

**ORDINANCE NO. \_\_\_\_\_****AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, MAKING CEQA FINDINGS AND FOR A CITY-INITIATED AMENDMENT (ZA 17-412) TO THE CITY OF SAN CLEMENTE MUNICIPAL CODE TITLE 17, ZONING, TO ACHIEVE CONSISTENCY BETWEEN THOSE DOCUMENTS AND THE ADOPTED CENTENNIAL GENERAL PLAN, FOR PHASE 2 OF THE COMPREHENSIVE ZONING CODE PURSUANT TO GOVERNMENT CODE SECTION 65860**

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 to land use designations, particular uses and development criteria for certain designations;

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 ("Final EIR"), and approved mitigation monitoring measures pursuant to the California Environmental Quality Act ("CEQA");

WHEREAS, on November 3, 2015, the City Council introduced Ordinance No's. 1609 and 1610, for Phase 1 amendments to the Zoning Map and Zoning Amendment 14-456 regarding 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, as well as clarifying particular provisions of the Land Use Element at Table LU-1, and amending the Centennial General Plan Map reflecting the foregoing amendments and clarifications and a number of technical mapping edits;

WHEREAS, as part of its consideration and action on the Centennial General Plan amendments and Zoning Ordinance amendments of November 3, 2015, the City Council approved an addendum to Final EIR ("2015 Addendum") pursuant to the CEQA;

WHEREAS, on on November 17, 2015, the City Council adopted Ordinance No's. 1609 and 1610, containing amendments to the Zoning Map of the City of San Clemente and to amend the San Clemente Municipal Code Title 17, hereinafter referred to as Zoning Amendment 14-456, in order to implement and achieve consistency with the Centennial General Plan and the Zoning Map and the amended Title 17 Chapters and Sections;

WHEREAS, the City Council approved the 2016-2017 Strategic Implementation Plan (SIP) for the Centennial General Plan that set priorities including amendments to the Centennial General Plan the Zoning Code (San Clemente Municipal Code Title 17 "Zoning") and Specific Plans that make development standards, land uses, maps,

regulations, and other related contents, internally consistent with the Centennial General Plan by cleaning up errors, making clarifications, and correcting inconsistencies;

WHEREAS, On October 17, 2017, the City Council initiated a Zoning Amendment for consistency with the Housing Element Action Plan. The plan included future amendments for Density Bonus, Residential Care Facilities, Transitional and Supportive Housing, and Farmworker and Employee Housing;

WHEREAS, on January 17, 2018, the Planning Commission of the City of San Clemente held a study session for Phase 2, Comprehensive Zoning Code Update and set a public hearing for February 21, 2018;

WHEREAS, on February 21, 2018, the Planning Commission held a duly noticed public hearing on amendments to San Clemente Municipal Code Title 17 hereinafter referred to as Zoning Amendment 17-412, 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 No. PC 18-004 relating to Zoning Amendment 17-412;

WHEREAS, on May 1, 2018, 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;

WHEREAS, the Planning Division completed an initial environmental assessment for the project in accordance with the CEQA and determined that, the project be considered without further review under the CEQA. The proposed ordinance is a mandatory action under Government Code section 65860 that the City must take to bring the Zoning Code into conformance with the Centennial General Plan. The environmental impacts of the Centennial General Plan were fully disclosed, evaluated, and mitigated, to the extent feasible, in the Final Environmental Impact Report (EIR), State Clearinghouse No. 2013041021, certified for the Centennial General Plan on February 13, 2014, and in the 2015 Addendum to the same. In accordance with State CEQA Guidelines Sections 15162 and 15168, no additional environmental review is necessary to adopt ZA 17-412 because the EIR and Addendum adequately describe the project; and

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

**Section 1:** CEQA Findings.

Based upon its review of the entire record, including the Staff Report, any public comments or testimony presented on Phase 2 of the Comprehensive Zone Code Update, and the facts outlined below, the City Council hereby finds and determines that:

1. No additional environmental review, beyond that contained in the Final EIR and

the 2015 Addendum, are necessary for the City Council to adopt the Phase 2 Comprehensive Zoning Code Update. (State CEQA Guidelines, §§ 15168, 15162.) The Phase 2 Comprehensive Zoning Code Update is a mandatory action under Government Code section 65860 that the City must take to bring the Zoning Code into conformance with the Centennial General Plan. The environmental impacts of the Centennial General Plan were fully disclosed, evaluated, and mitigated, to the extent feasible, in the Final EIR and the 2015 Addendum.

2. Phase 2 of the Comprehensive Zoning Code Update would not have effects that were not examined in the Final EIR and the 2015 Addendum. All of the changes proposed as part of Phase 2 of the Comprehensive Zoning Code Update are changes to make the zoning code conform to the land use, circulation, and other policy changes in the approved Centennial General Plan. No changes to the Zoning Code are proposed beyond those necessary to make the Zoning Code conform to the existing General Plan.
3. The preparation of a subsequent or supplemental EIR pursuant to State CEQA Guidelines, section 15162 is not required for Phase 2 of the Comprehensive Zoning Code Update because the Comprehensive Zoning Code Update is a subsequent mandatory action that the City Council would have to take and that was contemplated at the time that the Centennial General Plan was certified, and the 2015 Addendum approved. The Comprehensive Zoning Code Update: (1) does not constitute a substantial change to the Centennial General Plan that will require major revisions of the Final EIR or the 2015 Addendum due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; (2) does not constitute a substantial change with respect to the circumstances under which the Centennial General Plan is undertaken that will require major revisions of the Final EIR or 2015 Addendum due to the involvement of new significant environmental effects or a substantial increase in the severity of the previously identified significant effects; and (3) does not contain new information of substantial importance that was not known and could not have been known with the exercise of reasonable diligence at the time the Final EIR was certified and the 2015 Addendum approved, that shows any of the following: (a) the Centennial General Plan will have one or more significant effects not discussed in the Final EIR and Addendum; (b) significant effects previously examined will be substantially more severe than shown in the Final EIR and 2015 Addendum; (c) mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the Centennial General Plan, but the lead agency declined to adopt such measures or alternatives; or (d) mitigation measures or alternatives considerably different from those analyzed in the Final EIR and 2015 Addendum would substantially reduce one or more significant effects on the environment, but the lead agency declined to adopt such mitigation measures or alternatives.

4. All of the mitigation measures in the Mitigation Monitoring and Reporting Program adopted in connection with the Final EIR shall be incorporated as feasible mitigation measures for this Phase 2 Comprehensive Zone Code Update.
5. Approval of Phase 2 of the Comprehensive Zone Code Update would not involve site specific operations or development of any kind. Phase 2 of the Comprehensive Zone Code Update is a zoning consistency clean-up action that is required by Government Code, section 65860.
6. The findings that were adopted in connection with the Final EIR and the 2015 Addendum shall be incorporated by reference into the City Council's findings for the proposed Phase 2 Comprehensive Zone Code Update.
7. City staff shall prepare, execute, file and record with the Orange County Clerk a Notice of Determination within five (5) working days after the City Council conducts first reading of the proposed Zoning Ordinance (ZA 17-412), as well as a second Notice of Determination within five (5) working days after second reading of the proposed Zoning Ordinance (ZA 17-412).
8. The Final EIR, 2015 Addendum and all other documents and materials that constitute the record of proceedings on which these findings have been based are located at the City of San Clemente, Community Development Department, 910 Calle Negocio, #100, San Clemente, CA 92673. The custodian of records is the Community Development Director.

**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 pursuant to Government Code Section 65860(c), since they are direct implementation of the Centennial General Plan (as adopted on February 14, 2014 and subsequent amendments thereto adopted on November 3, 2015). Specifically, use provisions and development criteria found in Table LU-1 from the Centennial General Plan.
- B. The zoning amendments adopting 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, Title 17 is hereby amended to read in its entirety as set forth and incorporated herein, such amendments being generally described as follows:

**Chapter 17.08 ESTABLISHMENT OF ZONES is repealed and replaced as follows:**

Sections:

17.08.010 Zones Established.

17.08.020 Adoption of Zoning Map.

17.08.025 Zoning Map Labeling Format.

17.08.030 Determination of Zone Boundaries.

**17.08.010 Zones ~~established~~ Established.**

In order to provide a uniform basis for regulating the use of land, buildings and structures, to promote the orderly growth and development of the various unique areas of the City, to establish minimum site development regulations and performance standards applicable to sites within the City, and to preserve the public health, safety and welfare, the City is divided into ~~the following zones~~ zones, consistent with the pattern of development established by the General Plan:

<b>Zone Title</b>	<b><u>General Plan Designation</u></b>	<b><u>Zone / Zoning Map Designation</u></b>
<b>A. Residential Zones.</b>		
Residential Very Low (1 dwelling unit/20 gross acres or legal lot 1 )	<u>RVL</u>	RVL
Residential Low (4.5 dwelling units/gross acre; 7 dwelling units/net acre)	<u>RL</u>	RL
Residential Medium Low (7 dwelling units/gross acre; 10 dwelling units/net acre)	<u>RML</u>	RML
Residential Medium (15 dwelling units/gross acre; 24 dwelling units/net acre)	<u>RM</u>	RM
Residential High (24 dwelling units/gross acre; 36 dwelling units/net acre)	<u>RH</u>	RH

<b>B. Commercial Zones.</b>		
Neighborhood Commercial	<u>NC 1.1,</u> <u>NC 1.2,</u> <u>NC 1.3,</u> <u>NC 2</u> <u>NC 3</u>	<u>NC 1.1,</u> <u>NC 1.2,</u> <u>NC 1.3,</u> NC 2 NC 3
Community Commercial	<u>CC 1</u> <u>CC 2</u> <u>CC 3</u> <u>CC 4</u>	CC 1 CC 2 CC 3 CC 4
Other Commercial*		C 1, C 2, C 3
<u>Coastal and Recreation Serving</u> <sup>1</sup>	<u>CRC</u>	<u>CRC</u>
Regional Commercial <sup>2</sup>	<u>RC</u>	RC 1 RC2
Regional Medical Facilities	<u>RMF</u>	<u>RMF</u>
<b>C. Mixed-Use Zones.</b>		
<u>Downtown Mixed-Use Zones</u>	<u>MU 1</u> <u>MU 2,</u> <u>MU 3.0, MU 3.1,</u> <u>MU 3.2, MU 3.3,</u> <u>MU 4,</u> <u>MU 5</u>	MU 1 MU 2, MU3-MU 3.0, MU 3.1, MU 3.2, MU 3.3, MU 4, MU 5
South El Camino Real Mixed-Use Zone	MU 5	MU 5.1
<b><u>D. Industrial Zones</u></b> <sup>3</sup>		
<u>Light Industrial</u>	<u>LI</u>	<u>LI</u>
<b><u>D.-E. Public Zones.</u></b>		
Public and Parking	<u>P</u>	P
Civic Center	<u>CVC</u>	CVC
Institutional	<u>INST</u>	INST
<b><u>E.-F. Open Space Zones.</u></b>		
Public Parks and Publicly Owned Open Space	<u>OS 1</u>	OS 1
Publicly Owned Open Space - Shoreline	<u>OS 1</u>	OS S1
Privately Owned Open Space	<u>OS 2</u>	OS 2
Privately Owned Open Space - Shoreline	<u>OS 2</u>	OS S2
Privately Owned Open Space (Restricted by	<u>OS 2</u>	OS 3

