 37'-0" Plate; 3 Stories. A height of 54'-0" Top of Roof, 45'-0" Plate; 4 stories, is allowed if the use of the parcel is

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	comprised entirely of uses listed in Table 17.36.020 "Commercial Zone Uses" under subheading "2. Hospital Uses"
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<b>CC 3 Development Standards</b>	
<b>Standard</b>	<b>CC 3 Zone Requirement</b>
Lot Area, Minimum	6,000 Square Feet
Lot Width, Minimum	60'-0"
Front Setback, Minimum	0'-0"
Interior Side Setback, Minimum	0'-0"
Street Side Setback, Minimum	0'-0"
Rear Setback Minimum	0'-0"
Lot Coverage, Maximum	80 percent of lot area
Floor Area Ratio	.70
Height Limitation	45'-0" Top of Roof; 37'-0" Plate; 3 Stories.

(Ord. 1231 § 4, 1999; Ord. 1172 § 3 (part), 1996)

(Ord. No. 1517, § 3, 8-17-2010; Ord. No. 1536, § 4(Exh. A), 6-21-2011)

**17.36.040 Commercial zone special development standards.**

Chapter 17.24, General Development Standards, of this title includes a number of special provisions affecting commercial properties. Unless otherwise indicated in the referenced sections, or in other City documents regulating commercial development, the development standards listed in Chapter 17.24, General Development Standards, of this title shall apply to all zones described in this chapter.

**Table 17.36.040**

**Special Development Standards for All Commercial Zones**

Standards	Sections
Accessory Buildings	Section 17.24.040
Building Equipment and Services and Their Screening	Section 17.24.050
Encroachment into Setbacks and Height Limits, General	Section 17.24.080
Fences, Walls, Hedges	Section 17.24.090
Height Limitations	Section 17.24.110

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Increase in Floor Area Ratios	Section 17.24.100
Lighting	Section 17.24.130
Off-Street Loading Area	Section 17.24.150
Relocation of Structures	Section 17.24.160
Residentially Zoned Properties, Development Adjacent To	Section 17.24.170
Retaining Walls	Section 17.24.180
Skirt Walls	Section 17.24.190
Substandard Lots	Section 17.24.200
Through Lots, Rear Yard Setback For	Section 17.24.210
Trip Reduction Measures for Projects With Greater than 100 Employees	Chapter 17.76

(Ord. 1172 § 3 (part), 1996)

(Ord. No. 1536, § 4(Exh. A), 6-21-2011)

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FOOTNOTE(S):

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**Editor's note**— Ord. No. 1536, § 4(Exh. A), adopted June 21, 2011, amended Ch. 17.36, in its entirety, to read as herein set out. Prior to inclusion of said ordinance, Ch. 17.36 pertained to similar subject matter. See also the Code Comparative Table and Disposition List. ([Back](#))



CHAPTER 17.40 MIXED-USE ZONES AND STANDARDS

**4/22/15 DRAFT ORDINANCE EXHIBIT C**

**CHAPTER 17.40 MIXED-USE ZONES AND STANDARDS** <sup>[2]</sup>

**Sections:**

[17.40.010 Purpose and intent.](#)

[17.40.020 Residential densities in mixed-use zones.](#)

[17.40.030 Mixed-use regulations.](#)

[17.40.040 Mixed-use zone general development standards.](#)

[17.40.050 Mixed-use zone special development standards.](#)

**17.40.010 Purpose and intent.**

The General Plan details the goals, objectives, and policies for the City's mixed-use zones, including the establishment of active, pedestrian-oriented districts which enhance the quality of life and vitality of the City. It is the purpose of this chapter to implement the General Plan's vision for distinct mixed-use zones through development regulations that allow for the mixture of retail, office and residential uses within the same zone, while achieving a high level of architectural quality

A combination of mixed use zones and overlays are established to bring particular development standards for designated parcels within the downtown core, in the transitional areas near the core, in frontage areas on El Camino Real, within the North Beach, in the Pier Bowl and along the southern portion of El Camino Real east of Interstate 5, described in the following paragraphs.

- A. The North Beach / North El Camino Real Mixed Use (MU 2) Zone.** The North Beach / North El Camino Real is a unique community and visitor serving hub for entertainment and coastal recreation. This zone is intended to support the fulfillment of this character and potential through adopted development standards. In large measure, the zone replicates the use provisions of the former C 2 zone, which had allowed for a mix of uses.
- B. Downtown Mixed-Use (MU 3.0) Zone.** The downtown area (MU 3.0) is defined in the San Clemente General Plan as the symbolic "core" of the City, maintaining its pedestrian-oriented village character. Commercial development—non-residential uses allowed in this zone such as community and tourist-serving retail commercial, entertainment, restaurants, offices, institutional and public uses—and residential uses accompanying commercial development are accommodated within this zone. Along with enhancing the pedestrian nature of downtown, the

CHAPTER 17.40 MIXED-USE ZONES AND STANDARDS

inclusion of residential uses into commercial development will provide housing opportunities for employees and owners of commercial establishments, as well as others interested in living in the downtown area. As well as the MU3.0 zoning designation, many of the sites in the downtown area also have an Architectural (-A) Overlay District designation and/or a Central Business (-CB) District overlay designation. The requirements of these overlay districts affect the use, style and physical layout of projects. The overlay districts are described in Chapter 17.56, Overlay Districts and Standards, of this title. (Please refer to the City's Zoning Maps for the location of these overlay districts.)

The location of uses and parking within projects is particularly important to the pedestrian ambiance of this zone. In the -CB Overlay District, pedestrian-oriented uses are to be located along the street and less pedestrian-oriented uses to the rear or above street facing spaces.

Throughout the MU 3.0 zone, residential units are encouraged above the street level of projects to provide housing opportunities for employees, owners of commercial establishments and others interested in living in the downtown area, as well as to make room for more pedestrian-oriented uses on the street level. In the AH Overlay Zone, dwellings are allowed by right at the street level to facilitate development of accessible and affordable housing. The City may allow nonresidential uses included in Table 17.40.030, Permitted and Conditional Uses within the Mixed-use Zone, on the same floor as residential uses (above street level) through the appropriate discretionary review process. Buildings are to be located along the street and parking is to be located behind buildings (or to the side of buildings when parking behind buildings is impossible) to maintain and promote an interesting sidewalk scene for the pedestrian, in accordance with the City's General Plan and Urban Design Guidelines. For specific requirements regarding the location of uses, please refer to Section 17.04.030.2, Special Use Regulations for the Downtown Mixed-Use (MU3.0) Zone, and Section 17.56.030, Central Business (-CB) Overlay District, of this title, along with the City's General Plan and Urban Design Guidelines. The use of non-residential space in this zone is vital to the pedestrian nature of the area. Non-residential spaces must contain uses that serve clients and patrons that will visit the site. These spaces may not be merely used for storage for other businesses or for adjacent residential uses or be used as spaces that function in the same manner as home occupancy uses.

The scale, architectural style and physical layout of projects in the MU 3.0 zone are important to its pedestrian-oriented village character. In accordance with the General Plan, future development in this area is to be consistent in scale (2—3) stories and character with the prevailing Spanish Colonial Revival buildings. For specific details, please refer to Section 17.56.020, Architectural (-A) Overlay District, of this title, along with the City's General Plan and the Urban Design Guidelines.

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- C. Downtown Transition / North Beach Core Mixed Use (MU 3.1) Zone.** This zoning category serves dual purpose of providing for a transitional level of development surrounding the Downtown Core and establishing mixed use standards for application in portions of the North Beach area. Important distinctions regarding height and design form, plus an allowance for stand-alone residential development, distinguish this zone from the MU 3 zone.
- D. El Camino Real South, West of Interstate 5 Mixed Use (MU 3.2) Zone.** This zone is particularly applied to parcels fronting the west side of El Camino Real and backing onto the parallel alley west of El Camino Real, southward of Downtown and northward of the Interstate 5 overcrossing. These particular parcels average approximately one hundred feet (100') in depth and slope downward from El Camino Real. The alley at the rear of these parcels abuts the single family residential RL zone. The intent of the MU 3.2 zone is to provide for commercial development fronting El Camino Real and mixed use development opportunity while respecting the scale of development on the neighboring residential areas.
- E. El Camino Real South, East of Interstate 5 Mixed-Use (MU 5) Zone.** The MU 5 land-use designation accommodates commercial and residential development within the same zone, but limits development such that commercial and residential uses cannot exist on the same lot. The standards for this zone include a requirement that the type of use allowed, residential or commercial, depends upon whether large contiguous areas of that use exist.