Easement)		
Golf Courses and Commercial Recreation	<u>OS 1 or OS 2</u>	OSC
<b>F. G. Specific Plan Areas.</b>		
Forster Ranch Specific Plan		[FRSP]
Marblehead Inland Specific Plan		[MISP]
Marblehead Coastal Specific Plan		[MCSP]
Pier Bowl Specific Plan		[PBSP]
Rancho San Clemente Specific Plan		[RSCSP]
Talega Specific Plan		[TSP]
West Pico Corridor Specific Plan		[WPCSP]
<b>G. H. Overlay Districts.</b>		
Architectural	<u>A</u>	A
Affordable Housing	<u>AH</u>	AH
Central Business <sup>4</sup>	<u>P</u>	CB
Coastal Zone	<u>CZ</u>	<u>CZ</u>
Emergency Shelter		ES
Inland Canyons		<u>IC</u>
Medical Office	<u>MO</u>	<u>MO</u>
Mixed Use	<u>MU</u>	<u>MU</u>
North Beach Parking		<u>NBP</u>
Planned Residential District	<u>PRD</u>	PRD
Professional Business <sup>5</sup>	<u>PB</u>	PB
Special Residential Overlays		[RLSR-#] (e.g. RLSR10)

\*See 1991 Zoning Ordinance

- <sup>1</sup> There is a Community and Coastal Recreation Commercial [CRC] area located in the MCSP and the Pier Bowl Specific Plan [PBSP]. Refer to these Specific Plans for development standards.
- <sup>2</sup> There is one Regional Commercial area located in the Marblehead Coastal Specific Plan [MCSP]. Refer to the Specific Plan for development standards.
- <sup>3</sup> For Light Industrial [LI] Zones, refer to West Pico Corridor Specific Plan Light Industrial [I2] standards and permitted uses that apply.
- <sup>4</sup> The Central Business [CB] Overlay is known as Pedestrian [P] Overlay in the General Plan and as the Visitor Serving Commercial District [VSCD] Overlay in the Coastal Land Use Plan.
- <sup>5</sup> The Professional Business [PB] Overlay applies to properties that are part of the

WPCSP. For [PB] Overlay requirements, refer to the Specific Plan and Chapter 17.56 of this Zoning Code.

(Ord. 1185 § 3 (part), 1997; Ord. 1172 § 3 (part), 1996; Ord. No. 1575, § 3(Exh. A, § 1), 12-3-2013; Ord. No. 1585, § 2(Exh. A), 9-2-2014)

#### **17.08.020 Adoption of Zoning Map.**

The boundaries of the zones established pursuant to Section 17.08.010, Zones Established, of this title are delineated upon the map entitled "Zoning Map of the City of San Clemente," sometimes referred to as the "Zoning Map." The Zoning Map, together with all legends, notations, references, boundaries, and other information thereon, is adopted and incorporated into this title by reference.

A copy of the current Zoning Map shall be kept on file with the City Clerk and City Planner and shall be made available to the public. Changes in the boundaries of any zone shall be made by ordinance pursuant to Section 17.16.040, Zoning Amendments, of this title, and shall be reflected on the Zoning Map. The City Clerk shall be responsible for keeping official records relative to Zoning Map amendments.

(Ord. 1172 § 3 (part), 1996)

#### **17.08.025 Zoning Map Labeling Format**

Each parcel or contiguous zoning district containing more than one parcel within the City shall be designated on the Zoning Map utilizing the abbreviations in Section 17.08.010, above, strung in the following order: Zone, [Specific Plan, if applicable], [Overlay, if applicable], [Coastal Zone, if applicable].

#### **17.08.030 Determination of zZone bBoundaries.**

A symbol, or symbols, indicating the classification of property on the Zoning Map shall in each instance apply to the whole of the area within the zone boundaries.

- A. **Division of a Lot.** Wherever a lot is divided by the boundary between zones, the regulations applicable for the more restrictive of the zones shall apply. Exception: Where a lot has both a residential and an open space zoning designation upon it, the regulations applicable to each zone shall apply to the appropriate portion of the lot.
- B. **Division by Alley, Street or Lot Line.** Where a zone boundary follows a public street or alley, the centerline of the street or alley shall be the boundary. Where a boundary clearly follows a lot line, the lot line shall be the boundary.
- C. **Vacation or Abandonment of Public Right-of-Way.** When any public right-of-way is officially vacated or abandoned, the zoning designation applied to abutting property shall thereafter extend to the centerline of such vacated or abandoned right-of-way.



D. **Uncertainties Regarding Zone Boundaries.** In case uncertainty exists regarding the location of zone boundaries, the City Planner shall determine the location of zone, subject to the appeal provisions of Section 17.12.140, Appeals of an Action, of this title.

(Ord. 1172 § 3 (part), 1996)

**Section 17.16.060(B)(1) is amended as follows:**

1. Planning Commission. The Planning Commission is the review authority for Conditional Use Permits, except for the ~~requests identified in Subparagraph 2, below~~ requests to exceed height limitations on sites with sloping topography in the Mixed Use 3.0 Zone (Table 17.40.43) and Mixed Use 3.3 Zone (Table 17.40.46). For these requests, the Planning Commission is an advisory body that reviews applications and forwards a recommendation to the City Council.

**Section 17.16.060(C)(Table) is amended as follows:**

Elevator towers which exceed the height limits of the zone in which they are located by more than six feet*	Table 17.24.080(B), Maximum Encroachment into Setbacks and Height Limits
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**Section 17.16.060(F)(1) is amended as follows:**

1. General Findings. Prior to approval of an application for a Conditional Use Permit, (other than for a multifamily dwelling with five or more units, which is addressed in Subsection (F)(2) below), all of the following findings shall be made:

**Section 17.16.060(F)(2) is amended as follows:**

2. Prior to approval of a Conditional Use Permit, a multifamily dwelling with 5 or more units, only the following findings must be made: those in Subsection (F)(1)(-a) and (b) and a finding that the proposed use will not be detrimental to the public health and safety to properties and improvements in the vicinity.
3. Specific Findings. In addition to the general findings required in Subsection (F)(1), above specific findings shall be made prior to the approval of an application for a Conditional Use Permit for the following requests, as follows:

**Section 17.16.060(F)(3)(Table) is amended to include:**

Height limitation exception for sloping topography in Mixed Use (MU) 3.0 and 3.3 Zones	Section 17.40.050(F), Building Height and Stories in the Downtown Core
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**Section 17.16.070(C)(7) is amended to include:**

- 7. Elevator towers that exceed the height limits of the zone in which they are located by more than six feet.

**Section 17.24.080(C)(4)(b)(iv)**

- c. the project is located on a legal, conforming lot, has a total site area of less than one acre and is located within the RM, RH, MU 3, MU 5.1, NC 2, NC 3, CC 1, CC 2 or CC 3 zone residential, commercial or mixed-use zones pursuant to the allowable uses for affordable or senior housing of the applicable chapter;

**Section 17.24.100(Table) is amended as follows:**

Zone	FAR
Mixed-Use 3 (MU3) <del>(MU) 3.0, 3.1, and 3.3</del>	

**Chapter 17.28 (Sections) is amended as follows:**

- 17.28.310 Vehicle Dealerships, Rental, Sales.
- 17.28.320 Vehicle Service and Repair-related Facilities.
- ~~17.28.330 Vehicle Service and Repair-Related Facilities, General Locational Requirements.~~

**Section 17.28.290(C)(2) is amended as follows:**

- 2. Air and Water. Each service station shall provide air and water to customers at a convenient location during hours when ~~gasoline~~ fuel is dispensed.

**Section 17.28.290(C)(6)(a) is amended as follows:**

- a. The dispensing of ~~petroleum products~~ fuel, water and air from pump islands;

**Section 17.28.290(C)(7)(a) is amended as follows:**

- a. New Service Stations. New service stations may be established on properties in a zoning district that allows service stations Please refer to the permitted and conditional in use tables in Chapters 17.36, Commercial Zones and Standards, through 17.48, Public Zones and Standards, of this titleIn no case shall any new vehicle repair facility be located on property adjacent to property zoned for low density residential development or in mixed-use zones allowing residential development, except for:-
- i. Properties fronting El Camino Real, or
  - ii. Properties with a common border with residential or mixed use zones, or separated by a right-of-way, alley, or easement, excluding arterial streets, as defined in Section 17.88.030, or
  - iii. Properties located within the Central Business (CB) Overlay District, or
  - iv. Properties fronting a street intersection, is a lawfully established service station exists at the same intersection.
- b. Facilities Existing as of the General Plan Adoption. Existing service stations not meeting criteria in paragraph a, above, may continue provided the use was lawfully established on or before February 4, 2014 (General Plan adoption date) and the use meets criteria in Chapter 17.72.030(C), Nonconforming Use Exemptions.

**Section 17.28.290(C)(14) is amended as follows:**

14. **Rest Rooms.** Each service station shall provide a public rest room that is accessible to the general public and physically disabled persons during all hours the service station is open to the public. Rest rooms shall be attached to a structure on site with entrances or signage clearly visible from the gasoline fueling service area or cashier station, and concealed from view of adjacent properties by planters or decorative screening and shall be maintained on a regular basis.

**Section 17.28.290(D)(1) is amended as follows:**

1. **Definition and Requirements.** Service stations that become vacant or cease operation beyond 180 days shall be deemed abandoned and, at the City's discretion, the owner shall be required to remove all underground storage tanks, all gasoline fuel pumps and pump islands, and free-standing canopies.

**Section 17.28.290(E) is amended as follows:**

- E. **Converted Service Stations.** When a service station use is converted to another use, the service station structures and other improvements shall be removed or modified to an extent that makes the site compatible with the neighborhood and conforming to rules. The modification or removal of improvements requires the approval of a Minor Architectural Permit or Minor Cultural Heritage Permit (Section 17.16.100) unless a waiver may be issued per Section 17.16.110. For example, the conversion of a service station could involve the removal of all gasoline fuel equipment and underground storage tanks, pole signs, removal of canopies, removal of pump islands, removal of overhead doors, the addition or modification of landscaping, addition of missing street improvements, exterior remodeling, etc. For nonconforming service stations, refer to change of use requirements in Chapter 17.72, Nonconforming Structures and Uses.

**Section 17.28.310 is repealed and replaced as follows:**

17.28.310 - Vehicle Dealerships, Rental, and Sales.

- A. **Purpose and Intent.** This section is to ensure that vehicle dealerships, rental, and sales do not create an adverse impact on adjacent properties and surrounding neighborhoods. The guidelines following attempt to mitigate the negative impacts of uses such as traffic generation, visual blight, bright light, and noise.
- B. **Applicability.** This section applies to uses: vehicle dealerships, including renting, leasing and vehicle sales.
- C. **Review Requirements.** Please refer to permitted and conditional use tables in Chapter 17.36, Commercial Zones and Standards, through 17.48, Public Zones and Standards, to determine if vehicle dealerships, rentals, and sales may be established in particular zoning districts.
- D. **Minimum Standards.**
1. Landscaping. Along with the landscaping standards for the specific zone in which the vehicle dealership is located, the vehicle dealership site shall be landscaped pursuant to the following standards:
    - a. A planting strip at least 15 feet wide shall be required along street frontages, except for driveway entrances and areas occupied by buildings.
    - b. Planters shall be surrounded by masonry or concrete curbs and so arranged as to preclude motor vehicles from driving across the sidewalk at locations other than access driveways.
  2. Location.
    - a. New Facilities. New vehicle dealerships, rental, and sales facilities may be established on properties in a zoning district that allows facilities as a permitted or conditional use per use tables in Chapter 17.36, Commercial

Zones and Standards, through 17.48, Public Zones and Standards, except for:

- i. Properties fronting El Camino Real, or
  - ii. Properties with a common border with residential or mixed use zones, or separated by a right-of-way, alley, or easement, excluding arterial streets, as defined in Section 17.88.030, or
  - iii. Properties located within the Central Business [CB] Overlay District.
- b. Facilities Existing as of General Plan Adoption. Existing vehicle dealerships, rental and sales facilities not meeting criteria in paragraph a above, may continue provided the use was lawfully established on or before February 4, 2014 (General Plan adoption date) and the use meets criteria in Chapter 17.72.030(C), Nonconforming Use Exemptions.
3. Noise. There shall be no outdoor loudspeakers, when vehicle dealership, rental, and sales facilities are proposed across an arterial street (defined in Section 17.88.030) from residential or mixed use zones. Interior loudspeakers shall not be audible above daytime ambient noise levels beyond the property boundaries under normal conditions (e.g., with windows open if they are likely to be opened).
  4. Outdoor Display. Please refer to the outdoor display requirements found in Section 17.28.210(C), Minimum Standards.
  5. Parking Display Spaces. Each for sale-or-rental car shall be displayed in parking spaces which meet the size requirements in Section 17.64.060(A), Parking Space Size, and shall be provided in addition to those for employees and clients. Striping, aisle width, backup distance and other aspects of parking shall be determined by the City Engineer. Areas designated for employee and customer parking shall not be used for vehicle storage or display.
  6. Paving. All surfaces other than those used for structures and/or landscaping shall be paved.
  7. Required Parking. Parking is required for vehicle dealerships, rental, and sales facilities as follows:
    - a. Vehicle rental and sales facilities with fewer than 10 vehicles on-site, a minimum of three parking spaces shall be provided.
    - b. Vehicle rental and sales facilities with 10 or more vehicles on-site, a minimum of one parking space shall be provided per 400 square feet of showroom and office, plus one per 2,000 square feet of outdoor display area, plus one per 300 square feet of parts department area.
    - c. Vehicle Dealerships, one parking space is required per 400 square feet of showroom and office, plus one space per 2,000 square feet of outdoor

display area, plus one space per 500 square feet of vehicle repair area, plus one per 300 square feet of parts department area.

8. Storm Water Permit Program. Land uses may be required to comply with the NPDES Storm Water Permit Program. For further information on NPDES requirements, refer to the NPDES Ordinance, available from the City's Engineering Division or contact the San Diego Office of the Regional Water Quality Control Board.
9. Vehicle Dealership Repair Services. At vehicle dealerships, vehicle repairs shall comply with the following:
  - a. No vehicles to be repaired shall be parked or stored on any public street or alley.
  - b. Refer to Section 17.28.320, Vehicle Service and Repair-Related Facilities, of this chapter.

**Section 17.28.320 is repealed and replaced as follows:**

**17.28.320 - Vehicle Service and Repair-Related Facilities.**

- A. **Purpose and Intent.** The purpose of this section is to provide for the mitigation of potential noise, fumes, litter and parking problems associated with vehicle service and repair-related facilities. The special standards contained in this section are intended to ensure that vehicle repair facilities operate harmoniously and are compatible with adjacent and surrounding uses. In the interest of protecting the health, safety and welfare of the City and its residents, special conditions shall be imposed on facilities consistent with the goals, objectives and policies of the General Plan.
- B. **Applicability.** This section applies to vehicle service facilities.
- C. **Review Requirements.** Refer to chapter 17.36, Commercial Zones and Standards, through 17.48, Public Zones and Standards, to determine if vehicle service and repair-related facilities are permitted or conditionally permitted in the particular zoning districts.
- D. **Minimum Standards.**
  1. Landscaping. Along with the landscaping standards for the specific zone in which the vehicle service and repair-related facility is located, the site shall be landscaped pursuant to the following standards:
    - a. A planting strip at least 10 feet wide shall be required along all street frontages, except for driveway areas and areas occupied by buildings.
    - b. Planters shall be surrounded by masonry or concrete curbs and so arranged as to preclude motor vehicles from driving across the sidewalk at locations other than access driveways.

- c. Permanent landscaping or berming shall be provided and maintained in the planters at a height of not less than three feet above the average adjacent grade.
  2. Litter. The premises shall be kept in a neat and orderly condition at all times and all improvements shall be maintained in a condition of reasonable repair and appearance. No used or discarded automotive parts or equipment or permanently disabled, junked or wrecked vehicles may be stored in the surrounding areas of the parcel.
  3. Location.
    - a. New Facilities. New vehicle service and repair-related facilities may be established on properties in a zoning district that allows facilities as a permitted or conditional use per use tables in Chapter 17.36, Commercial Zones and Standards, through 17.48, Public Zones and Standards, , except for:
      - i. Properties fronting El Camino Real, or
      - ii. Properties with a common border with residential or mixed use zones, or separated by a right-of-way, alley, or easement, excluding arterial streets, as defined in Section 17.88.030, or
      - iii. Properties located within the Central Business [CB] Overlay District.
    - b. Facilities Existing as of General Plan Adoption. Existing vehicle service and repair-related facilities not meeting criteria in paragraph a above, may continue provided the use was lawfully established on or before February 4, 2014 (General Plan adoption date) and the use meets criteria in Chapter 17.72.030(C), Nonconforming Use Exemptions.
  4. Enclosure of Use in Building. All repair and service activities and operations shall be conducted entirely within an enclosed service building.
  5. Operation of Facilities. The vehicle service and repair-related facility shall at all times be operated in a manner not detrimental to surrounding properties or residents. Site activities shall not produce or be reasonable anticipated to produce any of the following:
    - a. Damage or nuisance from noise, smoke, odor, dust or vibration;
    - b. Hazard from explosion, contamination or fire;
    - c. Hazard occasioned by the unusual volume or character of traffic, or the congregating of a large number of people or vehicles.
  6. Parking.
    - a. Vehicle Service and Repair-Related Facilities. Vehicle service and repair-related facilities shall have one parking space for each 400 square feet of gross floor area, with a minimum of five total spaces.

- b. Full Service Car Wash Facilities. Full service car wash facilities shall have a minimum of one parking space per three employees on the maximum shift plus 600 square feet of operations parking area for each 20 feet of conveyor length.
  - c. Self Service Car Wash Facilities. Self service car wash facilities shall have a minimum of one parking space per self service car wash stall, plus a one space queuing lane in front of each self service car wash stall.
7. Paving. All surfaces other than those used for structures and/or landscaping, shall be paved.
  8. Refuse Storage and Disposal. Trash areas shall be provided and screened in accordance with Section 17.24.050, Building Equipment Services and Their Screening, of this title. Additional requirements are as follows:
    - a. All trash shall be deposited in the trash area and the gates leading thereto shall be maintained in working order and shall remain closed except when in use.
    - b. Refuse bins shall be provided and placed in a location convenient for customers.
    - c. Trash areas shall not be used for storage. The premises shall be kept in a neat and orderly condition at all times and all improvements shall be maintained in a condition of reasonable repair and appearance. No used or discarded automotive parts or equipment, or permanently disabled, junked or wrecked vehicles may be stored outside the main building.
  9. Storage. Exterior parking areas shall be used for employee and customer parking only, and not for the repair or finishing work or long term (over one week) storage of vehicles. No vehicles awaiting repair shall be parked or stored on any street or in any alley.
  10. Storm Water Permit Program. Vehicle service and repair-related facilities may be required to comply with the NPDES Storm Water Permit Program. For further information on NPDES requirements, refer to the NPDES Ordinance, available from the City's Engineering Division or contact the San Diego Office of the Regional Water Quality Control Board.

**Section 17.28.330 is repealed.**

**Section 17.32.010 is amended as follows:**

17.32.010 - Purpose and Intent.

The General Plan details the goals, objectives and policies for the City's residential zones, including the preservation of existing residential neighborhoods throughout the City. It is the purpose of this chapter to implement the General



Plan's vision for the residential zones through development regulations that allow for a range of residential opportunities for all socioeconomic groups and ensure that new residential development maintains existing and achieves new high-quality, distinctive neighborhoods.

- A. Residential, Very Low (RVL) Density Zone. The RVL land-use designation is the least intense residential designation in the City, and is intended to preserve currently undeveloped canyons which are either geologically unstable or aesthetic, open-space, or biological resources. This zone is intended as an area for the development of single-family detached homes on significant acreage at a maximum density of 1.0 dwelling units per 20 gross acres or per legal parcel of record as of May 6, 1993, whichever is smaller in size.
- B. Residential, Low (RL) Density Zone. The RL land-use designation permits the development of low-density, single-family residential neighborhoods with single-family detached dwellings. A maximum density of 4.5 units per gross acre and 7.0 seven dwelling units per net acre is allowed in this zone.
- C. Residential, Medium-Low (RML) Density Zone. The RML land-use designation permits the development of medium-low-density residential development, including single-family detached, attached homes (including clustered homes), and townhomes and duplex units. A maximum density of 7.0 units per gross acre and 10.0 dwelling units per net acre is allowed in this zone.
- D. Residential, Medium (RM) Density Zone. The RM land-use designation permits the development of housing opportunities of a more intense nature than single-family detached and attached residential ~~or duplex development~~, including ~~triplexes~~ clustered homes, townhomes and other multifamily structures. A maximum density of 15.0 units per gross acre and 24.0 dwelling units per net acre is allowed in this zone.
- E. Residential, High (RH) Density Zone. The RH land-use designation permits the development of the most intensive residential development allowed in the City housing opportunities for high-density, single-family attached and multifamily residential development, ~~the most intensive residential development allowed in the City~~. A maximum density of 24.0 units per gross acre and 36.0 dwelling units per net acre is allowed in this zone.