(Ord. 1252 § 6, 2001; Ord. 1172 § 3 (part), 1996)

(Ord. No. 1536, § 4(Exh. A), 6-21-2011)

**17.40.020 Residential densities in mixed-use zones.**

This title limits the maximum and minimum residential density for each mixed-use zone; however, the density allowed for any residential project within the City may be limited further through the appropriate discretionary review process, when discretionary review is provided for in this title. The Zoning Administrator, Planning Commission and/or City Council shall have the authority to reasonably condition any residential development subject to discretionary review to ensure proper transition to and compatibility with adjacent developments, existing or proposed.

(Ord. 1172 § 3 (part), 1996)

(Ord. No. 1536, § 4(Exh. A), 6-21-2011)

**17.40.030 Mixed-use regulations.**

**A. Permitted and Conditionally Permitted Uses.**

CHAPTER 17.40 MIXED-USE ZONES AND STANDARDS

1. **General Requirements.** The uses identified in Table 17.40.030, Mixed-Use Zone Uses, shall be the primary uses allowed to occur on a property. All uses except for those provided for in Sections 17.28.210, Outdoor Display Areas and 17.28.300, Temporary Uses and Structures, of this title shall be conducted within enclosed structures. The primary uses identified in Table 17.40.030 shall be permitted or conditionally permitted, as indicated.

P	Where the symbol "P" appears, the use shall be permitted.
MC	Where the symbol "MC" appears, the use shall be permitted subject to the issuance of a Minor Conditional Use Permit, in accordance with Section 17.16.070, Minor Conditional Use Permits, of this title.
C	Where the symbol "C" appears, the use shall be permitted subject to the issuance of a Conditional Use Permit, in accordance with Section 17.16.060, Conditional Use Permits, of this title. If the use is located in the -CB Overlay District, it shall be reviewed for its appropriateness in pedestrian-oriented spaces in accordance with Section 17.56.030, Central Business District Overlay, of this title.
O	Where the symbol "O" appears, the use is subject to an alternative review process described in a subsequent footnote.

2. **Special Use Regulations for the Downtown Mixed-Use (MU 3.0) Zone.**
  - a. **Residential and Nonresidential Uses on the Same Floor.** Nonresidential uses shall be permitted on the same floor as a residential use subject to the issuance of a Conditional Use Permit, in accordance with Section 17.16.060, Conditional Use Permits, of this title.
  - b. **Review of the Location of Pedestrian and Non-pedestrian Uses in the Pedestrian Overlay (-P).** Non-pedestrian uses, as defined in Section 17.56.030, Central Business District Overlay, of this title are discouraged in pedestrian-oriented spaces, also defined in Section 17.56.030, Central Business District Overlay, of this title and shall be allowed in such spaces through the discretionary review processes indicated in Table 17.40.030, Permitted and Conditionally Permitted Uses Within Mixed-Use Zones, of this title. For specific criteria for the location of pedestrian and nonpedestrian uses in pedestrian spaces, please refer to Section 17.56.030, Central Business District Overlay, of this title for provisions for the Central Business District Overlay.

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- c. **Location of Residential Uses.** Residential uses shall be limited to floors above street level. Lobbies, entryways, and other nonhabitable space for residential uses shall be allowed on the street level. In the AH Overlay, dwellings that are part of a "Qualified Affordable Housing Development as defined in Chapter 17.56.090 of the Zoning Ordinance may be located at the street level. Exceptions may be granted for buildings listed on the City's Designated Historic Structures List subject to the issuance of a Conditional Use Permit, in accordance with Section 17.16.060, Conditional Use Permits, of this title. Prior to approving a Conditional Use Permit for exceptions allowed in this section, all of the following findings must be made along with the general findings required for the approval of a Conditional Use Permit:
    - i. The exception is reasonably necessary to maintain the historical integrity of the structure;
    - ii. The project meets the intent of the City's Urban Design Guidelines, where it relates to projects in this zone.
  - d. **The Use of Non-residential Space.** Non-residential spaces shall contain uses that serve clients and patrons that will visit the site. These spaces may not be merely used for storage for other businesses or for adjacent residential uses or be used in the same manner as home occupancy businesses.
  - e. **Location of Parking.** Parking for residential and non-residential purposes shall be located behind buildings or to the side of buildings when parking behind buildings is impossible.
- 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

**Table 17.40.030**

**Mixed-Use Zone Uses**

Use	Zones					NOTE
<b>1. Commercial Uses</b>	<b>MU 2</b>	<b>MU 3.0</b>	<b>MU 3.1</b>	<b>MU 3.2</b>	<b>MU 5</b>	
Antiques	P	P	P	P	P	

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Art Galleries	P	P	P	P	P	
Bakery Goods/Sales (No Wholesale Distributors)	P	P	P	P	P	
Barber Shops	P	P	P	P	P	
Bicycle Shops	P	P	P	P	P	
Bookstores	P	P	P	P	P	
Ceramics (Retail Sales)	P	P	P	P	P	
Cleaners and Laundromats (No Linen Service)	P	P	P	P	P	
Clothing Stores	P	P	P	P	P	
Confectionery Stores (Small Scale Production with Retail Sales)	P	P	P	P	P	
Convenience Stores	C	C	C	C		1
Drugstores/Pharmacies	P	P	P	P	P	
Electronics (Retail Sales and Repair)	P	P	P	P	P	
Fabric Stores	P	P	P	P	P	
Floor Covering Stores	P	P	P	P	P	
Florists (Retail Sales)	P	P	P	P	P	
Furniture Stores (Retail Sales)	P	P	P	P	P	
Grocery/Food Stores (Not Convenience Stores)	P	P	P	P	P	
Gunsmith/Gun Shops	C	C	C	C	C	
Hair Salons	P	P	P	P	P	
Hardware Stores	P	P	P	P	P	
Home Appliance Stores (Retail Sales and Repair)	P	P	P	P	P	
Ice Cream Parlors (Retail Sales with Small Production)	P	P	P	P	P	

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Interior Decorating Stores	P	P	P	P	P
Jewelry Stores	P	P	P	P	P
Liquor Sales:					
a. Hard Alcohol	C	C	C	C	C
b. Beer and Wine (Off-Site Consumption Only)	MC	MC	MC	MC	MC
Locksmith Shops	P	P	P	P	P
Mail-Order Stores	P	P	P	P	P
Medical/X-Ray Equipment (Sales Only)	P			P	P
Medical Marijuana Dispensaries					
Music Sales	P	P	P	P	P
Newsstands (On Private Property)	P	P	P	P	P
Nurseries (Indoor Garden Retail Sales)	P	P	P	P	P
Nurseries (Outdoor Garden Retail Sales)	C	C	C	C	C
Office Equipment/Supplies	P	P	P	P	P
Paint/Wallpaper Sales	P	P	P	P	P
Patio/Outdoor Furniture Sales	P	P	P	P	P
Pawn Shops	C	C	C	C	C
Pet Shops	MC	MC	MC	MC	MC
Pet Supply Stores	P	P	P	P	P
Photographic Equipment Sales	P	P	P	P	P
Pottery (Retail Sales with Small Production)	P	P	P	P	P
Shoe Stores (Retail Sales and Repair)	P	P	P	P	P