**Section 17.32.030(Table) us amended as follows:**

Manufactured Homes <sup>40</sup>	P	P	P	P	P
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Residential Care Facilities, when licensed to serve six or fewer persons	P	P	P	P	P
--	---	---	---	---	---

10 ~~Manufactured homes are subject to the same requirements as individual mobile homes. Please refer to Section 17.28.190(D), Minimum Standards for Individual Mobilehomes, of this title, for standards to be used for manufactured homes. Reserved~~

**Section 17.32.040(Table) is amended as follows:**

Density, Maximum	4 Dwelling Unit/Lot	<u>4.5 units per gross acre</u> <u>7.0 dwelling units per net acre</u> 1 Dwelling Unit/Lot	<u>7.0 units per gross acre</u> <u>10.0 units per net acre</u> SFR: 1 Dwelling Unit/Lot Duplex: 1 Dwelling Unit/4,500 s.f. of Lot Area	<u>15.0 units per gross acre</u> <u>24.0 units per net acre</u> 1 Dwelling Unit/ 1,800 s.f. of Lot Area	<u>24.0 units per gross acre</u> <u>36.0 units per net acre</u> 1 Dwelling Unit/ 1,200 s.f. of Lot Area
<u>Maximum Number of Units</u>	<u>1 Dwelling Unit/Lot</u>	<u>1 Dwelling Unit/Lot</u>	<u>SFR: 1 Dwelling Unit/ Lot Duplex: 1 Dwelling Unit/ 4,500 s.f. of Lot Area</u>	<u>1 Dwelling Unit/ 1,800 s.f. of Lot Area<sup>2</sup></u>	<u>1 Dwelling Unit/ 1,200 s.f. of Lot Area</u>

**Section 17.36 (Sections) is amended as follows:**

CHAPTER 17.36 - COMMERCIAL ZONES AND STANDARDS<sup>[1]</sup>

Sections:

17.36.010 Purpose and ~~intent~~Intent.

17.36.020 Commercial ~~use~~Use regulationsRegulations.

17.36.030 Commercial ~~zone~~Zone generalGeneral developmentDevelopment standardsStandards.

17.36.040 Commercial ~~zone~~Zone specialSpecial developmentDevelopment standardsStandards.

**Section 17.36.010 is amended as follows:**

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: NC 1.1, NC 1.2, NC 1.3, NC 2, and NC 3. 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 limits for these districts range from 0.35 to 0.75. 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. **Coastal and Recreation Serving Commercial (CRC) Zone.** The Coastal and Recreation Serving Commercial Zone provides particular standards to support retail commercial activities, recreation, dining and lodging oriented to San Clemente's beaches and visitor areas. It is applied in the Specific Plans within the Coastal Zone (CZ).
- B.C. 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 four Community Commercial Zones: CC 1, CC 2, CC 3, and CC 4. 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 additional medical related uses.
- D. **Regional Commercial (RC1) Zone.** The Regional Commercial Zone is applied to an area in which the scale of the site, its access and location provide an appropriate setting for regional serving retail commercial, entertainment, dining, and financial and professional offices. This site is located within the Marblehead Coastal Specific Plan area.
- G.E. Regional Medical Facilities (RMF) Zones.** The Regional Medical Facilities Zones are designed to allow regional general hospital uses. The site in San Clemente receiving this designation are large and can accommodate an intensity of development required for a regional oriented-serving hospital use. There is one Regional Medical Facilities Zone regulated by the Zoning Ordinance: RMF1. The General Plan primarily distinguishes this site by the uses allowed. The RMF1 zone provides for the continued use and development of the existing general hospital facilities at 654 Camino De Los Mares.

Section 17.36.020(Table) is amended as follows:

Use	Zones										
<b>9. Vehicle-Related Repair, Sales and Service Uses</b>	NC 1.1	NC 1.2	NC 1.3	NC 2	NC 3	CC 1	CC 2	CC 3	CC 4	RMF 1	NOTE 22

Car Washes			C	C	C	C	C	C	C		<u>24</u>
Service Stations	C	C	C	C	C	C	C	C	C		<u>2322</u>
Vehicle Parts/Accessories Sales Stores			MC P	MC P	MC P	MC P	MC P	MC P	MC P		
Vehicle Dealerships (Sales, Leasing, Rental, New and Used):			C	C	C	C	C	C	C		<u>2423</u>
a. Auto Dealerships Vehicle Sales [with fewer than 10 or cars fewer than 10 vehicles on site]			MC	MC	MC	MC	MC	MC	MC		<u>23</u>
b. All Other Vehicle Dealerships Sales [10 or more vehicles on site]			C	C	C	C	C	C	C		<u>23</u>
Vehicle Rental [5 or fewer vehicles on site]			P	P	P	P	P	P	P		<u>23</u>
Vehicle Rental [6 or more vehicles on site]				MC	MC	MC	MC	MC	MC		<u>23</u>
Vehicle Service and Repair- Related Facilities/ Vehicle Repair/Service, Minor or Major			C	C	C	C	C	C	C		<u>2524</u>

~~22. Refer to Section 17.28.330, Vehicle Service and Repair-Related Facilities, for provisions for all vehicle service and repair-related facilities.~~

~~2322. Refer to Section 17.28.290, Service Stations, of this title, for special provisions for service/gas stations.~~

~~2423. Refer to Section 17.28.310, Vehicle Dealerships, Rental, and Sales 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:~~

~~2524. Refer to Section 17.28.320, Vehicle Service and Repair-Related Facilities, of this title, for special provisions for vehicle repair service facilities.~~

**Section 17.40.010 is amended as follows:**

**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. **North Beach Mixed-Use (MU 1) Zone.** A vertical or horizontal mix of Neighborhood Serving Commercial (NC) and Community Serving Commercial (CC), and multifamily housing on the second floor or higher. The North Beach area includes this zone to provide for a mix of uses and development standards similar to those within the Downtown transition area, while excluding stand-alone residential development.
- B. **North El Camino Real Mixed-Use (MU 2) Zone.** A vertical or horizontal mix of Neighborhood Serving Commercial (NC), Community Serving Commercial (CC), and multifamily housing. The 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.
- C. **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. The MU 3.0 zone allows a vertical or horizontal mix of Neighborhood Serving Commercial (NC) and Community Serving Commercial (CC) — Attached and multifamily housing is permitted on the second floor or higher. ~~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) are allowed in this zone such as community and tourist-serving retail commercial, entertainment, restaurants, offices, institutional and public uses.—and residential—~~ Residential uses accompanying commercial development are accommodated within this zone. Along with enhancing the pedestrian nature of downtown, the 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 MU 3.0 zoning designation, m~~ 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. The City may allow nonresidential uses included in Table 17.40.030, Permitted and Conditionally Permitted. 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 (MU 3.0) 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 (~~two~~ ~~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.

- D. **Downtown Transition Mixed-Use (MU 3.1) Zone.** A vertical or horizontal mix of Neighborhood Serving Commercial (NC), Community Serving Commercial (CC), and multifamily housing. Also, standalone residential uses are allowed. This zoning category provides providing for a transitional level of development surrounding the Downtown Core. Important distinctions regarding height and design form, plus an allowance for stand-alone residential development, distinguish this zone from the MU 3.0 zone.

- E. **El Camino Real South, West of Interstate 5 Mixed-Use (MU 3.2) Zone.** A vertical or horizontal mix of Neighborhood Serving Commercial (NC), Community Serving Commercial (CC), and multifamily housing. 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.
  
- F. **Downtown/Residential Allowance Area Mixed-Use (MU 3.3) Zone.** A vertical or horizontal mix of Neighborhood Serving Commercial (NC) and multifamily housing. A series of parcels on Avenida Del Mar, Calle Seville, and Avenida Granada, southwest of South Ola Vista, which have been developed as residences can contribute to the scale and design of the downtown area while allowing for residential uses into the future.
  
- G. **El Camino Real South, East of Interstate 5 Mixed-Use (MU 5) Zone.** Neighborhood Serving Commercial (NC) commercial uses or multifamily housing. 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.

**Section 17.40.030(A)(2)(a) is amended as follows:**

- 2. Special Use Regulations.
  - a. Residential and Nonresidential Uses on the Same Floor. In the MU 1, MU 2, MU 3.0, and MU 3.2 zones, nonresidential uses shall may be permitted on the same floor as a residential use ~~subject to the issuance of~~ with the approval of a Conditional Use Permit, in accordance with Section 17.16.060, Conditional Use Permits, of this title.

**Section 17.40.030(Table) is amended as follows:**

Boarding House							C	<del>3029</del>
STLU	O	O	O	O		O	O	<del>3130</del>
STAR	O	O	O	O		O	O	<del>3130</del>

<b>5. Residential Uses</b>	<b>MU 1</b>	<b>MU 2</b>	<b>MU 3.0</b>	<b>MU 3.1</b>	<b>MU 3.2</b>	<b>MU 3.3</b>	<b>MU 5</b>	<b>NOTE</b>
Affordable Housing Projects				P			P	10
Manufactured Homes							MC	44
Mobile Homes:							C	<u>1211</u>
a. Units							C	
b. Subdivisions and Parks								<u>1312</u>
Residential Units	P	P	P	P	P	P	P	<u>13, 14, 45</u>
Senior Housing Projects	C	C	C	C	C	C	C	<u>1615</u>
Stand Alone Residential				P		P	P	<u>1514</u>

<b>USE</b>	<b>ZONES</b>							
<b>6. Restaurants and bars</b>	<b>MU 1</b>	<b>MU 2</b>	<b>MU 3.0</b>	<b>MU 3.1</b>	<b>MU 3.2</b>	<b>MU 3.3</b>	<b>MU 5</b>	<b>NOTE</b>
Bars, cocktail lounges (with or without dancing and/or entertainment)	C	C	C	C	C	C	C	
Restaurants								
a. With drive-through							C	<u>1716</u>
b. With no on-site consumption of liquor, no dancing, no entertainment	P	P	P	P	P	P	P	
c. With on-site sale of beer and wine:								
i. Indoors	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	
iii. Outdoors with more than 16 outdoor seats and/or four tables	C	C	C	C	C	C	C	
d. With on-site sale of hard alcohol:								<u>17, 18, 19,20</u>
i. Indoors	C	C	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	MC/C	MC/C	
iii. Outdoors with more than 16 seats and/or four tables	C	C	C	C	C	C	C	
e. With dancing and/or entertainment that has:								
i. No amplified sound	MC	MC	MC	MC	MC	MC	MC	
ii. Amplified sound	C	C	C	C	C	C	C	

USE	ZONES								NOTE
	MU 1	MU 2	MU 3.0	MU 3.1	MU 3.2	MU 3.3	MU 5		
<b>7. Unclassified Uses</b>									
Accessory Buildings, Residential									<u>2120</u>
a. Detached, Over 15 Feet in Height								C	
b. All Others								P	
Accessory Buildings, Nonresidential	C	C	C	C	C	C	C	C	<u>2024</u>
Alcohol Beverage Sales Concurrent with Motor Vehicle Fuel-Convenience Store Sales								C	<u>2122</u>
Amusement Centers	C	C	C	C	C	C	C	C	<u>22 23</u>
Animal Grooming Shops								MC	
Bowling Alleys								C	
Drive-Thru Facilities, When in Conjunction with a Use Permitted or Conditionally Permitted in this Zone								C	<u>1617</u>
Grading, Not Accompanying a Development Request:									<u>23 24</u>
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	
Massage									<u>2425</u>
Accessory Massage	MC	MC	MC	MC	MC	MC	MC	MC	<u>2425</u>
Mortuaries								C	

Pool Halls	C	C	C	C	C	C	C	<u>25-26</u>
Recycling Facilities: Reverse Vending Machines	MC	MC	MC	MC	MC	MC	MC	<u>26-27</u>
Theaters	C	C	C	C	C	C	C	
Urban Private Storage	C	C	C	C	C	C		<u>27-28</u>
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	

USE	ZONES							
<b><u>8. Vehicle-Related Repair, Sales and Service Uses</u></b>	<b>MU 1</b>	<b>MU 2</b>	<b>MU 3.0</b>	<b>MU 3.1</b>	<b>MU 3.2</b>	<b>MU 3.3</b>	<b>MU 5</b>	<b>NOTE 29</b>
Car Washes							C	<u>28-29</u>
<del>Vehicle Parts/Accessories Sales with no on-site installation services</del> <u>Stores</u>	P	P	P	P	P	P	P	<u>28-29</u>

3 Refer to Section 17.56.030 Central Business (-CB) Overlay District. 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. A Minor Conditional Use Permit is required to allow ~~this use~~ non-pedestrian uses in pedestrian-oriented space, as defined in Section 17.56.030.

~~41 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.~~

~~42~~11 Refer to Section 17.28.190, Mobile Homes.

~~43~~12 Refer to Section 17.36.040, Planned Residential District Overlay.

~~44~~13 Refer to Section 17.40.020.A.2 for special use requirements that apply to residential uses. ~~Residential uses in the MU 1, MU 2, MU 3.0 zones are limited to the floors above street level.~~

~~45-14~~ Residential uses may be located on the ground level in the MU 3.1, MU 3.3, and MU 5 zones. For residential uses in the MU 5 zone, please refer to Section 17.40.050(A), Residential Use Restrictions for MU 5.

~~46~~15 Refer to Section 17.28.280, Senior Housing Projects.

~~47~~16 Refer to Section 17.28.260, Drive-Throughs.

1817 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.

1918 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).

2019 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.

2420 Refer to Section 17.24.040, Accessory Buildings.

2221 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.

2322 Refer to Section 17.28.050, Amusement Centers.

2423 Refer to Section 17.28.130, Grading.

2524 Massage is subject to Section 5.28 of the City of San Clemente Municipal Code. Refer to Section 17.28.185, Massage Establishments, of this title, for special provisions for massage establishments. To the extent otherwise allowed, Accessory Massage is permitted only in the commercial portion of a mixed-use building.

2625 The provisions for amusement centers shall apply to pool halls. Refer to Section 17.28.050, Amusement Centers.

2726 Refer to Section 17.28.250, Recycling Facilities.

2827 Refer to Section 17.28.305, Urban Private Storage.

2928 Refer to Section 17.28.320, Vehicle Service and Repair-Related Facilities.

3029 A boarding house may not be located within 300 feet of any other boarding house measured by following a straight line without regard to intervening buildings from the nearest point of the parcel on which the proposed boarding house is to be located to the nearest point of the parcel that contains the existing boarding house. No more than one boarding house is allowed on a legal parcel.

3430 Refer to Section 17.28.292, Short-Term Lodging Units, of this title for special provisions for STLUs and STARs.

**Section Table 17.40.040A is amended as follows:**

<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. <u>For alterations of use in parking waiver provisions, refer to Sections 17.64.050(A)(6) Alterations of Use and 17.64.125 Waivers of Parking Requirements.</u>
Landscaping	Refer to Chapter 17.68, Landscaping Standards, of this title, for landscaping requirements.

**Section Table 17.40.040B is amended as follows:**

<b>MU 1 Development Standards</b>	
<b>Standard</b>	<b>MU 1 Zone Requirement</b>
Lot Area, Minimum	6,000 Square Feet
Lot Width, Minimum	60'-0"
Residential Density, Minimum/Maximum	Maximum of one dwelling per 1,200 square feet of net lot area or one dwelling unit per 1,800 square feet of gross area, whichever is less. <u>24.0 units per gross acre</u> <u>36.0 units per net acre</u>
<u>Maximum number of Residential Units</u>	<u>Maximum of one dwelling unit per 1,200 square feet of net lot area or one dwelling unit per 1,800 square feet of gross area, whichever is less.</u>
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	Commercial projects: 1.0 FAR

Area Ratio, Maximum	<del>;</del> <u>Mixed use projects: 2.0 (the Floor Area Ratio devoted to Commercial use shall be a minimum of 0.35 and a maximum of 1.0)</u>
<del>Floor Area Ratio, Minimum/Maximum Required as Commercial in Mixed Use Projects</del>	<del>For Mixed Use projects, the Floor Area Ratio devoted to Commercial use shall be a minimum of 0.35 and a maximum of 1.0.</del>
Height Limitations	Residential, Commercial, or Mixed Use projects on lots 12,000 square feet or smaller: 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." <u>Mixed Use projects 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."</u>
	<del>Mixed Use projects 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."</del>

**Section Table 17.40.040C is amended as follows:**

<b>MU 2 Development Standards</b>	
<b>Standard</b>	<b>MU 2 Zone Requirement</b>
Lot Area, Minimum	6,000 Square Feet
Lot Width, Minimum	60'-0"
Residential Density, Maximum	<del>Maximum of one dwelling unit per 1,200 square feet of net lot area or one dwelling unit per 1,800 square feet of gross area, whichever is less.</del> 24.0 units per gross acre 36.0 units per net acre
<u>Maximum number of Residential Units</u>	<u>Maximum of one dwelling unit per 1,200 square feet of net lot area or one dwelling unit per 1,800 square feet of gross area, whichever is less.</u>
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. <u>For Mixed Use projects, the Floor Area Ratio devoted to Commercial use shall be a minimum of 0.35 and a maximum of 1.0</u>
Floor Area Ratio, Minimum/Maximum Required as Commercial in Mixed Use Projects	<del>For Mixed Use projects, the Floor Area Ratio devoted to Commercial use shall be a minimum of 0.35 and a maximum of 1.0.</del>
Height Limitations	Commercial projects: 2 Stories with a maximum plate height of 26'-0" and a maximum Top of Roof height of 33'-0". Mixed Use projects: 3 Stories with a maximum plate height of 37'-0" and a maximum Top of Roof height of 45'-0."

**Section Table 17.40.040D is amended as follows:**

<b>MU 3.0 Development Standards</b>	
<b>Standard</b>	<b>MU 3.0 Zone Requirement</b>
Lot Area, Minimum	6,000 Square Feet
Lot Width, Minimum	60'-0"
Residential Density, Maximum	Maximum of one dwelling unit per 1,200 square feet of net lot area or one dwelling unit per 1,800 square feet of gross area, whichever is less. <u>24.0 units per gross acre</u> <u>36.0 units per net acre</u>
<u>Maximum number of Residential Units</u>	<u>Maximum of one dwelling unit per 1,200 square feet of net lot area or one dwelling unit per 1,800 square feet of gross area, whichever is less.</u>
Dwelling Unit Size, Minimum	600 square feet.
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
Residential Development	Habitable residential space shall be located on the

Location Requirement	second story or higher.
Floor Area Ratio, Maximum	Commercial projects: 1.0; Mixed use projects: 2.0. <u>For Mixed Use projects, the Floor Area Ratio devoted to Commercial use shall be a minimum of 0.35 and a maximum of 1.0</u>
Floor Area Ratio, Minimum/Maximum Required as Commercial in Mixed Use Projects	<del>For Mixed Use projects, the Floor Area Ratio devoted to Commercial use shall be a minimum of 0.35 and a maximum of 1.0</del>
Height Limitations	For all projects: 2 Stories* with a maximum plate height of 26'-0" and a maximum Top of Roof height of 33'-0". <u>* City Council exception possible to allow third story with Top of Roof height of 35'-0" Conditional Use Permit for sites with sloping topography: 3 Stories with a maximum plate-height to be determined through the review process. Exception with Conditional Use Permit for sites with sloping topography: 3 stories with a maximum-plate height.</u>
Parking	In the MU 3.0 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:

Notes to MU 3.0 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 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	4
7	0

**Section Table 17.40.040E is repealed and replaced as follows:**

<b>MU 3.1 Development Standards</b>	
<b>Standard</b>	<b>MU 3.1 Zone Requirement</b>
Lot Area, Minimum	6,000 Square Feet
Lot Width, Minimum	60'-0"
Residential Density, Minimum/Maximum	Stand-alone residential use or residential maximum for mixed use projects: 24.0 units per gross acre 36.0 units per net acre
Maximum number of Residential Units	Maximum of one dwelling unit per 1,200 square feet of net lot area or one dwelling unit per 1,800 square feet of gross area, whichever is less.
Front Setback, Minimum	0'-0"
Interior Side Setback, Minimum	0'-0"
Street Side Setback, Minimum	0'-0"
Rear Setback Minimum	0'-0"
Setback to Street-Facing Garage (for Stand-alone Residential Projects), Minimum	18'-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. For Mixed Use projects, the Floor Area Ratio devoted to Commercial use shall be a minimum of 0.35 and a maximum of 1.0
Height Limitations	Residential, Commercial, or Mixed Use on lots 12,000 square feet or smaller: 2 Stories with a maximum plate height of 26'-0" and a maximum Top of Roof height of 33'-0". Exception for commercial and residential with



	Conditional Use Permit: 3 Stories with a maximum plate height of 37'-0" and a maximum Top of Roof height of 45'-0." 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."
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**Section Table 17.40.040F is repealed and replaced as follows:**

<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	10 units per gross acre 24.0 units per net acre
Maximum number of Residential Units	Maximum of one dwelling unit per 1,800 square feet of net lot area or one dwelling unit per 4,500 of gross area, whichever is less.
Front Setback, Minimum	0'-0"
Interior Side Setback, Minimum	0'-0"
Street Side Setback, Minimum	0'-0"
Rear Setback Minimum	0'-0"
Street Level Open Area Adjacent to Street or Alley Frontages, Minimum	50 percent of Urban Open Area provided at street level per Section 17.68.050(C)(1) shall be located between street facing building facade and property lines adjacent to streets and alleys.
Lot Coverage, Maximum	100 percent of lot area
Commercial/Mixed Use Floor Area Ratio, Maximum	Commercial projects: 1.00 Mixed use projects: 1.50. For Mixed Use projects, the Floor Area Ratio devoted to Commercial use shall be a minimum of 0.35 and a maximum of 1.0
Height Limitations	The maximum height of a project is limited by a height ceiling, height average limit, and alley transitional height limit. The height ceiling is applied to limit building mass to two stories facing El Camino Real while allowing for additional building mass behind and below, tucked into downward slopes that extend to an alley along the rear property line. The most restrictive of the following height