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Specialty Food Stores	P	P	P	P	P	
Sporting Goods (Retail Sales)	P	P	P	P	P	
Stationery Stores	P	P	P	P	P	
Swimming Pool Accessory Shops	P	P	P	P	P	
Tailors/Dressmakers	P	P	P	P	P	
<b>2. Lodging</b>	<b>MU 2</b>	<b>MU 3</b>	<b>MU 3.1</b>	<b>MU 3.2</b>	<b>MU 5</b>	<b>NOTE</b>
Bed and Breakfast Inns:						2
a. Five or Fewer Guest Rooms	P	P	P	P	P	3
b. Six to 10 Guest Rooms	MC	MC	MC	MC	MC	3
c. Over 10 Guest Rooms	C	C	C	C	C	
Hotel and Ancillary Uses	C	C	C	C	C	
Motels	C			C	C	
Timeshares	C	C	C	C	C	
<b>3. Professional Offices, Financial Institutions and Related Uses</b>	<b>MU 2</b>	<b>MU 3.0</b>	<b>MU 3.1</b>	<b>MU 3.2</b>	<b>MU 5</b>	<b>NOTE</b>
Ambulance Services (Office Only)	P	P	P	P	P	3
Banks/Financial Institutions	P	P	P	P	P	
Employment Agencies	P	P	P	P	P	3
Offices, Medical:						
a. Optometrists with Retail Space	P	P	P	P	P	
b. Optometrists without Retail Space	P	P	P	P	P	3
c. Other Offices	P	P	P	P	P	3
Offices, Professional and/or General:						



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a. Realtors	P	P	P	P	P	
b. Other Offices	P	P	P	P	P	3
Offices, Veterinary/Animal Hospitals	P	C	C	P	C	
Secretarial Services	P	P	P	P	P	3
Telemarketing Services	P	P	P	P	P	3
Travel Agencies	P	P	P	P	P	
<b>4. Public/Quasi Public and Institutional Uses</b>	<b>MU 2</b>	<b>MU 3.0</b>	<b>MU 3.1</b>	<b>MU 3.2</b>	<b>MU 5</b>	<b>NOTE</b>
Churches	C	C	C	C	C	
Clubs/Social Organizations	C	C	C	C	C	
Congregate Care Facilities	C	C	C	C	C	4
Convalescent Homes					C	
Day Care Facilities:						5
a. Small Day Care Homes <sup>5</sup>	O	O	O	O	O	6
b. Large Day Care Homes	MC	MC	MC	MC	MC	
c. Day Care Centers	C	C	C	C	C	
Group Instruction/Group Counseling	P	P	P	P	P	3
Libraries	P	P	P	P	P	
Parking Lots	MC	MC	MC	MC	MC	7
Parking Structures	C	C	C	C	C	
Parks	O	O	O	O	O	8
Public Utilities						9
a. City-Initiated Projects	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	

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Schools, Public and Private 1—12 Individuals	MC	MC	MC	MC	MC	
Greater than 12 Individuals	C	C	C	C	C	
Transportation Facilities	C	C	C	C	C	
<b>5. Residential Uses</b>	<b>MU 2</b>	<b>MU 3.0</b>	<b>MU 3.1</b>	<b>MU 3.2</b>	<b>MU 5</b>	<b>NOTE</b>
Affordable Housing Projects	P	P	P	P	P	10
Manufactured Homes <sup>1</sup>					MC	11
Mobile Homes:					C	12
a. Units					C	
b. Subdivisions and Parks						13
Residential Units	P	P	P	P	P	14, 15
Senior Housing Projects	C	C	C	C	C	16
<b>Stand Alone Residential</b>			P		P	15
<b>6. Restaurants and bars</b>	<b>MU 2</b>	<b>MU 3.0</b>	<b>MU 3.1</b>	<b>MU 3.2</b>	<b>MU 5</b>	<b>NOTE</b>
Bars, cocktail lounges (with or without dancing and/or entertainment)	C	C	C	C	C	
Restaurants						
a. With drive-through					C	17
b. With no on-site consumption of liquor, no dancing, no entertainment	P	P	P	P	P	
c. With on-site sale of beer and wine:						
i. Indoors	MC	MC	MC	MC	MC	
ii. Outdoors with up to 16 outdoor seats or four tables	MC	MC	MC	MC	MC	
iii. Outdoors with more than 16 outdoor seats and/or four	C	C	C	C	C	

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tables						
d. With on-site sale of hard alcohol:						18,19,20
i. Indoors	C	C	C	C	C	
ii. Outdoors with up to 16 outdoor seats or four tables	MC/C	MC/C	MC/C	MC/C	MC/C	
iii. Outdoors with more than 16 seats and/or four tables	C	C	C	C	C	
e. With dancing and/or entertainment that has:						
i. No amplified sound	MC	MC	MC	MC	MC	
ii. Amplified sound	C	C	C	C	C	
<b>7. Unclassified Uses</b>	<b>MU 2</b>	<b>MU 3.0</b>	<b>MU 3.1</b>	<b>MU 3.2</b>	<b>MU 5</b>	<b>NOTE</b>
Accessory Buildings, Residential					C	21
a. Detached, Over 15 Feet in Height					P	
b. All Others					C	
Accessory Buildings, Nonresidential	C	C	C	C	C	21
Alcohol Beverage Sales Concurrent with Motor Vehicle Fuel-Convenience Store Sales	C			C	C	23
Amusement Centers	C	C	C	C	MC	24
Animal Grooming Shops	P			P	C	
Bowling Alleys	C			C	C	
Drive-Thru Facilities, When in Conjunction with a Use Permitted or Conditionally Permitted in this Zone	C			C	C	17

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Grading, Not Accompanying a Development Request:						25
a. Emergency	P			P	P	
b. Major	C	C	C	C	C	
c. Minor	P	P	P	P	P	
Health/Fitness/Sports Clubs and Facilities	C	C	C	C	C	
Internet Access Studio/Internet Café	P	P	P	P	P	
a. With five or more computers available to the public (excluding school, library and similar public uses)	C	C	C	C	C	26
Massage	P	P	P	P	P	27
Mortuaries	C			C	C	
Pool Halls	C	C	C	C	C	28
Recycling Facilities: Reverse Vending Machines	C	MC	MC	P	MC	29
Theaters	C	C	C	C	C	
Urban Private Storage	C	C	C	C		30
Wine Tasting (Only as an Accessory Use to establishments selling wine or wine related products as a primary use)	MC	MC		MC	MC	
<b>8. Vehicle-Related Repair, Sales and Service</b>	<b>MU 2</b>	<b>MU 3.0</b>	<b>MU 3.1</b>	<b>MU 3.2</b>	<b>MU 5</b>	<b>NOTE</b>
Car Washes						
Vehicle Parts/Accessories Sales with no on-site installation services	MC			MC	MC	31

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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 17.56.030 Central Business (-CB) Overlay District, of this title. This use is potentially subject to locational criteria within a structure based on its compatibility with the objectives of creating or maintaining pedestrian-oriented space in the Central Business Overlay District.
- 4 Refer to Section 17.28.110, Congregate Care Facilities, of this title.
- 5 Refer to Section 17.28.100, Child Day Care Facilities, of this title.
- 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.
- 8 Refer to Section 17.28.230, Public Park Facilities, of this title.
- 9 Refer to Section 17.28.240, Public Utilities, of this title.
- 10 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.
- 11 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.
- 12 Refer to Section 17.28.190, Mobile Homes, of this title.
- 13 Refer to Section 17.36.040, Planned Residential District Overlay, of this title.
- 14 Residential uses in the MU3.0 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.
- 15 For residential uses in the MU5-4 zone, please refer to Section 17.40.050(A), Residential Use Restrictions for MU5-4, of this title
- 16 Refer to Section 17.28.280, Senior Housing Projects, of this title.
- 17 Refer to Section 17.28.260, Drive-Throughs.

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18 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.

19 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).

20 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.

21 Refer to Section 17.24.040, Accessory Buildings, of this title.

23 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.