	<p style="text-align: center;">limitations shall be applied to projects:</p> <ol style="list-style-type: none"> <li>1. Height Ceiling. A height ceiling shall extend above properties from the front property line to rear property line so that no roof or building element may have a height that exceeds the height ceiling. The height ceiling shall be as follows: a maximum plate line height of 28 feet and maximum top of roof height of 33 feet. The height ceiling is measured above the front property line midpoint elevation. With the approval of a Conditional Use Permit, the height ceiling may be raised to a maximum plate line height of 30 feet and maximum top of roof height of 35 feet. For approval, the review authority (City Council) shall meet the general findings for a Conditional Use Permit [Section 17.16.060(F)] and specific findings below.             <ol style="list-style-type: none"> <li>a. The proposed height increase will:                 <ol style="list-style-type: none"> <li>i. minimize obstructions of ocean views from the freeway; or</li> <li>ii. maintain a greater portion of freeway ocean views through roof and building offsets than what could be achieved if the project has the maximum top of roof height ceiling of 33 feet.</li> </ol> </li> </ol> </li> <li>2. Height Average Limit. Projects may have a maximum plate line height of 37 feet and top of roof height of 45 feet, provided that building height complies with the height ceiling limitation.</li> <li>3. Alley Transitional Setback Height Limit and Offset. A height limitation shall be applied to transition building mass of the MU 3.2 zone down to the allowed height and scale of residential properties across the rear facing alley. The height limit is applied as follows: a. Any part of a building that exceeds a maximum top of roof height of 28 feet shall be set back a minimum of 13 feet from the rear property line. b. Height is measured above the rear lot line midpoint elevation.</li> </ol>
<p style="text-align: center;">Story Limitation, El Camino Real Frontage</p>	<p style="text-align: center;">Two-story limit on projects facing South El Camino Real. Projects shall be limited to two stories above street level within 25 feet inward of the front property line.</p>
<p style="text-align: center;">Provision of Enclosed Residential Storage</p>	<p style="text-align: center;">Each dwelling unit shall be provided with an enclosed storage space for the personal and private use of each</p>

	<p>residence in accordance with the following table:</p> <table border="0" style="margin-left: auto; margin-right: auto;"> <tr> <td style="text-align: left;"><u>Bedrooms</u></td> <td style="text-align: left;"><u>Enclosed Storage (cubic feet cf.)</u></td> </tr> <tr> <td>Studio/One</td> <td>150 cf.</td> </tr> <tr> <td>Two</td> <td>200 cf.</td> </tr> <tr> <td>Three</td> <td>250 cf.</td> </tr> <tr> <td>Four or More</td> <td>300 cf.</td> </tr> </table> <p style="text-align: center;">Design Requirements:</p> <ol style="list-style-type: none"> <li>1. Enclosed storage spaces may contain no dimension smaller than two feet and may not be divided into more than two locations.</li> <li>2. At least 70 percent of the required space must be contiguous with the unit or required parking area it serves.</li> <li>3. Storage spaces shall be as secure as possible. All storage spaces which are accessible from outside the living area must utilize one-inch deadbolt single cylinder locks, security-type hinges with non-removable pins, and solid core doors. Such spaces must be constructed in a secure workmanlike manner and of materials so as to resist forced entries.</li> <li>4. One-half of the required space may be provided within the attic if it is accessible by a pull-down or stationary stairway. Where attic storage is provided, it shall be enclosed with one-hour fire-resistive construction.</li> <li>5. Storage may not be provided by the enclosure of all or part of a required parking space to the extent that it prevents the full use of the space. If storage is provided by a suspended shelf or cabinetry, such shelf or cabinet may not extend to a point lower than 4'-0" above the surface of the parking space.</li> </ol>	<u>Bedrooms</u>	<u>Enclosed Storage (cubic feet cf.)</u>	Studio/One	150 cf.	Two	200 cf.	Three	250 cf.	Four or More	300 cf.
<u>Bedrooms</u>	<u>Enclosed Storage (cubic feet cf.)</u>										
Studio/One	150 cf.										
Two	200 cf.										
Three	250 cf.										
Four or More	300 cf.										
<p>Parking Credit for Increase in Minimum Commercial Floor Area Ratio</p>	<p>For projects that have commercial floor space in excess of .35 floor area ratio, one parking space may be waived for every 300 square feet of additional floor area provided in excess of .35. There shall be a limit of three parking waivers allowed per project.</p>										
<p>Open Residential Parking Spaces</p>	<p>Each residential unit's required parking spaces shall be open within the project's garage</p>										

**Section Table 17.40.040G is repealed and replaced as follows:**

<b>MU 3.3 Development Standards</b>	
<b>Standard</b>	<b>MU 3.3 Zone Requirement</b>

Lot Area, Minimum	6,000 Square Feet
Lot Width, Minimum	60'-0"
Residential Density, Maximum	24.0 units per gross acre 36.0 units per net acre
Maximum number of Residential Units	Maximum of one dwelling unit per 1,200 square feet of net lot area or one dwelling unit per 1,800 square feet of gross area, whichever is less.
Dwelling Unit Size, Minimum	600 square feet.
Front Setback, Minimum	0'-0"
Interior Side Setback, Minimum	0'-0"
Street Side Setback, Minimum	0'-0"
Setback to Street-Facing Garage (for Stand-alone Residential Projects), Minimum	18'-0"
Rear Setback Minimum	0'-0"
Lot Coverage, Maximum	100 percent of lot area
Residential Development Location; Mixed Use	In Mixed Use projects, 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. For Mixed Use projects, the Floor Area Ratio devoted to Commercial use shall be a minimum of 0.35 and a maximum of 1.0
Height Limitations	For all projects: 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 approved by City Council for sites with sloping topography: 3 Stories with a maximum Top of Roof height of 35'-0".

**Section Table 17.40.040H is repealed and replaced as follows:**

<b>MU 5 Development Standards</b>	
<b>Standard</b>	<b>MU 5 Zone Requirement</b>
Lot Area, Minimum	6,000 Square Feet

Lot Width, Minimum	60'-0"
Residential Density, Minimum/Maximum	24.0 units per gross acre 36.0 units per net acre
Maximum number of Residential Units	Maximum of one dwelling unit per 1,200 square feet of net lot area or one dwelling unit per 1,800 of gross area, whichever is less.
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
Residential Development Location Requirement	Refer to Section 17.40.050(A), Residential Use Restrictions for MU 5
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"

**Section 17.40.050(F) is added as follows:**

F. Building Height and Stories in the Downtown Core. In the Downtown Core, building height shall not exceed 33 feet or two stories. On sloping sites, the City Council may grant an exception to allow three-story buildings up to 35 feet in height. To grant an exception, the City Council must make each of these findings:

1. The proposed building façade, as viewed from the public sidewalk located immediately adjacent to the site, would not exceed 35 feet or two stories.
2. The site's topography allows a "stepped" building design to reduce apparent height, especially when viewed from Avenida Del Mar or El Camino Real.
3. The proposed building's design is consistent with Design Guidelines and the General Plan Urban Design Element's requirements.
4. The development project is consistent with the Zoning Ordinance.

**Section 17.48.010 is amended as follows:**

#### 17.48.010 - Purpose and Intent.

The General Plan details the goals, objectives and policies for the City's public zones. It is the purpose of this chapter to implement the General Plan's vision for the public zones through development regulations that allow for a range of public buildings and services designed to be compatible in scale, mass, character and architecture with the zone or neighborhood in which they are located.

- A. Civic Center (CVC) Zone. The CVC land-use designation is intended to provide for limited governmental offices and related facilities on the City's existing civic center site. This designation is intended to be the less intense of the public zones, allowing fewer uses than those allowed in the ~~Public and Parking~~ Zone.
- B. ~~Public and Parking~~ (P) Zone. The P land-use designation is intended to provide for a broad range of public facilities on public lands. This zone is the more intense of the public zones established in the City's General Plan, allowing a greater range of public uses, including governmental administrative, public recreational, cultural (such as public libraries and museums), educational (public schools), and institutional facilities, public and private parking, and undeveloped parks.
- C. Institutional (INST) Zone. The Institutional Zone is intended to provide for a broad range of institutional uses, including cultural, religious and educational facilities.

#### **Section 17.52 is amended as follows**

#### CHAPTER 17.52 - SPECIFIC PLAN AND STUDY AREA ZONES AND STANDARDS

##### Sections:

17.52.010 Purpose and Intent.

17.52.020 Applicability.

17.52.030 Adoption and Amendment of Specific Plans.

17.52.040 General Requirements for Specific Plan Zones.

17.52.050 ~~Requirements for the North Beach Study Area~~ Reserved

17.52.060 Adopted Specific Plans.

#### **Section 17.52.010 is amended as follows:**

17.52.010 - Purpose and Intent.

The A specific plan zone is intended to provide a base designation for properties to further implement the goals, objectives and policies of the General Plan with respect to specific areas and uses which by their unique character require a more comprehensive and intense evaluation and planning effort. Specific plans provide development flexibility for innovation in land use mixes, site design, development concepts and building types.

~~The specific plan zone replaces the Development District (DD) designation in previous City Zoning Ordinances. The DD designation was placed on several specific plan areas in the City; there were residential density, affordable housing, and open space requirements associated with the designation. These standards have been transferred to the City's General Plan.~~

~~The North Beach Study Area has been designed to provide interim standards for an area of the City for which a specific plan is currently being prepared.~~

**Section 17.52.040(H) is amended as follows:**

- H. **Requirements Not Specified.** The standards in the Zoning Ordinance shall apply when development standards are not specified within individual specific plans. Any use that is not expressly permitted or prohibited in a specific plan is subject to the City's general zoning ordinance. ~~This includes, among other things, the citywide prohibition on all Cannabis Dispensary, Cannabis Cultivation, Cannabis Manufacturer, Cannabis Delivery, and Cannabis Testing Laboratory uses.~~ Any use that is not expressly permitted or prohibited in a specific plan is subject to the City's general zoning ordinance. This includes, among other things, the citywide prohibition on all cultivation of industrial hemp, as defined in section 11018.5 of the California Health and Safety Code, and all marijuana dispensary, marijuana manufacturer, marijuana delivery, and marijuana testing laboratory uses.

**Section 17.52.050 is repealed**

**Section 17.52.060 is repealed and replaced as follows:**

**17.52.060 - Adopted Specific Plans.**

As of the date of the adoption of this Zoning Ordinance, the following specific plans have been adopted by the City. Complete specific plans are provided as a separate appendix to this title.

**Table 17.52.060  
Adopted Specific Plans**

Specific Plan	Map Label	City Council Action	Related Action
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Forster Ranch	FRSP	Resolution No. 92-09	Development Agreement
Marblehead Coastal	MCSP	Resolution No. 98-43	Development Agreement/ Coastal Development Agreement
Marblehead Inland	MISP		Subdivision Agreement
Pier Bowl	PBSP	Resolution No. 93-86	
Rancho San Clemente	RSCSP	Resolution No. 96-16	Development Agreement
Talega	TSP	Resolution No. 92-71	Development Agreement
West Pico Corridor	WPCSP	Ord. 1185	

**Chapter 17.56(Sections) is amended as follows**

CHAPTER 17.56 - OVERLAY DISTRICTS AND STANDARDS

Sections:

17.56.010 Purpose and ~~intent~~ Intent

17.56.020 Architectural [A] Overlay District

17.56.030 Central Business [CB] Overlay District

17.56.040 Planned Residential District [PRD] Overlay

17.56.050 Coastal Zone [CZ] Overlay

17.56.060 Special Residential [SR] Overlays

17.56.070 Inland Canyon [IC] Overlay

17.56.080 North Beach Parking Overlay [NBP]

17.56.090 Affordable Housing [AH] Overlay District

17.56.100 Emergency Shelter [ES] Overlay

~~17.56.101. — Reserved.~~

~~17.56.102. — Reserved.~~

~~17.56.103. — Reserved.~~

~~17.56.104. — Reserved.~~



~~17.56.105. Reserved.~~

17.56.110 Mixed Use Overlay

17.56.120 Medical Office

17.56.130 Reserved

**Section 17.56.020 is amended as follows:**

17.56.020 - Architectural (-A) Overlay District.

- A. **Purpose and Intent.** The purpose and intent of the Architectural ["-A"] Overlay designation is to signify a visually distinct district in San Clemente, containing structures characterized by two significant design orientations: 1) the City's traditional architectural style, Spanish Colonial Revival, and 2) a pedestrian orientation. ~~Development in areas with this overlay designation will be subject to architectural review for compliance with the City's Design Guidelines. See Section 17.16.100, Architectural/Cultural Heritage Permits and Minor Architectural/Cultural Heritage Permits for requirements regarding architectural review.~~ The goals for areas with this designation are as followsto:
1. ~~To~~ ~~m~~ Maintain and enhance the unique "Spanish-Village-by-the-Sea" character of specific areas of the City;
  2. ~~To~~ ~~m~~ Maintain a high quality of design consistent with the City's history, according to the General Plan Urban Design Element and City's Design Guidelines;
  3. ~~To~~ ~~r~~ Require that new and ~~renovated~~ buildings and major remodels within the overlay district be designed to reflect the City's Spanish Colonial Revival heritage in accordance with the urban design element and design guidelines, except for:
    - a. Projects on properties along North El Camino Real between West Avenida Palizada and Calle Los Bolas, and on South El Camino Real between Avenida Rosa and Interstate-5 that may have Spanish Colonial Revival architecture or a true form of another Spanish architectural style, such as Mission, Monterey, or Mediterranean.
    - b. Remodels of architecture of historically significant buildings with distinctive architecture other than Spanish Colonial Revival. These remodel projects are required to preserve and reinforce the character defining features and other aspects of the site and building's design that are architecturally significant and distinct.

~~3.4. To~~ When Spanish Colonial Revival architecture is required, the goal of the [A] Overlay is to require site and structural development that exemplifies the Ole Hanson era, and, at the same time, allow creative interpretation of Spanish Colonial Revival architecture. If this Section requires architecture other than Spanish Colonial Revival, the goal of the [A] Overlay is to require site and structural development ;that is consistent with the City's Design Guidelines and in character with the architectural style required by the [A] Overlay.

~~4.5. To~~ Provide for the development of commercial and mixed-use (integrating commercial with residential) districts characterized by a high level of pedestrian activity;

~~5.6. To~~ Require that structures located in these areas be sited and designed to enhance pedestrian activity along sidewalks.

B. **Applicability.** The provisions in this section apply to development within the -AA Overlay.

C. **Permitted and Conditionally Permitted Uses.** Permitted and conditional uses within the -AA Overlay are the same uses as those allowed within the underlying base zones. Please refer to the use tables in Chapters 17.32, Residential Zones and Standards, through 17.48, Public Zones and Standards, of this title.

D. **Development Review.** Development in areas with this overlay designation will be subject to architectural review for compliance with the City's Design Guidelines. See Section 17.16.100, Architectural/Cultural Heritage Permits and Minor Architectural/Cultural Heritage Permits for requirements regarding architectural review.

~~DE. Architectural Review Criteria Purpose and Intent of Development Review for the Architectural (-AA) Overlay District. Development in areas designated by -AA are subject to either Cultural Heritage Permits or Minor Cultural Heritage Permits, in accordance with Section 17.16.100, Architectural/Cultural Heritage Permits and Minor Architectural/Cultural Heritage Permits, of this title. Depending on the scale of development proposed, other Discretionary Permits may be required, as well. Please refer to Chapter 17.16, Applications, for the requirements for other Discretionary Permits. The purpose of architectural review shall vary, according to the following criteria:~~

1. Required Architecture.

a. Spanish Colonial Revival. Ole Hanson-era Spanish Colonial Revival architecture is required except when Subsections b and c apply, below. When Spanish Colonial Revival architecture is required, site and structural developments are to exemplify the Ole Hanson era, and, at the same time, allow creative interpretation of Spanish Colonial Revival architecture;

- b. Spanish Colonial Revival or Other Spanish Architecture. Spanish Colonial Revival architecture or other Spanish architectural styles shall be utilized, such as Monterey, Mediterranean, or Mission, etc., on properties along North El Camino Real between West Avenida Palizada and Calle Los Bolas, and on South El Camino Real between Avenida Rosa and Interstate-5. For properties in the West Pico Corridor Specific Plan, that take access from Los Obreros Lane, Spanish Architecture is required for any whole-site development proposal, and for major remodels of buildings and improvements fronting North El Camino Real. Otherwise, projects may use existing architecture.
- c. Distinctive Architecture of Historically Significant Buildings. Projects shall preserve and reinforce the original architectural design of structures that are designated historic resources, eligible for historic listing, or potential eligible for historic listing. This includes significant structures with distinctive architectural styles that include but is not limited to Spanish Colonial Revival, Art Deco, Post-Modern, and Mid-Century Modern. Project should reinforce the building's original architectural design.
- d. Pedestrian-Oriented Design in the [A] and [P] Overlays. Projects located in [A] and [P] Overlays shall have a pedestrian-orientation with design elements such as courtyards, paseos, outdoor eating areas, landscaping, interesting architectural details, etc.
2. ~~New and Historic Structures.~~ The architectural character for all new or Spanish Colonial Revival ~~historically designated buildings shall reflect a pedestrian orientation, and have Spanish Colonial Revival style architecture unless other architecture is required by Subsection E above and a pedestrian orientation.~~ New and historic structures are required to comply with all relevant sections of the City's design guidelines Design Guidelines, particularly the section on ~~Spanish Colonial Revival style and on pedestrian districts,~~ as well as the development standards for the underlying zoning designation.
23. Historic Structures. Projects shall preserve and reinforce the original architectural design of significant structures that are designated historic, eligible for historic listing, or potential eligible for historic listing. This includes significant structures with distinctive architectural styles other than Spanish Colonial Revival, such as, Art Deco, Post-Modern, and Mid-Century Modern. Project should reinforce the building's original architectural design.
4. Remodeled Structures. ~~Although the ultimate goals for remodeled buildings in the Architectural Overlay are to have Although Ole Hanson-era Spanish Colonial Revival architecture the required architectural style per Subsection E above, and a pedestrian orientation are the ultimate goals for all remodeled buildings in the Architectural Overlay District, it~~ It may not always be practical, with minor changes, to convert a contemporary building into a true form of the

required Spanish Colonial Revival style building architectural style, consistent with the City's Design Guidelines, or to provide pedestrian-oriented elements. It is not the intent of the Architectural Overlay District to prevent minor building improvements, additions, maintenance, etc., from occurring. The following should be considered when remodeling a building:

- a. In reviewing additions to existing buildings which do not have the required architectural style ~~are not Spanish Colonial Revival~~ and/or not pedestrian-oriented, the review authority shall determine whether or not it is practical for the existing buildings to be converted to a true form of the architecture required by this Section Spanish Colonial Revival style and/or to provide pedestrian-oriented elements.
- b. In cases where only minor modifications are proposed, the goals shall be the following:
  - i. To improve the architectural quality of the building, consistent with the architectural style required by this Section;
  - ii. To include design Spanish Colonial Revival elements that are in character with the required architectural style, where practical;
  - iii. To include as many pedestrian-oriented elements, such as courtyards, paseos, outdoor eating areas, landscaping, interesting architectural details, etc., as is practical.

Minor modifications are changes that leave the existing building essentially intact and are primarily cosmetic (e.g., paint, re-stucco, enlarged windows, small additions).

Minor remodels are required to comply with the standards of the underlying zoning designation, and the general ~~design guidelines~~ Design Guidelines in the City's Design Guidelines. If the building being remodeled is Spanish Colonial Revival, or if Spanish Colonial Revival elements would complement the building and are practical, then the section of the City's Design Guidelines pertaining to Spanish Colonial Revival architecture should be used to guide minor changes. When practical, the guidelines for pedestrian districts contained in the City's Design Guidelines should also be used.

- c. For all major remodels, ~~an projects shall have the required architectural style per Subsection E Ole Hanson-era Spanish Colonial Revival style~~ and pedestrian-orientation ~~shall be required~~ unless it can be demonstrated that it is impractical to do so. Major remodels are changes that significantly alter a building's design (e.g., additions that significantly change the footprint of the building, the addition of new stories, new roof design, etc.).

Major remodels are required to comply with all relevant sections of the City's Design Guidelines, particularly the sections ~~on Spanish Colonial Revival style~~

and for pedestrian districts, as well as the development standards for underlying zoning designation. If Spanish Colonial Revival architecture is required, major remodels are also required to comply with relevant sections of the City's Design Guidelines for Spanish Colonial Revival architecture.

**Section 17.56.030 is amended as follows:**

17.56.030 - Central Business (~~CBCB~~) (CBCB) Overlay District.

- A. **Purpose and Intent.** The Central Business [CB] Overlay is also known as Pedestrian [P] Overlay in the General Plan and as the Visitor Serving Commercial District [VSCD] Overlay in the Coastal Land Use Plan. The purpose of the Central Business District (~~CBCB~~) Overlay designation is to signify core commercial and mixed-use districts in which the City will ~~encourage~~ require pedestrian uses to be located in pedestrian spaces (on the street level of the project along the sidewalk/street), thereby facilitating visitor-serving uses and pedestrian activity along sidewalks and throughout the area. This overlay was created in order to protect existing coastal visitor-serving commercial, recreational, dining, and lodging uses and provide new areas for such uses. It sets aside certain commercial areas to ensure adequate sites to accommodate the provision of additional new visitor-serving commercial and lodging development in the Coastal Zone. This goal is to be achieved by reviewing all uses requiring discretionary review for their appropriateness in pedestrian spaces. The City recognizes that the market for pedestrian uses in the MU3 the CB Overlay ~~zone~~ fluctuates and, as such, provides this discretionary review process for the approval of non-pedestrian uses in pedestrian spaces. As the market for pedestrian uses increases in the MU3 CB Overlay area, the approval of non-pedestrian uses in pedestrian spaces should diminish.
- B. **Applicability.** The provisions in this section apply to development within the -CBCB Overlay.
- C. **Permitted and Conditionally Permitted Uses.** Within the ~~CBCB~~ Overlay, the appropriateness of the location of nonpedestrian-oriented uses, as defined below, in pedestrian-oriented space, as defined below, shall be considered as part of the discretionary review process for the use, as indicated in the use table in Chapter 17.40, Mixed-Use Zones and Standards, of this title.