24 Refer to Section 17.28.050, Amusement Centers, of this title.

25 Refer to Section 17.28.130, Grading, of this title.

26 The provisions for amusement centers shall apply to Internet Access Studios/Internet Cafés. Refer to Section 17.28.050, Amusement Centers, of this title.

27 Massage is subject to Section 5.28 of the City of San Clemente Municipal Code.

28 The provisions for amusement centers shall apply to pool halls. Refer to Section 17.28.050, Amusement Centers, of this title.

29 Refer to Section 17.28.250, Recycling Facilities, of this title.

30 Refer to Section 17.28.305, Urban Private Storage, of this title.

31 Refer to Section 17.28.330, Vehicle Service and Repair-Related Facilities, of this title.

(Ord. 1442 §§ 5, 6, 2007; Ord. 1314 §§ 44—48, 2006; Ord. 1308 § 14, 2006; Ord. 1304 § 26, 2005; Ord. 1252 §§ 7 and 8, 2001; Ord. 1182 § 14, 1997; Ord. 1172 § 3 (part), 1996)

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(Ord. No. 1524, §§ 7, 8, 12-7-2010; Ord. No. 1536, § 4(Exh. A), 6-21-2011; Ord. No. 1561, § 3(Exh. A, §§ 21—23), 11-27-2012; Ord. No. 1575, § 3(Exh. A, § 9), 12-3-2013)

**17.40.040 Mixed-use zone general development standards.**

The following property development standards shall apply to all land and permitted or conditionally permitted buildings located within their respective mixed-use zones.

- A. **The Creation of New Lots.** The creation of new lots within mixed-use zones following the date of adoption of this title shall conform to the minimum dimensions for lots established within this zone, except in the case of condominium lots or individual lots within a shopping center, in which case minimum dimensions shall be applied to the boundaries around the entire center. Parcels created within shopping centers are exempt from the site development standards Stated herein, as they relate to minimum site areas, and minimum lot width and depth, as long as the following conditions are met:
  1. A conceptual development plan for the entire center has been developed and approved pursuant to the provisions of this title;
  2. Easements for reciprocal access, parking and maintenance are recorded in a form approved by the City Attorney, and maintained; and
  3. All applicable setbacks adjacent to the exterior boundaries of the shopping center or mixed-use development are met.
- B. **General Development Standards.** Table 17.40.040, Mixed-Use Zone Development Standards, lists the site development standards required for mixed-use development projects.

**Table 17.40.040**

**Mixed-Use Zone Development Standards**

<b>Development Standards Applicable to All Mixed Use Zones</b>	
Lot Frontage, Minimum	Refer to Section 17.24.140, Lot Frontage Requirements, Minimum, of this title.
Landscape Setback for Parking Areas	Please refer to Section 17.64.060(C), Landscaping, for landscaping setbacks for parking areas.
Setbacks from Residentially Zoned Property	Please refer to Section 17.24.170, Residentially Zoned Property, Development Adjacent to, for setbacks from residentially zoned property.
Parking	For parking requirements, please refer to Chapter 17.64, Parking and Access Standards, of this title.

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Landscaping	Refer to Chapter 17.68, Landscaping Standards, of this title, for landscaping requirements.
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<b>MU 2 Development Standards</b>	
<b>Standard</b>	<b>MU2 Zone Requirement</b>
Lot Area, Minimum	6,000 Square Feet
Lot Width, Minimum	60'-0"
Residential Density, Maximum	One dwelling unit per 1,200 square feet of gross lot area
Front Setback, Minimum	0'-0"
Interior Side Setback, Minimum	0'-0"
Street Side Setback, Minimum	0'-0"
Rear Setback Minimum	0'-0"
Lot Coverage, Maximum	50 percent of lot area.
Residential Development Location Requirement	Habitable residential space shall be located behind or above frontage commercial space.
Floor Area Ratio, Maximum	Commercial projects: 0.50; Mixed use projects:1.50
Height Limitation	Without Residential, 2 Stories with a maximum plate height of 26'-0" and a maximum Top of Roof height of 33'-0" Mixed Use with Residential, 3 Stories with a maximum plate height of 37'-0" and a maximum Top of Roof height of 45'-0"

<b>MU 3.0 Development Standards</b>	
<b>Standard</b>	<b>MU3.0 Zone Requirement</b>
Lot Area, Minimum	6,000 Square Feet
Lot Width, Minimum	60'-0"
Residential Density, Maximum	One dwelling unit per 1,200 square feet of gross lot area
Dwelling Unit Size, Minimum	600 square feet.
Front Setback, Minimum	0'-0"
Interior Side Setback,	0'-0"



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Minimum	
Street Side Setback, Minimum	0'-0"
Rear Setback Minimum	0'-0"
Lot Coverage, Maximum	100 percent of lot area
Residential Development Location Requirement	Habitable residential space shall be located on the second story or higher.
Floor Area Ratio, Maximum	Commercial projects: 1.0; Mixed use projects: 2.0
Height Limitation	<b>For all projects 2 Stories with a maximum plate height of 26'-0" and a maximum Top of Roof height of 33'-0". For sites with sloping topography, an exception allowing a maximum height of 3 Stories with a maximum plate height of 37'-0" and a maximum Top of Roof height of 45'-0" may be approved by the City Council.</b>
Parking	In the MU3.0 Zone, parking is to be located behind buildings (or to the side of buildings when parking behind buildings is impossible). The calculation for parking for the Downtown Parking Study Area shall be made as follows: 1. The number of off-street parking spaces which shall be provided for an alteration of use or addition of square footage shall be the net increase <sup>1</sup> in parking spaces required for the project as a result of the alteration or addition of square footage. <sup>2</sup> 2. Waivers of the parking requirements may be approved by the City, in accordance with Section 17.64.125(A) (Waivers) within the Downtown Parking Study Area, of this title.

Notes to MU3.0 Development Standards, "Parking"

<sup>1</sup> This exception is made for the Downtown Parking Study Area because of the results of Downtown, North Beach, and Pier Bowl Parking Needs Assessment completed in 1995. The study found that there was an excess supply of parking space within the Study Area for the uses existing at the time of the study, even considering that a number of lots within the Study Area are nonconforming as to parking. When requests for alterations of use and additional square footage are considered by the City, only the net increase in parking requirements will be assessed, as opposed to requiring that projects make up for existing parking deficiencies within a site.

<sup>2</sup> Example: If an existing retail establishment currently requiring four parking spaces wishes to convert to a restaurant requiring seven parking spaces, the net increase in parking requirements is three spaces. To be permitted by the City, the restaurant in this

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example would have to be able to cover the net increase of three parking spaces. The following table illustrates the additional parking spaces that the restaurant would need to provide to be approved:

Number of Spaces Currently Provided by the Retail Establishment	Number of Spaces Which Must be Added to Allow the Restaurant
0—4	3
5	2
6	1
7	0

<b>MU 3.1 Development Standards</b>	
<b>Standard</b>	<b>MU3.1 Zone Requirement</b>
Lot Area, Minimum	6,000 Square Feet
Lot Width, Minimum	60'-0"
<b>Residential Density, Maximum</b>	<b>One dwelling unit per 1,200 square feet of gross lot area</b>
Front Setback, Minimum	0'-0"
Interior Side Setback, Minimum	0'-0"
Street Side Setback, Minimum	0'-0"
Rear Setback Minimum	0'-0"
Lot Coverage, Maximum	100 percent of lot area
Commercial/Mixed Use Floor Area Ratio, Maximum	Commercial projects: 1.0 FAR; Mixed use projects: 2.0 FAR
<b>Height Limitation</b>	<b>Residential, Commercial, or Mixed Use on lots 12,000 square feet or less, 2 Stories with a maximum plate height of 26'-0" and a maximum Top of Roof height of 33'-0"; Exception with Conditional Use Permit, 3 Stories with a maximum plate height of 37'-0" and a maximum Top of Roof height of 45'-0"</b> <b>Mixed Use on lots greater than 12,000 square feet, 3 Stories with a maximum plate height of 37'-0" and a maximum Top of Roof height of 45'-0";</b>

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<p>Parking (adjacent to Downtown Core per Figure 17.64.125)</p>	<p>In the MU3.1 Zone (adjacent to Downtown Core per Figure 17.64.125), parking is to be located behind buildings (or to the side of buildings when parking behind buildings is impossible).                  The calculation for parking for the Downtown Parking Study Area shall be made as follows:                  1. The number of off-street parking spaces which shall be provided for an alteration of use or addition of square footage shall be the net increase<sup>1</sup> in parking spaces required for the project as a result of the alteration or addition of square footage.<sup>2</sup>                  2. Waivers of the parking requirements may be approved by the City, in accordance with Section 17.64.125(A) (Waivers) within the Downtown Parking Study Area</p>
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Notes to MU3.1 (adjacent to Downtown Core per Figure 17.64.125), Development Standards, "Parking"

<sup>1</sup> This exception is made for the Downtown Parking Study Area because of the results of a Parking Needs Assessment. The study found that there was an excess supply of parking space within the Study Area for the uses existing at the time of the study, even considering that a number of lots within the Study Area are nonconforming as to parking. When requests for alterations of use and additional square footage are considered by the City, only the net increase in parking requirements will be assessed, as opposed to requiring that projects make up for existing parking deficiencies within a site.

<sup>2</sup> Example: If an existing retail establishment currently requiring four parking spaces wishes to convert to a restaurant requiring seven parking spaces, the net increase in parking requirements is three spaces. To be permitted by the City, the restaurant in this example would have to be able to cover the net increase of three parking spaces. The following table illustrates the additional parking spaces that the restaurant would need to provide to be approved:

Number of Spaces Currently Provided by the Retail Establishment	Number of Spaces Which Must be Added to Allow the Restaurant
0—4	3
5	2
6	1
7	0

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<b>MU 3.2 Development Standards</b>	
<b>Standard</b>	<b>MU 3.2 Zone Requirement</b>
Lot Area, Minimum	6,000 Square Feet
Lot Width, Minimum	60'-0"
Residential Density, Maximum	One dwelling unit per 1,800 square feet of gross lot area
Front Setback, Minimum	0'-0"
Interior Side Setback, Minimum	0'-0"
Street Side Setback, Minimum	0'-0"
Rear Setback Minimum	0'-0"
Lot Coverage, Maximum	100 percent of lot area
Commercial/Mixed Use Floor Area Ratio, Maximum	Commercial projects: 1.00; Mixed use projects: 1.50.
Height Limitation, General	A maximum plate height of 34'-0" and a maximum Top of Roof height of 42'-0"
Height Limitation, El Camino Real Frontage	The measurement of plate height set forth in Section 17.24.110.B.2. [Height Limit to Plate Line] notwithstanding, in order to limit development facing El Camino Real to two-story massing the following shall be applied in addition to the General Height Limitation: Using as datum the elevation of the midpoint of the front lot line [i.e.- the El Camino Real Frontage], no plate line shall exceed a height of 30'-0" above datum, nor shall a top of roof exceed a height of 35'-0" above datum.
Story Limitation, El Camino Real Frontage	In order to limit development facing El Camino Real to two actual stories above street level, the following additional standard shall be applied: Using the same datum determined in the application of the foregoing "Height Limitation, El Camino Real Frontage", on the portion of a lot or lots between the front property line and a parallel line 25'-0" rearward of the front property line, at no point within a building or portion thereof may a vertical line drawn upward from a plane 2'-0" above datum elevation intersect more than one plane comprising floor area applicable to the calculation of Floor Area Ratio.

**MU 5 Development Standards**

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<b>Standard</b>	<b>MU 5 Zone Requirement</b>
Lot Area, Minimum	6,000 Square Feet
Lot Width, Minimum	60'-0"
Residential Density, Maximum	One dwelling unit per 1,200 square feet of gross lot area
Front Setback, Minimum	10'-0"
Interior Side Setback, Minimum	5'-0"
Street Side Setback, Minimum	8'-0"
Rear Setback Minimum	5'-0"
Lot Coverage, Maximum	55 percent of lot area
Commercial Floor Area Ratio, Maximum	0.35
Height Limitation	2 Stories with a maximum plate height of 26'-0" and a maximum Top of Roof height of 33'-0"

(Ord. 1252 § 9, 2001; Ord. 1190 § 11, 1997; Ord. 1172 § 3 (part), 1996)

(Ord. No. 1536, § 4(Exh. A), 6-21-2011)

**17.40.050 Mixed-use zone special development standards.**

This section and Chapter 17.24, General Development Standards, of this title, includes a number of special provisions affecting mixed-use properties. Unless otherwise indicated in the referenced sections, or in other City documents regulating mixed-use development, the development standards listed in Chapter 17.24, General Development Standards, of this title shall apply to all zones described in this chapter.

**Table 17.40.050**

**Special Development Standards for All Mixed-Use Zones**

Standards	Sections
Accessory Buildings	Section 17.24.040
Arbors (Residential Structures Only)	Section 17.32.050(A), Arbors
Building Equipment and Services and	Section 17.24.050

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Their Screening	
Density Allowance for Lots with Less than 3,600 Square Feet of Lot Area (Residential Lots Only)	Section 17.32.050(B), Density Allowance for Lots with Less than 3,600 Square Feet of Lot Area (residential lots only)
Distance Between Primary Buildings, Minimum Required	Section 17.32.050(C), Distance Between Primary Buildings, Minimum Required
Encroachment into Setbacks and Height Limits, General	Section 17.24.080

Standards	Sections
Fences, Walls, Hedges	Section 17.24.090
Front Setback, Special Provisions for Reduction (Residential Lots Only)	Section 17.32.050(D)
Garage Encroachment into the Front Yard Setback (Residential Lots Only)	Section 17.32.050(E)
Height Limitations	Section 17.24.110, Front Setbacks, Special Provisions for Reductions (residential lots only), Section 17.32.050(D), Garage Encroachment into the Front Yard Setbacks (residential lots only), Section 17.32.050(E)
Increase in Floor Area Ratios	Section 17.24.100
Lighting	Section 17.24.130
Off-Street Loading Area	Section 17.24.150
Relocation of Structures	Section 17.24.160

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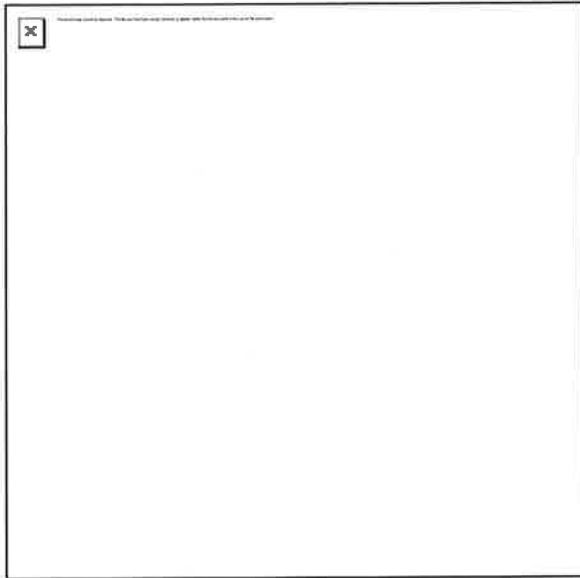
Residential/Nonresidential Use Restrictions for MU3.0-CB	Please refer to Section 17.56.030, Central Business District Overlay.
Residential/Nonresidential Use Restrictions for MU 5-1 (Minimum Contiguous Use)	Please refer to subsection (A), Residential/Nonresidential Use Restrictions for MU 5.1.
Residentially Zoned Properties, Development Adjacent to	Section 17.24.170
Retaining Walls	Section 17.24.180
Skirt Walls	Section 17.24.190, Special Provisions for Dwelling Units with Front Entrances Located Along the Side Property Line (residential lots only), Section 17.32.050(F)
Special Provisions for Dwelling Units with Front Entrances Located Along the Side Property Line (Residential Lots Only)	Section 17.32.050(F)
Substandard Lots	Section 17.24.200
Through Lots, Rear Yard Setback For	Section 17.24.210
Trip Reduction Measures for Projects With Greater Than 100 Employees	Chapter 17.76
Unit Size, Minimum, MU 3.0 and MU3.1 Zones	Please refer to subsection (B), Unit Size, Minimum, MU3.0 and MU3.1 Zones.

- A. **Residential/Nonresidential Use Restrictions for MU 5-1 (Minimum Contiguous Use).** In order to maintain and enhance the compatibility of existing land uses in the MU 5.1 zone, the development of a vacant site or demolition of an existing primary structure and construction of new primary structure on a site in this zone shall comply with the following standards:

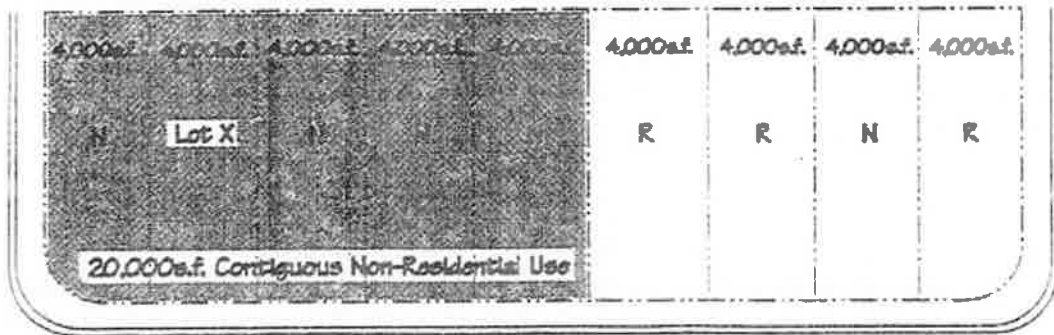
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1. Nonresidential development is required on a site when the development would result in a minimum of 20,000 square feet of contiguous lot area devoted to nonresidential development within a block;

**Figure 17.40.050A**



*Alley*



*Street*

*Lot X Must be Developed as Non-Residential*

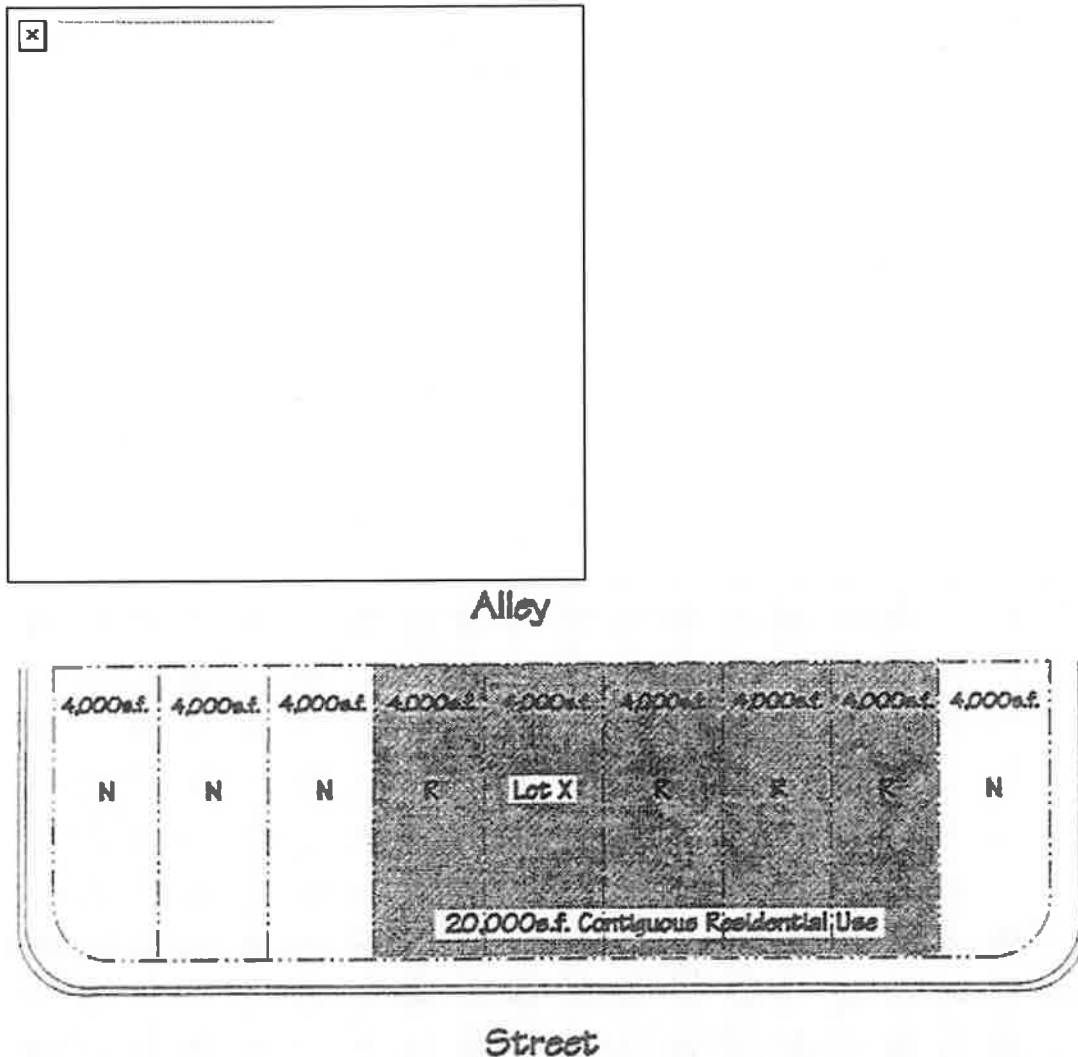
2. Residential development is required on a site when the development would result in a minimum of 20,000 square feet of contiguous lot area devoted to residential development within a block;
3. A choice of nonresidential or residential development is allowed on a site when the following conditions exist:



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- a. The development of the property would result in a minimum of 20,000 square feet of contiguous lot area devoted to both nonresidential and residential development within a block; or
- b. The subject site is a corner lot; or
- c. Any other circumstances not addressed by the restrictions described in this section.

**Figure 17.40.050B**



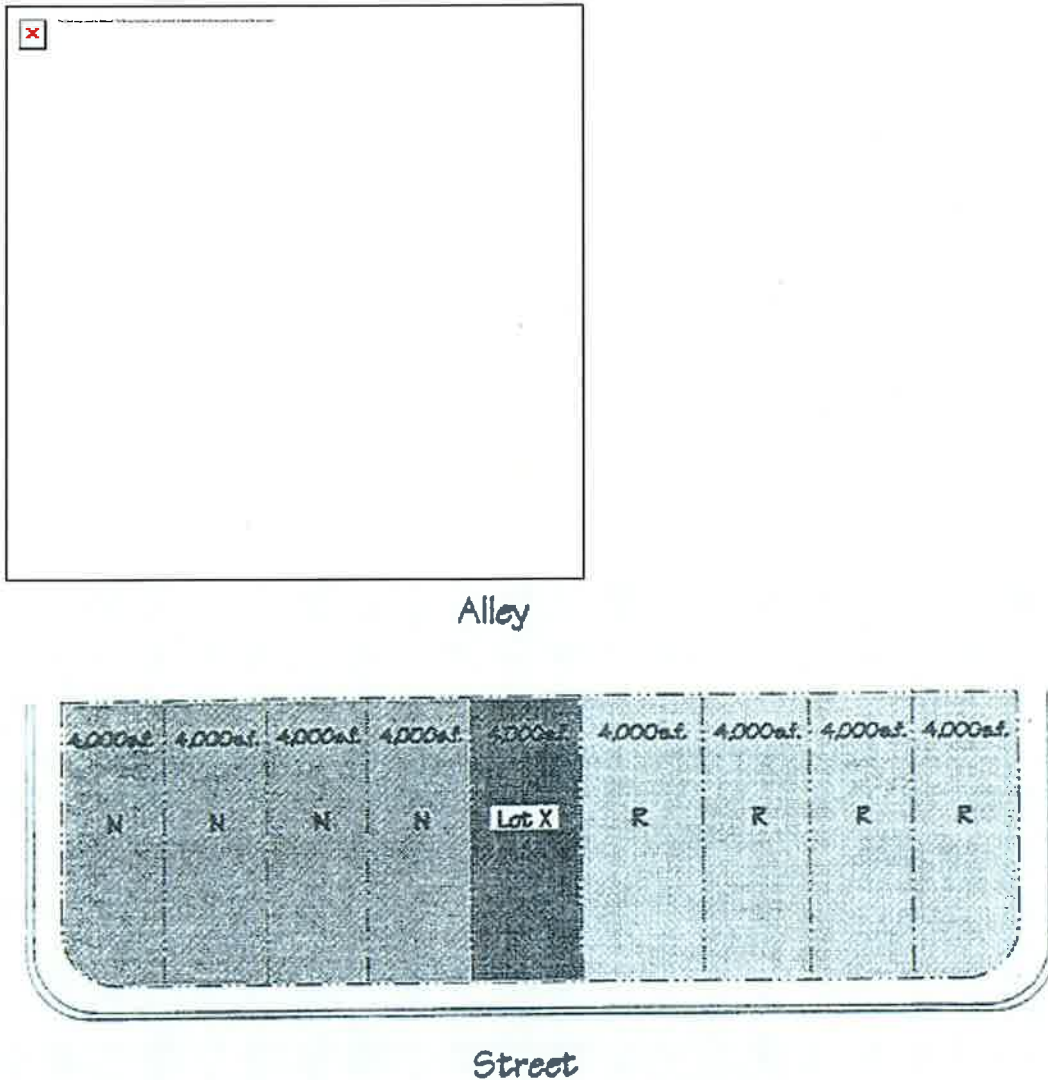
***Lot X Must be Developed as Residential***

Contiguous lot area, for the purpose of this standard, includes the lot area of contiguous adjacent parcels which are currently developed with the use in question (residential or nonresidential). Contiguous lot area is calculated within blocks.

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Parcels located on adjacent blocks are not counted in contiguous lot area calculations.

Figure 17.40.050C



*Lot X May be Developed With Either Non-Residential or Residential  
20,000sq.f. Contiguous Non-Residential Use and Residential Use*

- B. **Unit Size, Minimum, MU 3.0 and MU3.1 Zones.** The minimum unit size for dwelling units in the MU 3.0 and MU3.1 zones shall be 600 square feet of habitable floor area. Exceptions to this standard may be granted by the City for affordable or senior housing, through the discretionary review process required for the project.

CHAPTER 17.40 MIXED-USE ZONES AND STANDARDS

**C. Exceptions to the Development Standards for Lots of 12,000 Square Feet or Smaller, MU3.0 and MU3.1 Zones.**

1. Exceptions. Development of commercial and mixed-use projects on lots of 12,000 square feet or smaller shall comply with the standards of the MU3.0 and MU3.1 Zones, with the following exceptions that may be granted through a Conditional Use Permit, in accordance with Section 17.16.060, of this title.
  - a. Minimum Floor Area Ratio for the Commercial Portion of Mixed-use Projects. The minimum floor area requirement for the commercial portion of mixed-use projects, as defined in Table 17.40.040, Mixed-use Zone Development Standards, of this title, may be reduced to the numbers indicated below, as long as the following limitations on maximum project FAR are met:

Standard	Lots 12,000 square feet or smaller
Minimum Floor Area Ratio, Commercial Portion of Mixed-use Projects	.15
Maximum Floor Area Ratio, Mixed-use Project	1.2
With Public Benefit	1.5

- b. Circulation for Commercial and Mixed-use Projects. The following exceptions from parking circulation requirements in the City's Engineering Division Technical Standards, with City Engineer's concurrence may be granted:

Standard	Lots 60 feet wide or less	Lots wider than 60 feet to lots 120 feet wide
Driveway Width, Driveways	16'—24'	20'—24'
	Lots 6,000 square feet or smaller	Lots from 6,001 to 12,000 square feet
Parking Space Width, Parking Spaces Located Adjacent to Walls	9'—11.5'	11.5'

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- c. **Maximum Height Limit for Mixed-use Projects.** Three stories, with 45 feet to top-of-roof and 37 feet to plate, may be allowed for mixed-use projects on lots 12,000 square feet or smaller, if the following finding can be made in addition to the other findings required for exceptions for mixed-use projects on small lots and the general findings for Conditional Use Permits:

The Planning Commission has reviewed and considered the project in light of the design guidelines of the City and all appropriate appendices, and finds the project to be acceptable in terms of height, massing, scale and compatibility with and/or sensitivity to neighboring projects.

- d. **Total Parking Space Requirement for Mixed-use Projects on Lots of 6,000 Square Feet or Smaller.** When the calculation of the total number of parking spaces required for a mixed-use project is a number less than five (e.g. 4.9, then the number may be rounded down, if all of the following conditions apply:

Number of Required Parking Spaces	Number Rounded Down to:	Conditions which must apply
Between 4.0 and 4.9	4	<ul style="list-style-type: none"> <li>• Maximum one residential unit;</li> <li>• The net floor area of the residential portion of the project is 2,700 square feet or less;</li> <li>• The total number of bedrooms in the residential portion of the project is 3 or fewer;</li> <li>• The net floor area of the non-residential portion of the project is less than 800 square feet.</li> </ul>
Between 3.0 and 3.99	3	<ul style="list-style-type: none"> <li>• Maximum one residential unit;</li> <li>• The net floor area of the residential portion of the project is 1,800 square feet or less;</li> <li>• The total number of bedrooms in the residential portion of the project is 2 or fewer;</li> <li>• The net floor area of the non-residential portion of the project is less than 800 square</li> </ul>

CHAPTER 17.40 MIXED-USE ZONES AND STANDARDS

		feet.
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e. Landscaping for Commercial and Mixed-use Projects. The following reductions in the landscaping required in Section 17.68.050(C)(b), Urban Open Area Requirement, of this title, may be granted:

Standard	Lots 6,000 square feet or smaller	Lots from 6,001 to 12,000 square feet
Total Urban Open Area (as percent of net lot area)		No Reduction
If provided on street level	15%	
If provided on multiple levels	25%	
Percentage of Urban Open Area to be provided in Landscaping	20%	
Landscape pockets along the edges of driveways	Pockets for landscaping no deeper than 1 foot (measured into the driveway) or wider than 2 feet (measured along driveway) are allowed to project into the required driveway, as long as the landscaping pockets comply with the following conditions, which are to be included as conditions of approval for the project: <ul style="list-style-type: none"> <li>•Are not so frequent as to essentially narrow the minimum width of the driveway;</li> <li>•Contain landscaping which will not hamper sight distance to the street;</li> <li>•and Contain landscaping which will not protrude into the driveway in a manner that hampers adequate access to and from parking spaces.</li> </ul>	

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<p>Landscaping credit for trailing or climbing vines</p>	<p>Through the discretionary review process required for a project, the City may give vine plantings credit for greater than the size of the planting area (toward the landscaping requirement for the project).</p>
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- f. Miscellaneous Parking Requirements for Existing Development Being Converted to a Mixed-use Project on Lots 6,000 Square Feet or Smaller. When a commercial or residential project legally existing prior to May 16, 2001, is being converted to a mixed-use project, then the requirements for covered parking, parking location, parking space size and parking-related landscaping found in this chapter may be reduced if all of the following findings can be made in addition to the other findings required for exceptions for mixed-use projects on small lots and the general findings for Conditional Use Permits.
  - i. No square footage is being added to the project;
  - ii. There is not net increase in the number of parking spaces required for the project, as defined in Table 17.40.040, Mixed-use Zone Development Standards, footnote 9. The requirement for covered parking spaces is waived for no more than two parking spaces;
  - iii. The conversion improves the quality of the project and the neighborhood;
  - iv. The conversion contributes to the goals established for the land use designation, as defined in the City's General Plan, the purpose and intent established for the zone, as defined in the Zoning Ordinance, and compliance with the guidelines, as defined in the Design Guidelines of the City; and
  - v. Except for the parking requirements being waived, the project meets the intent of the Design Guidelines of the City and all appropriate appendices, as they relate to parking.
- 2. Required Findings for Exceptions. Prior to approving a Conditional Use Permit for exceptions allowed in this section, all of the following findings must be made along with the general findings required for the approval of a Conditional Use Permit:
  - a. Because of the limited size of the lot, the exception(s) is(are) reasonably necessary to accommodate development that fulfills the purpose and intent of the MU3.0 and MU3.1 Zones and relevant overlay zones;

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- b. The project meets the intent of the Design Guidelines of the City and all appropriate addendums as it relates to projects in this zone.
- 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 in the MU3.0 and MU3.1 Zones.**
1. Exceptions. Structures on the City's Designated Historic Structures List and located in the MU3.0 and MU3.1 Zones may be excepted from the minimum floor area requirements for the commercial portion of mixed-use projects through a Conditional Use Permit, in accordance with Section 17.16.060, Conditional Use Permits, of this title.
  2. Required Findings for Exceptions. Prior to approving a Conditional Use Permit for an exception to the minimum commercial floor area for mixed-use projects allowed in this section, all of the following findings must be made along the general findings required for the approval of a Conditional Use Permit:
    - a. The project contains commercial floor area that meets the intent of the zone;
    - b. The exception is necessary to maintain the historical integrity of the structure;
    - c. The project meets the intent of the City's Urban Design Guidelines, as it relates to projects in this zone.

(Ord. 1304 § 27, 2005; Ord. 1252 §§ 10—12, 2001; Ord. 1172 § 3 (part), 1996)

(Ord. No. 1536, § 4(Exh. A), 6-21-2011)

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FOOTNOTE(S):

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--- (2) ---

**Editor's note**— Ord. No. 1536, § 4(Exh. A), adopted June 21, 2011, amended Ch. 17.40, in its entirety, to read as herein set out. Prior to inclusion of said ordinance, Ch. 17.40 pertained to similar subject matter. See also the Code Comparative Table and Disposition List. ([Back](#))

--- (1) ---

1 Please refer to Section 17.40.050(B), Unit Size, Minimum, for provisions regarding unit size. ([Back](#))

([Back](#))

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--- (2) ---

2 A minor adjustment to the required front yard setback is available through the approval of a Minor Exception Permit, in accordance with Section 17.16.090, Minor Exception Permits, of this title. ([Back](#))

--- (3) ---

3 A minor adjustment to the required side yard setback is available through the approval of a Minor Exception Permit, in accordance with Section 17.16.090, Minor Exception Permits, of this title. ([Back](#))

--- (4) ---

4 A minor adjustment to the required side yard setback is available through the approval of a Minor Exception Permit, in accordance with Section 17.16.090, Minor Exception Permits, of this title. ([Back](#))

--- (5) ---

5 A minor adjustment to the required rear yard setback is available through the approval of a Minor Exception Permit, in accordance with Section 17.16.090, Minor Exception Permits, of this title. ([Back](#))

--- (6) ---

6 Refer to Section 17.24.100, Floor Area Ratios, Increase In, of this title. ([Back](#))

--- (7) ---

7 Refer to Section 17.24.100, Floor Area Ratios, Increase In, of this title. ([Back](#))

--- (8) ---

8 Refer to Section 17.40.050(C), Exceptions to the Development Standards for Lots of 12,000 Square Feet, and 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 in the MU3 Zone, of this title. ([Back](#))



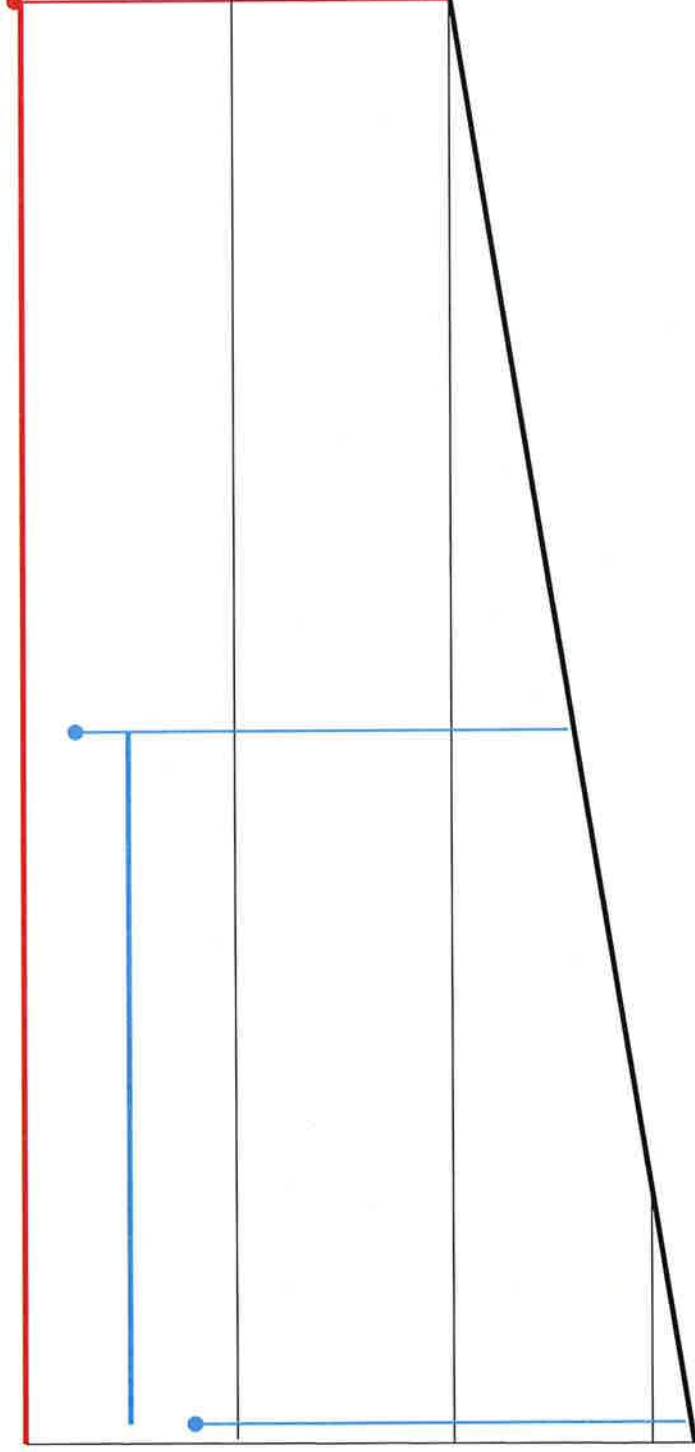
Title 17 - ZONING\*

CHAPTER 17.40 MIXED-USE ZONES AND STANDARDS

### ATTACHMENT 3. Calculation of Plate Height vs General Height in the MU 3.2 zone

#### EXAMPLE 1: ECR to Alley Differential at -17 feet

- Averaging of **General Height** for example sets plate at 39 feet above alley.
- **El Camino Real Plate Limit** sets overall plate at 47 feet above alley
- **General Height** prevails on the example area



### ATTACHMENT 3. Calculation of Plate Height vs General Height in the MU 3.2 zone

#### EXAMPLE 2: ECR to Alley Differential at -3 feet

- Averaging of **General Height** for example area sets plate at 35 feet above alley.
- **EI Camino Real Plate Limit** sets overall plate at 33 feet above alley.
- **EI Camino Real Plate Limit** prevails on the example area