**Sections 17.56.102, 17.56.103, 17.56.104, 17.56.105 are repealed.**

**Sections 17.56.110, 17.56.120, and 17.56.130 are added as follows:**

### **Sec. 17.56.110. - Mixed Use [MU] Overlay**

- A. **Purpose and Intent.** It is the purpose and intent of the Mixed Use [MU] Overlay to allow existing industrial uses to remain on properties with underlying Light Industrial [LI] zoning in the North Beach area, while providing an option for a vertical or horizontal mix of Neighborhood Serving Commercial, Community Serving Commercial, and allowing multifamily housing on the second floor or higher. With redevelopment, projects are to follow development standards and permitted uses required for the adjacent Mixed Use 1 [MU 1] zoning district.
- B. **Applicability.** The provisions in this section apply to all areas with Mixed Use Overlay [MU] Designation.
- C. **Continuation of Light Industrial Uses.** The [MU] Overlay allows a continuation of lawfully established existing light industrial uses on a property that is allowed by the underlying Light Industrial [LI] zoning district, except when a property is redeveloped or uses are established according to permitted uses and development standards required by Subsection D.
- D. **Permitted Uses and Development Standards.** In the [MU] Overlay, new development or establishment of uses not permitted by the underlying Light Industrial [LI] zoning district shall comply with permitted uses and development standards for the adjacent Mixed Use 1 [MU 1] zoning district in Chapter 17.40 of this Zoning Code.

### **Sec. 17.56.120- Medical Office [MO] Overlay**

- A. **Purpose and Intent.** It is the purpose and intent of the Medical Office [MO] Overlay to provide an option of increasing the development potential (i.e. Floor Area Ratio or density) for the establishment of medical office uses with related ancillary retail and services, conditional upon the approval of a Master Plan. Community Commercial uses are permitted as an underlying land use (Community Commercial
- B. **Applicability.** The provisions in this section apply to all areas with Medical Office Overlay [MO] Designation.
- C. **Eligibility for Density Bonus for Medical Office.** The MO Overlay is eligible for a maximum density North of Mira Costa of 1.0 FAR and 0.75 FAR south of Mira Costa, when new development or changes of use in an existing development are proposed, in which at least 50 percent of the net floor area of building space is occupied and operated as medical related uses.

### **Sec. 17.56.130 Reserved.**

**Section 17.64.030(D) is amended as follows:**

- D. **Location of Parking in the Downtown Mixed-Use (MU3) Mixed Use Zones for nonresidential and mixed-use projects.** In the ~~Downtown Mixed-Use (MU3) Zones~~, parking for residential and non-residential purposes commercial and mixed-use projects shall be located behind buildings or to the side of buildings when parking behind buildings is impossible. For specific requirements regarding the location of parking, please refer to Section ~~17.4004.030(A)(2)~~, Special Use Regulations for the ~~Downtown Mixed-Use (MU3) Zone~~, and Section 17.56.030, Central Business (-CB) Overlay District, of this title, along with the San Clemente General Plan and Urban Design Guidelines. Exceptions to parking location requirements may be granted pursuant to Section 17.40.050(C)(f), Miscellaneous Parking Requirements for Existing Development being converted to a Mixed-use Project, of this code.

**Section 17.64.050(6) is amended as follows:**

6. Alterations of Use.

- a. For changes of use when the required number of parking spaces is not provided. ~~Changes in Use.~~ Changes in use shall require compliance with the off-street parking requirements of this Chapter. Exceptions: Please refer to Table 17.40.040, Mixed-Use Zone Development Standards, Section 17.64.125 Waivers of Parking Requirements, and refer to Chapter 17.72.060(C)(2), Nonconforming Structures and Uses Changes of Use, of this Title.
- b. Parking spaces are waived per Enlargement or Intensification of an Existing Use. ~~Enlargement or intensification of an existing use shall require compliance with the off-street parking requirement of this Chapter. Exceptions: Please refer to Table 17.40.040, Mixed-Use Zone Development Standards, Section 17.64.125, Waivers of Parking Requirements, and Chapter 17.72, Nonconforming Structures and Uses, of this Title.~~
- c. Uses are proposed in Mixed Use Zoning districts within the Central Business Overlay, the number of off-street parking spaces shall be provided for an alteration of use or addition of square footage based on the net increase in parking spaces required for the the alteration or addition of square footage. For 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.

**Section Table 17.64.060 is amended as follows:**

General Retail Stores	In <del>MU3</del> - <u>MU</u> Zones within the CB Overlay: One per 400 square feet. Elsewhere: one per 300 square feet
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Offices, General and Professional	In <del>MU3</del> - <u>MU</u> Zones within the CB Overlay: One per 350 sq. ft. Elsewhere: One per 300 sq. ft.
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Restaurants	In <del>MU3</del> - <u>MU</u> Zones within the CB Overlay: One per five indoor seats. Elsewhere: One per four indoor seats. Required parking based on seating capacity or occupancy signs posted by the Orange County Fire Department, except in the following cases:
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**Section 17.68.040(C) through 17.68.040(I) are amended as follows:**

- C. California Native Species. California Native plant species shall be planted in at least 60 percent of required landscaped areas.
- D. Interference From from Landscaping. Trees and shrubs planted on private property shall be planted so that at maturity they do not interfere with service lines, traffic safety visibility area and basic property rights of adjacent property owners.
- ~~D~~-E. Physical Damage From from Landscaping. Trees planted (on private property) near public bicycle trails or curbs shall be of a species and installed in a manner which prevents physical damage to sidewalks, curbs, gutters and other public improvements. Root control barriers shall be utilized.
- ~~E~~F. Irrigation Systems. All landscaping for nonresidential, mixed-use, and multifamily residential projects shall have automatic irrigation systems. Duplexes and single-family residential projects need not have automatic irrigation systems, but shall have a permanent means of irrigating landscaping. Low precipitation and drip-type systems are encouraged.
- ~~F~~G. State Model Water Ordinance. The State Model Water Ordinance (AB 325) shall apply to all new and rehabilitated public and private projects, as specified in the City of San Clemente guidelines and specifications for landscape development.
- ~~G~~H. Utilities. Utilities may occur within required landscaped areas, but only if underground utilities will not preclude appropriate planting of trees, and the utility facilities are screened from public view.
- ~~H~~I. More Restrictive Provision Shall Apply. Should any provision of this chapter conflict with any other provisions of this title or any adopted specific or Master Plans, the more restrictive requirements shall apply.



**Section Table 17.68.050 is amended as follows:**

**Landscaping as a Percent of Gross Lot Area**

Standard	NC 1.1, NC 1.2, NC 1.3, NC 2, NC 3	CC 1, CC 2	CC 3	RC 2CC 4
Minimum landscaping, as percent of gross lot area	10%	15%	20%	25%

**Section 17.68.050(C)(1) is amended as follows:**

C. Mixed-Use Zones.

1. MU3 Mixed Use Zones except MU 5. All developments in the MU3 zones except MU 5 shall comply with the following landscaping standards:

**Section 17.68.050(C)(2) is amended as follows:**

2. MU 5-4.
  - a. Residential uses in MU 5-4 shall comply with the landscaping standards for residential uses found in Subsection (A)(1), Residential Uses, of this section.
  - b. Nonresidential uses in MU 5 shall comply with the landscaping standards for the NC 2 zone nonresidential uses found in Subsection (B), Commercial Zones, of this section, including those for the NC 2 zone.

**Section 17.72.030(C)(2) is amended as follows:**

2. Structures. The following structures are exempt from this Chapter:

**Section 17.72.030(C)(3) is repealed and replaced as follows:**

3. Land uses. The following land uses are exempt from this Chapter:
  - a. Multiple-family dwellings constructed in the Residential Low Density zoning district prior to April 4, 1962.
  - b. Service stations and vehicle service and repair-related facilities are exempt, provided the uses were lawfully established on or before February 4, 2014 (adoption date of General Plan), the uses have not been discontinued more than 365 consecutive calendar days, and the uses meet any of the criteria below:

- i. The service station or vehicle service repair-related use is on property fronting El Camino Real, or fronting other arterial streets defined in Section 17.88.030, or
  - ii. The service station use is located on property in gateway areas (identified in the General Plan Urban Design Element) abutting Interstate-5 off-ramps and intersections.
- c. Nonconforming uses associated with the historical significance of national, state or locally designated historic structures may be exempted from this Chapter with the approval of a Cultural Heritage Permit per Table 17.16.100B.

**Section 17.88.030 is amended as follows:**

17.88.030 - Definitions.

"Arterial streets" means arterial, primary and secondary streets as shown in the "Roadway System Map" of the City's General Plan Mobility and Complete Streets Element.

"Employee housing" "Employee housing" has the same meaning as it does in the California Employee Housing Act (Cal. Health & Saf. Code, Div. 13, Pt. 1.)

"Fueling station" (see "Service station")

"Residential care facility" As defined by California Health and Safety Code section 1568.01(j). A residential care facility may take various forms. See, e.g., "single housekeeping unit," "short-term lodging unit," "boarding house."

"Service Station", ~~automobile or gasoline. "Automobile or gasoline service station"~~ means any premises where vehicle-related gasoline and other fuel products are sold and/or light maintenance activities such as engine ~~tuneups~~ tune-ups, lubrication, minor repairs, and carburetor cleaning are conducted. This definition shall not include premises where heavy automobile maintenance activities such as engine overhauls, automobile painting, and body fender work are conducted.

"Supportive housing" As defined by Government Code Sections 65582(g). Supportive housing may take various forms. See, e.g., "Single housekeeping unit," and "Short-term lodging unit," "Boarding house."

"Transitional Housing" As defined by Government Code Sections 65582(j). Transitional housing may take various forms. See, e.g., "Single housekeeping unit" and "Boarding house."

"Vehicle dealership" means a place of business primarily engaged in the sales or leasing of new and/or used vehicles and may include ancillary rental, parts sales, and vehicle repairing, leasing and/or selling new and/or used vehicles.

"Vehicle Rental" means a place of business limited to an office use and engaged in renting vehicles.

"Vehicle Parts Stores" retail sales of vehicle-related parts with no on site installation of parts or other vehicle services.

"Vehicle Sales" means a business, other than a Vehicle Dealership, engaged solely in buying and selling used vehicles.

**Section 5:** 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 6:** 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 15<sup>th</sup> day of May, 2018.

ATTEST:

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City Clerk of the City of  
San Clemente, California

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Mayor of the City of San  
Clemente, California

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

I, **JOANNE BAADE**, City Clerk of the City of San Clemente, California, hereby certify that Ordinance No. \_\_\_\_\_ having been regularly introduced at the meeting of May 1, 2018, was again introduced, the reading in full thereof unanimously waived, and duly passed and adopted at a regular meeting of the City Council held on the 15<sup>th</sup> day of May, 2018, and said ordinance was adopted by the following vote:

AYES:

NOES:

ABSENT:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of San Clemente, California, this 15<sup>th</sup> day of May, 2018.

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

APPROVED AS TO FORM:

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

The North Beach Parking Overlay area shown in Exhibit A below shall hereby be added to the San Clemente Zoning Map as follows:

