

PUBLIC REVIEW DRAFT



Local Coastal Program Implementation Plan San Clemente Municipal Code Title 18

City of San Clemente
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PART 1 IMPLEMENTATION PLAN APPLICABILITY

CHAPTER 18.04 - GENERAL

18.04.010 Title.

This title is known as the “City of San Clemente Local Coastal Program Implementation Plan,” hereafter referred to as the “LCP Implementation Plan” or “Implementation Plan” or “this title. “This title is adopted pursuant to the authority contained in Section 65850 et seq. of the California Government Code, Division 20 of the Public Resources Code (California Coastal Act), and Title 14, Division 5.5 of the California Code of Regulations (California Coastal Commission Regulations).

18.04.020 Purpose and Intent.

The purpose of the LCP Implementation Plan is to:

- A. Implement the policies of the City of San Clemente (City) Local Coastal Program (LCP) Land Use Plan (LUP) and the California Coastal Act (Coastal Act);
- B. Protect, maintain, enhance and restore the overall quality of the Coastal Zone and its natural and man-made resources and developed areas;
- C. Assure orderly, balanced use and conservation of resources within the Coastal Zone taking into account social and economic needs;
- D. Maximize public access to and along the coast and maximize public recreational opportunities in the Coastal Zone consistent with sound resource conservation principles and constitutionally protected rights of private property owners;
- E. Assure priority for coastal-dependent and coastal-related development over other types of
- F. development on the coast;
- G. Facilitate Federal, State and local cooperation in planning and development of mutually beneficial uses in the Coastal Zone; and
- H. To ensure that any development in the Coastal Zone preserves and enhances coastal resources; protects and enhances coastal views and access; and ensures that growth, development, and environmental management activities are conducted in a manner consistent with the provisions of the LUP.

18.04.030 Applicability.

The regulations of this Implementation Plan shall apply to all development of land and water in the Coastal Zone within the City of San Clemente, hereafter referred to as the “City” with the exception of

the Areas of Deferred Certification (ADC) and original permit jurisdiction areas depicted on the Post-LCP Certification Permit and Appeal Jurisdiction Map adopted pursuant to Coastal Act Section 30519.

18.04.040 Relationship to other City documents.

- A. Relationship to LCP LUP Coastal Land Use Plan and the Coastal Act. This Implementation Plan (IP) is the primary tool used by the City to carry out the goals, objectives, and policies of the Coastal Land Use Plan (LUP).
- B. It is intended that all provisions of this Implementation Plan be consistent with the City's LUP and that any development, land use, or subdivision approved in compliance with the regulations in this Implementation Plan will be consistent with the LUP. If proposed development is located between the first public road and the sea or the shoreline of any body of water located within the Coastal Zone, the development must be in conformity with the public access and public recreation policies of Chapter 3 of the Coastal Act.
- C. Relationship to General Plan. The City of San Clemente General Plan is the foundational planning policy document for the City. It defines and sets forth the basic policy and guidelines by which the community will be permitted to develop in the future. It is intended to guide all planning, environmental decisions, and development in the community. Among other things, the General Plan establishes what kinds of land uses will be permitted and where, how dense the development may be, and the proportional relationship of the built environment. The zones and regulations included in this title are consistent with the goals and policies included in the San Clemente General Plan. Should a conflict exist between the policies set forth in any element of the City's General Plan, Zoning, or any other ordinance and those of the LUP, the policies of the LUP shall take precedence.
- D. Specific Plans. The Pier Bowl, West Pico Corridor, and Marblehead Coastal Specific Plans are documents regulating development on land within the boundaries of each respective plan within the Coastal Zone. The regulations included in the specific plans supplement and may supersede regulations in this title. When regulations related to specific development are not included in the specific plans, the provisions of Title 18 apply.
- E. The Pier Bowl Specific Plan provides coastal zoning, development standards, design guidelines, landscape requirements, and other design standards, which implement the LUP policies, along with other General Plan policies, for these areas.
- F. Urban Design Guidelines. The City's adopted Design Guidelines contain architectural and site plan guidelines, which are consistent with the General Plan Urban Design Element. Projects within the Coastal Zone that are required to receive architectural review are evaluated with respect to the Design Guidelines.
- G. Master Landscape Plan for Scenic Corridors. The Master Landscape Plan for Scenic Corridors establishes a Unified Landscape Program for the scenic highways in San Clemente that link the existing City with four developing ranch areas. When significant improvements are made to sites

located on the City's scenic corridors within the Coastal Zone, projects are required to incorporate improvements to the public right-of-way indicated in this document

- H. Hillside Development Ordinance. The Hillside Development Ordinance was established to implement the goals, objectives and policies of the City's General Plan relating to the preservation and maintenance of the natural character and amenities of hillsides as a scenic resource of the City and relating to protection from geologic hazards resulting from unstable soils, erosion, and other soil problems. Where the Hillside Ordinance is in conflict with this title, the provisions of Title 18 shall prevail.

18.04.050 Responsibility for Administration.

This Implementation Plan shall be administered by: San Clemente City Council (, hereafter referred to as the “City Council”); the Planning Commission , hereafter referred to as the “Commission”; the Community Development Director (“, hereafter referred to as the “Director”);”; the City Planner; and the Zoning Administrator; and the Community Development Department (hereafter referred to as the “Department”), and any other City official or body as specifically identified in this Implementation Plan. This Implementation Plan shall be administered by the Coastal Commission on appeals of City decisions, resolutions of disputes, and any other matters where the Coastal Commission has authority pursuant to the Coastal Act.

18.04.060 Interpretations.

The following provisions provide rules for resolving questions about the meaning or applicability of any part of this Implementation Plan. Any LCP policies that concern development on lands within the Coastal Commission’s retained permit jurisdiction (e.g., Area of Deferred Certification) are guidance only and the standard of review for such projects is Chapter 3 of the Coastal Act. The provisions are intended to ensure the consistent interpretation and application of the requirements of this Implementation Plan:

- A. Authority. The Director has the authority to interpret the meaning of provisions of this Implementation Plan, including maps, and to apply and/or enforce the Implementation Plan. The Director may also refer any interpretation to the California Coastal Commission (Coastal Commission) for input or a determination. An interpretation made by the Director may be appealed or called for review to the Coastal Commission in compliance with Section 18.12.140 (Appeals and Calls for Review).
- B. Calculations
1. Residential Density. When the number of dwelling units allowed on a site is calculated, any fraction of a unit shall be rounded down to the next lowest whole number. For example, where a residential coastal zoning district allows for 24 dwelling units per net acre; a site of 10,000 square feet net would be allowed five dwelling units. This example is calculated as follows:

- a. Example: 10,000 sq. ft. net site area/24 units per acre (1,815 sq. ft. per unit) = 5.50 dwelling units. The maximum density would be rounded down to five dwelling units.
 2. Other Calculations. For calculations other than residential density, the fractional/decimal results of calculations shall be rounded to the next highest whole number unless otherwise specified.
 3. Time Limits. Whenever a number of days is specified in this Zoning Code, or in a permit, condition of approval, or notice provided in compliance with this Zoning Code, the number of days shall be construed as calendar days unless otherwise specified. Where the last of the specified number of days falls on a weekend, holiday, or other day the City is not open for business, the time limit shall extend to 5:00 p.m. on the following business day.
- C. Conflicting Requirements. Where a conflict occurs between the provisions of this Implementation Plan and any other City Code title, chapter, resolution, guideline, or regulation, the LUP Coastal Land Use Plan and this Implementation Plan shall control. Where the LUP and this Implementation Plan are silent, other City policies and regulations shall be in force, provided that no such policies or regulations would be in conflict with the certified LUP and this Implementation Plan or would result in significant adverse impacts to coastal resources and in no case shall such policies and regulations be used as a standard of review for a CDP.
- D. Unlisted Uses of Land. If a proposed use of land is not specifically listed in Part 4 of this Implementation Plan (Coastal Zoning Districts, Allowable Land Uses, and Standards)), the use shall not be allowed, except as provided below.
1. Director's Interpretation. The Director may determine that a proposed land use that is not listed in Part 4 of this Implementation Plan (Coastal Zoning Districts, Allowable Land Uses, and Standards) may be allowed if the following findings can be made:
 - a. The characteristics of, and activities associated with, the proposed use are equivalent to those of one or more of the uses listed in the coastal zoning district as allowable, and will not involve a greater level of activity, population density, intensity, traffic generation, parking, dust, odor, noise, or similar impacts than the uses listed in the coastal zoning district;
 - b. The proposed use will meet the purpose and intent of the coastal zoning district that is applied to the location of the use;
 - c. The proposed use will be consistent with the goals, objectives, and policies of the LUP;
 - d. The proposed use is not a prohibited or illegal use.
 2. Applicable Standards and Permit Requirements. When the Director determines that a proposed but unlisted land use is equivalent to a listed use, the proposed use will be treated in the same manner as the listed use in determining where the use is allowed, what permits are required, and what other standards and requirements of this Implementation Plan apply.

- E. Illustrations. In case of a conflict between the Implementation Plan text and any diagram, illustration, or image contained in the Implementation Plan, the text shall control.
- F. Guidelines. Guidelines augment and expand on the policies and regulations of the LCP. Guidelines are not quantitative standards and are therefore subject to interpretation.

18.04.070 Periodic Review and Update.

The LCP shall be periodically reviewed and updated to ensure conformity with the policies of the Coastal Act. This review shall be conducted in conjunction with the Coastal Commission's periodic review of the LCP required by Coastal Act Section 30519.5.

18.04.080 Severability of any portion of this title.

Should any section, subsection, clause, or provision of this title or its application to any person or circumstance for any reason be held to be invalid or unconstitutional, the validity or constitutionality of the remainder of this title and the application of those provisions to other persons or circumstances shall not be affected. This title, and each section, subsection, sentence, clause and phrase of this title, would have been prepared, proposed, approved and certified irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

CHAPTER 18.08 - COASTAL ZONING DISTRICT MAP

18.08.010 Coastal Zoning Districts Established.

In order to implement the LCP LUP, the City’s Coastal Zone is divided into the following zoning districts shown on the next page in Table 18-1, Zoning Districts. Table 18-1 includes zoning districts that currently exist in the Coastal Zone as well as other zoning district categories that are not yet assigned to any specific parcels within the Coastal Zone. The purpose of including these additional zoning districts in this IP is to allow for future rezoning opportunities within the Coastal Zone.

18.08.020 Adoption of a Coastal Zoning Map.

The boundaries of the zones established pursuant to Section 18.08.010, Coastal Zoning Districts Established, of this title are delineated upon the map entitled “Coastal Zoning Map of the City of San Clemente,” (and shown in the Certified LUP as Figures 2-1-A through 2-1-H) sometimes referred to as the “Coastal Zoning Map. “The Coastal 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 Coastal Zoning Map shall be kept on file with the City Clerk and City Planner and shall be made available to the public. Any changes to an IP map, except for boundary changes to the Coastal Zone Boundary Map or the Post-LCP Certification Permit and Appeal Jurisdiction Map, shall be adopted through an IP amendment. The City Clerk shall be responsible for keeping official records relative to Coastal Zoning Map amendments.

Table 18 - 1 Zoning Districts

Zoning District Title	Map Designation
A. Residential Zones	
Residential Very Low (1 dwelling units/20 gross acres or 1 legal lot)	RVL
Residential Low (4.5 dwelling units/gross acre; 7 dwelling units/net acre)	RL
Residential Medium Low (7 dwelling units/gross acre; 10 dwelling units/net acre)	RML
Residential Medium (15 dwelling units/gross acre; 24 dwelling units/net acre)	RM
Residential High (24 dwelling units/gross acre; 36 dwelling units/net acre)	RH
B. Commercial Zones	
Neighborhood Commercial	NC 1.1, NC 1.2, NC 1.3, NC 2, NC 3
Community Commercial	CC 1, CC 2, CC 3, CC4
Regional Medical Facilities	RMF
C. Mixed-Use Zones	
Mixed-Use	MU 1, MU 2, MU 3.0, MU 3.1, MU 3.2, MU 3.3, MU 5

Zoning District Title	Map Designation
D. Industrial Zones ¹	
Light Industrial	LI
E. Public Zones	
Public and Parking	P
Institutional	INST
Civic Center	CVC
F. Open Space Zones	
Public Parks and Publicly Owned Open Space	OS 1
Publicly Owned Open Space - Shoreline	OS S1
Privately Owned Open Space - Shoreline	OS S2
Privately Owned Open Space	OS 2
Privately Owned Open Space – (Restricted by Easement)	OS 3
Golf Courses and Commercial Recreation	OSC
G. Specific Plan Areas	
Forster Ranch Specific Plan	FRSP
Pier Bowl Specific Plan	PBSP
West Pico Corridor Specific Plan	WPCSP
Marblehead Coastal Specific Plan	MCSP
H. Overlay Districts	
Architectural	A
Affordable Housing	AH
Medical Office	MO
Mixed Use	MU
North Beach Parking	NBP
Planned Residential District	PRD
Professional Business	PB
Special Residential Overlays	SR (e.g., SR 6)
Visitor-Serving Commercial District	VSCD

¹ Currently, this Title does not identify standards in this Title for Light Industrial zones. The City is processing an update to the West Pico Corridor Specific Plan. The City Council direction is to incorporate the Light Industrial zones in this Specific Plan and apply the Specific Plan's Light Industrial zoning standards to these parcels. When the City completes this work program, the City intends to update the West Pico Corridor Specific Plan in the Appendix to this Title.

18.08.030 Determination of Coastal Zoning District Boundaries.

A symbol, or symbols, indicating the classification of property on the Coastal Zoning Map shall in each instance apply to the whole of the area within the zone boundaries. In case uncertainty exists regarding the location of zone boundaries, the Director shall determine the location of zone in the following manner:

- 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. Use Scale when Division is Unspecified. Where a district or area boundary divides a lot and the boundary line location is not specified by distances indicated on the subject map, the location of the boundary shall be determined by using the scale appearing on the map;
- C. 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.
- D. 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.
- E. Shoreline. Where a zone boundary approximately follows the shoreline of the Pacific Ocean, the boundary shall be construed to follow the mean high tide line.

18.08.040 Post-LCP Certification Permit and Appeal Jurisdiction Map.

The boundaries of the Coastal Commission's permit jurisdiction areas, appeals areas, deferred certification areas, and public trust lands where permit authority may be delegated to the City pursuant to Coastal Act Section 30613 shall be shown upon the map(s) entitled "Post-LCP Certification Permit and Appeal Jurisdiction" produced by Coastal Commission.

PART 2 COASTAL DEVELOPMENT PERMITS

CHAPTER 18.12 - COASTAL DEVELOPMENT PERMIT REVIEW PROCESS

18.12.010 Purpose and Intent.

This chapter is intended to describe the general procedures for filing discretionary permit applications required by this Implementation Plan. Information related to other City-specific applications can be found in Chapter 18.16, Applications, of this title as well as SCMC Title 17.16.

18.12.020 Authority for Decisions.

The City may allow a hearing officer, such as a Zoning Administrator, to act on CDP-related matters provided that the minimum noticing and hearing requirements are met. To support this process, the City Planner will evaluate applications to determine the appropriate decision-making entity. The City Planner determines whether it is appropriate for the Zoning Administrator to act on a CDP as a hearing officer based on the following criteria:

- The project has no potential for significant adverse impacts to coastal resources including native habitat, coastal access or established public view corridors.
- The project is categorically or statutorily exempt from CEQA

The Zoning Administrator retains the option to advance the CDP-related decision on an application to the Planning Commission at his/her discretion if warranted.

Table 18-2 (Review Authority) identifies the review authority responsible for reviewing and making decisions on each type of application required by this Implementation Plan. The highest authority rules for all new permits. The review authority identified in Table 18-2 is designated to approve, conditionally approve, or deny applications for Coastal Development Permits, as well as any modifications or revocations thereof, in compliance with the procedures provided in this section.

Table 18 - 2 Review Authority

Permit Application / Approval Type	Final Authority	Public Hearing Required
Categorical Exclusion Order Exemption	City Planner	No
Coastal Development Permit (CDP)	Planning Commission	Yes
CDP: Material Amendment	Planning Commission	Yes
CDP: Immaterial Amendment	Zoning Administrator	No
CDP Exemption	City Planner	No

Permit Application / Approval Type	Final Authority	Public Hearing Required
LCP Amendment	City Council	Yes
De Minimis Waiver	City Planner	No
CDP: Revocation	City Council	Yes

18.12.030 Projects Bisected by Jurisdictional Boundaries.

- A. **Projects Bisected by Coastal Zone.** Where a proposed project site is physically located both within and outside the Coastal Zone, such as the Marblehead Coastal Specific Plan, the following procedures apply:
1. For divisions of land, a CDP Development Permit shall be required only for lots or parcels created that contain new lot lines or portions of new lot lines within the Coastal Zone and such review will be confined to those lots, or portions of lots, within the Coastal Zone.
 2. For any development involving a structure or attached accessory structure or similar integrated physical construction partially in the Coastal Zone, a CDP shall be required for the development in the Coastal Zone.
 3. Pursuant to California Public Resources Code Section 30103(b), the Coastal Commission may adjust the inland boundary of the Coastal Zone to avoid bisecting any single lot or parcel to conform it to readily identifiable natural or manmade features. The City may request, with the consent of the property owner, a landward boundary adjustment by a maximum distance of two hundred (200) yards.
- B. **Projects Bisected by City and Coastal Commission Jurisdiction.** Where a proposed development is located within both the Coastal Commission’s original jurisdiction and City’s CDP jurisdictions, CDPs are required by both the City and the Coastal Commission. Alternatively, if the applicant, the City and the Coastal Commission agree, the Coastal Commission can process a consolidated CDP application pursuant to the procedures in Public Resources Code, Section 30601.3.
- C. **Projects Bisected by Appeal Jurisdiction.** If a portion of the approved development is of the type or in a location that makes the action by the City subject to appeal, the entire lot shall be determined to be within the appeal jurisdiction and the approval of the CDP is subject to appeal to the Coastal Commission.

18.12.040 Filing an Application for a Coastal Zone Project.

- A. **Person Who May File an Application.** An application may only be filed by an “applicant,” as that term is defined in Chapter 18.84 (Acronyms and Definitions) of this Implementation Plan.
- B. **Application Forms.** Each permit application required by this Implementation Plan shall be filed with the Department on the appropriate City application form, together with all required fees

and/or deposits and all other information and materials specified on the application form for the specific type of application. At a minimum, the application shall include sufficient, verifiable and relevant information for review by City staff in order to enable the City to act appropriately on the application.

- C. Fee Schedule. The City Council shall establish a schedule of fees for the processing of the applications required by this Implementation Plan, hereafter referred to as the City's fee schedule adopted by resolution. Applications shall not be deemed complete, and processing shall not commence on any application, until all required fees or deposits have been paid. Failure to timely pay supplemental requests for payment of required fees and/or deposits shall be a basis for suspension of processing or issuance of any permit.
- D. Refunds and Withdrawals. Application fees cover City costs for public hearings, mailings, staff time and the other activities involved in processing applications. No refund for an application that is denied shall be allowed. In the case of a withdrawal by the applicant, the Director shall have the discretion to authorize a partial refund based upon the prorated costs to date and the status of the application at the time of withdrawal.

18.12.050 Posting Notice.

- A. Posting of a Sign and Notice. Once an application has been deemed complete for processing, the applicant shall post, at a conspicuous place, easily readable by the public and placed as close as possible to the site of the proposed development, notice that an application for a CDP has been submitted to the City. Such notice shall contain a general description of the nature of the proposed development and shall adhere to the following requirements:
 - 1. One or more signs shall be posted as determined by the City Planner to ensure adequate notice.
 - 2. The size and location of the sign(s) shall be as determined by the City Planner to ensure that it will be easily readable by the public.
 - 3. The project applicant shall be responsible for maintaining the sign(s) in a satisfactory condition.
 - 4. The project applicant shall remove all sign(s) at the end of the applicable appeal period.

18.12.060 Determination of Notice, Hearing and Appeals Procedures.

- A. The determination of whether a development is Categorical Excluded, is non-appealable or appealable to the Coastal Commission for purposes of notice, hearing and appeals procedures, shall be made by the City Planner before an application is submitted to the City. This determination shall be made with reference to the certified LCP, including any maps, Categorical Exclusions, land use designations and zoning ordinances, which are adopted as part of the certified LCP. Where an applicant, interested person, or the City has a question as to the

appropriate designation for the development, the following procedures shall establish whether a development is Categorical Excluded, non-appealable or appealable;

- B. The City Planner shall determine, for purposes of notice, hearing and appeals procedures, whether the proposed development is Categorical Excluded per the City's Categorical Exclusion Order, and if the development is within an appealable or non-appealable area. The City Planner shall inform the applicant of the notice and hearing requirements for that particular development;
- C. Any person may appeal a determination by the City Planner to the Planning Commission. The Planning Commission's decision may be appealed to the City Council, whose decision shall be final.
- D. If the determination is challenged by the applicant or an interested person, or if the City wishes to have a Coastal Commission determination, the City shall notify the Coastal Commission by email or telephone of the dispute/question and shall request an Executive Director opinion on the City Planner's determination. If the City fails to notify the Executive Director within five (5) days of the applicant's or interested person's challenge, then the applicant or interested person may notify the Coastal Commission by telephone of the dispute/question and request an Executive Director opinion on the determination;
- E. The Executive Director shall, within two (2) working days of the City Planner's, applicant's or interested person's request (or upon completion of a site inspection where such inspection is warranted), transmit his or her determination as to whether the development is categorically excluded, non-appealable or appealable to the City Planner and, if applicable, to the interested person and/or the applicant;
- F. Where, after the Executive Director's investigation, if the Executive Director's determination is not in accordance with the City Planner's determination, the Coastal Commission shall hold a hearing for purposes of determining the appropriate permit designation for the proposed development. The Coastal Commission shall schedule the hearing on the determination for the next Coastal Commission meeting (in the appropriate geographic region of the state). following the City Planner's or, if applicable, the interested person's or applicant's request.

18.12.070 Application Completeness.

- A. Review for Completeness. The City Planner or Director shall review each application for completeness and accuracy before it is accepted as being complete. The determination of completeness shall be based on the City's applicable list of required application contents and any additional written instructions provided to the applicant.
- B. Notification of Applicant or Authorized Agent. Within t30thirty (30) calendar days of the City's receipt of an application submittal, the applicant or authorized agent shall be informed in writing, either that the application is complete and has been accepted for processing or that the application is incomplete and that additional specified information shall be provided before the application is

deemed complete. If the Director determines that an application is incomplete, the letter shall also indicate that in the event the applicant does not wish to resubmit the application, a request can be made to the City Planner within ninety (90) days of the date of the letter for a refund of unused fees. Fees not requested for refund within this 90-day period shall be forfeited to the City.

C. Incomplete Applications.

1. The requested additional specified information shall be submitted in writing.
2. The Director's review of any additional information resubmitted by the applicant shall be accomplished in compliance with this subsection (A) along with another thirty (30-) day period of review for completeness.

D. Failure to Determine Completeness. If the Director fails to make a determination as to completeness of an application within thirty (30) calendar days of the City's receipt of an application, or receipt of additional information requested, the application shall be automatically deemed complete and processed pursuant to the provisions of this title.

E. Submittal of Additional Information. The City Planner, or review authority, may request the applicant submit information to clarify, amplify, correct, or otherwise supplement submitted information beyond that originally submitted in the course of processing the application should he or she find that additional information is necessary to adequately review a request. Such a request shall not invalidate the original determination that the application was filed as complete. Additional information may include, but is not limited to, environmental information needed for the review of the project's compliance with the certified LCP and the public access and recreation policies of Chapter 3 of the Coastal Act, if applicable.

18.12.080 Failure to Provide Information.

- A. Inactive Applications. Applications are inactive when requested materials, funds, or other information necessary to proceed with the processing of an application is not submitted. When an application is inactive for ninety (90) days or more, a letter is sent via certified mail to inform applicants that they have ninety (90) days following receipt of the letter to submit requested materials, funds or other information necessary to proceed with the processing of an application.
- B. Application Withdrawal. If requested materials or funds are not received within the ninety (90) calendar day deadline for resubmittal in subsection (A)) days (a total of one hundred eight (180) calendar days since an application begins to be inactive), then the City Planner has the authority to: 1) withdraw the application or 2) deny. Future City consideration shall require the submittal of a new, complete application due to it being incomplete. and associated filing fees.
- C. Application Filing Denial. Failure to submit the required information within one hundred eight (180 days) day period or within the period of time designated by the review authority shall constitute a reason for denial of filing an application as complete. This application filing denial is made without prejudice to the applicant's right to reapply for the same permit, for the same

proposed development. D. Future City consideration shall require the submittal of a new, complete application and associated filing fees.

18.12.090 Environmental Review.

- A. LCP Review. After acceptance of a complete application, the development shall be reviewed in compliance with the applicable policies of the Local Coastal Program.
- B. Environmental Documents.
 - 1. Preparation by Qualified Specialist. All environmental documents, including surveys, assessments, reports and other technical studies, shall be prepared by a qualified resource specialist with technical expertise as appropriate for the environmental issues of concern.
 - 2. Review of Documents. All environmental documents submitted as part of a development application shall be reviewed by a qualified City staff member, City-designated advisory committee, or consultant approved by, and under the supervision of, the City. Technical reports prepared more than two years prior to the date of submittal shall be reviewed to determine if changes to the project and/or changes to the surrounding area of the project warrant additional environmental review in the form of an addendum, a supplemental environmental document, or a new environmental document.
 - 3. Environmental Report. A qualified City staff member, advisory committee, or contracted employee shall prepare a written report with recommendations regarding compliance with CEQA and other regulations to the appropriate decision making official or body.
 - 4. Recommendations. Written findings of fact, analysis and conclusions shall be included in any recommendation to approve, conditionally approve, or disapprove a proposed project. Any recommendations of approval shall include an identification of any conditions, required modifications or mitigation measures necessary to ensure conformance with the LCP.

18.12.100 Project Evaluation and Staff Reports.

- A. Evaluation. City staff shall review all applications to determine whether they comply and are consistent with the provisions of this Implementation Plan, the General Plan, and other applicable provisions identified in Section 18.04.030 (Applicability of Implementation Plan).
- B. Staff Report. The Department shall provide a written recommendation for discretionary applications to the applicable review authority recommending that the application be approved, conditionally approved, or denied.
- C. Staff Report to Include Findings. Whenever this Implementation Plan requires a set of findings to be made before granting approval of an application by the applicable review authority, it shall be the responsibility of the Department to present all relevant facts to support the findings.
- D. Report Distribution. Each staff report shall be furnished to the applicant at the same time as it is provided to the review authority before the review authority's action on the application

18.12.110 Effective Date of Decision.

- A. Effective Date. The approval of a CDP that is appealable to the Coastal Commission shall become effective upon the expiration of the Coastal Commission's ten (10) working day appeal period (see appeal procedures outlined in 18.12.150) as established by the Coastal Commission and where no appeal of the review authority's action has been filed by two Coastal Commissioners, the applicant, or any aggrieved person in compliance with the Coastal Act.
- B. Notice of Final Action. Final City action on permits for sites located within the City's Coastal Zone (whether exemptions, waivers or CDP approvals), shall be documented by the notice of final local action which the City sends to the Coastal Commission within seven (7) business days of the City's final action on a CDP application and compliance with Title 14 California Code of Regulations Section 13570.
- C. Notice of Final Action on Appeals within the Coastal Zone. Where a local appeal has been filed and decided on a project that is appealable to the Coastal Commission in compliance with this section, the City shall provide notice of the final action (see also the requirements of Section 18.12.110(B) and (C), Notice of Final Action) based on the outcome of the appeal process.

18.12.120 Expiration and Extensions of Approvals.

- A. Expiration of a CDP or CDP Action. Unless a condition of approval or other provision of this Implementation Plan establishes a different time limit, any CDP or approval not exercised within twenty-four (24) months from the effective date of a decision approving a project, as defined in Section 18.12.110, Effective Date of Decision, of this Chapter shall expire and become void, except where an extension of time is approved in compliance with subsection (B) of this section.
 - 1. The permit shall not be deemed "exercised" until at least one of the following has first occurred:
 - a. A grading permit has been issued and grading has been substantially completed;
 - b. A building permit has been issued and construction has commenced, and has continued to maintain a valid building permit by making satisfactory progress as determined by the Building Official;
 - c. A certificate of occupancy has been issued;
 - d. The use has been established in accordance with the CDP.
 - 2. Once exercised, the permit for the use that has been abandoned for at least one hundred eighty (180) days or changed shall be deemed void.
- B. Extensions of Time. Upon written request by the applicant, the Director, or the Planning Commission under a referral or appeal, may extend the time for an approved permit or approval to be exercised.

1. Filing of Request. The applicant shall file a written request for an extension of time with the Department prior to the approved application's expiration date, together with the filing fee required by the City's fee schedule adopted by resolution. Requests for extensions shall state the reasons why an extension is needed.
 2. Action on Extension Request. A permit or approval may be extended for two years unless stipulated otherwise; provided, the Director, or the Planning Commission under a referral or appeal, first finds that there have been no changes in the conditions or circumstances of the site or project so that there would have been grounds for denial of the original project.
- C. Permits Deemed Null and Void. An approval or permit issued in conflict with the provisions of this Implementation Plan shall be deemed de facto null and void.
- D. Effect of Expiration. After the expiration of a permit or approval in compliance with subsection (A) of this section, no further work shall be done on the site and no further use of the site shall occur until a new permit or approval and any required building permit or other City permits or approvals are first obtained.

18.12.130 Applicant Requests to Amend an Approved Coastal Development Permit.

Projects shall be implemented in conformity with the approved CDP or other applicable City permit. If the applicant wishes to amend the project, as approved, the applicant shall submit revised plans and any other applicable information explaining the reason for the proposed change to the City for review, together with the CDP Amendment application filing fee required by the City's fee schedule adopted by resolution.

- A. Rejected application. An application for a CDP amendment shall be rejected if, in the City Planner's opinion, the proposed amendment would lessen or avoid the intended effect of an approved or conditionally -approved permit unless the applicant presents newly discovered material information which could not, with reasonable diligence, have been discovered and produced before the permit was granted.
- B. Accepted application. For those applications accepted, the City Planner shall determine whether the proposed CDP amendment represents an immaterial or material change to the approved permit. If the City Planner determines that a proposed amendment has the potential for adverse impacts, either individually or cumulatively, on coastal resources or public access to and along the shoreline, the amendment shall be deemed a material amendment to the permit. Material amendments shall be processed in accordance with subsection C below.
 1. For applications representing immaterial changes, the City Planner shall prepare a written notice which contains the information required by Section 18.12.140, Public Hearings, a description of the proposed permit amendment and a statement informing persons of the opportunity to submit written objection of the determination to the Zoning Administrator within ten (10) days of the date the notices were posted at the subject property and mailed to interested persons. If no written objection is received by the Zoning Administrator within

ten (10) days of posting and mailing, the Zoning Administrator's determination shall be conclusive and the proposed permit amendment approved.

2. For applications representing material changes without public impact or concern, the City Planner shall refer such applications to the Zoning Administrator for consideration. If the original application for a project required a public hearing, then the Zoning Administrator's review of modifications shall require a public hearing, in accordance with Section 18.12.140, Public Hearings, to all persons who testified at the public hearing on the permit, who submitted written testimony on the permit, or such other persons as the City Planner has reason to know may be interested in the application.
 3. For applications representing material changes with public impact or concern, the City Planner shall refer such applications to the final decision-making authority for the original project. If the original application for a project required a public hearing, then the final decision-making authority's review of modifications shall require a public hearing, in accordance with the procedures of Section 18.12.140, Public Hearings, to all persons who testified at the public hearing on the permit, who submitted written testimony on the permit, or such other persons as the City Planner has reason to know may be interested in the application.
- C. The Planning Commission, unless the proposed permit amendment has been found to be immaterial, shall determine and make appropriate findings by a majority vote of the membership present whether the proposed development with the proposed amendment is consistent with the certified LCP.
- D. Amendments to CDPs shall not become effective until all noticing and appeals procedures for appealable actions are completed in compliance with the provisions of Section 18.12.140, Public Hearings, and Section 18.12.150, Appeals of an Action.

18.12.140 Public Hearings.

When a public hearing is required, advance notice of the hearing shall be given and the hearing shall be conducted in compliance with this chapter, State law and with all other applicable laws, including the Ralph M. Brown Act, or any successor law.

- A. Content of Notice. Notice of a public hearing shall include all of the following applicable information:
1. Hearing Information.
 - a. The date, time, and place of the hearing and the name of the review authority;
 - b. The phone number, street address, and website of the City, where an interested person could call or visit to obtain additional information; and
 - c. A brief description of the purpose of the hearing and of the public hearing process.

2. Project Information.

- a. The name of the applicant;
- b. The date of filing of the application;
- c. The City's file number(s) assigned to the application, if applicable;
- d. A description of the proposed project or development and its location;
- e. A statement that the project or development is in the Coastal Zone; and
- f. For appealable developments, a brief description of the appeal procedures for the City and Coastal Commission.

B. Method of Notice Distribution. Notice of a public hearing shall be given at least ten (10) days prior to the public hearing as specified below.

1. Publication. Publication at least once in a newspaper of general circulation within the City.
2. Mailing. First class mailing to all of the following:
 - a. Project Site Owners and Applicant. The owners of the property being considered in the application, or the owners' agent, and the applicant or the applicant's agent;
 - b. Local Agencies. Each local agency expected to provide schools, water, or other essential facilities or services to the project, whose ability to provide the facilities and services may be significantly affected;
 - c. Nearby Property Owners. Property owners located within a three hundred (300) feet radius, excluding intervening rights-of-way and waterways, of the exterior boundaries of the subject lot or parcel upon which the development is proposed, as shown on the last equalized assessment roll or, alternatively, from other records that contain more recent addresses. It shall be the responsibility of the applicant to obtain and provide to the Department the names and addresses of all owners required by this section;
 - d. Occupants. All occupants/tenants located within a one hundred (100) feet radius, excluding intervening rights-of-way and waterways, of the exterior boundaries of the subject lot or parcel upon which the development is proposed.., based upon the most recent equalized assessment roll. It shall be the responsibility of the applicant to obtain and provide to the Department the addresses of all occupied dwelling units required by this section;
 - e. Persons requesting notice. Any person known to the applicant to be interested in the application, including any person who has testified or submitted written comments for any previously held local hearing and/or filed a written request for notice for that project site, or, for City decisions within the Coastal Zone, with the Director; and
 - f. Coastal Commission. The South Coast District Office of the Coastal Commission.

- g. **Alternative to Mailing.** If the number of property owners, occupants, and interested persons to whom notice would be mailed in compliance with this subsection is more than one thousand (1,000), the Director may provide notice by placing a display advertisement of at least one-eighth page in at least one newspaper of general circulation within the City.
- h. **Failure to Receive Notice.** The failure of any person or entity to receive notice given in compliance with this section shall not be grounds to invalidate the actions of the applicable review authority.

18.12.150 Appeals of an Action.

A. Appeals by the Public.

- 1. **Right to Appeal.**
 - a. **Decisions of the Director or City Planner.** Any person may appeal a decision of the Director or City Planner to the Planning Commission. The Planning Commission's decision may be appealed to the City Council, whose decision shall be final.
 - b. **Decisions of the Zoning Administrator or Planning Commission.** Any person may appeal a decision of the Zoning Administrator or Planning Commission to the City Council. The City Council's decision on the appeal shall be final.
- 2. **Time Limits for Filing an Appeal.**
 - a. **Decisions of the Director or City Planner.** An appeal of a decision made by the Director or City Planner shall be filed with the office of the City Clerk within ten (10) consecutive calendar days following the decision sought to be appealed.
 - b. **Decisions of the Zoning Administrator or Planning Commission.** An appeal of the decision of the Zoning Administrator or Planning Commission shall be filed in the office of the City Clerk within ten (10) consecutive calendar days following the decision sought to be appealed.
 - c. **Calculation of the Appeal Period.** For the purpose of calculating the appeal period, the first day of the appeal period shall be the day immediately following the day on which the decision occurred. The final day of the appeal period shall be the tenth calendar day following the first day of the appeal period, at 5:00 p.m. If the last day to appeal falls on a holiday or on a Saturday or Sunday, the following business day shall be deemed the last day to appeal.
- 3. **Method of Appeal.** Appeals shall be in writing on a form obtained from the Department or City Clerk. The appellant shall state the specific reasons for the appeal. Appeal applications shall include the required fee and public notifications materials pursuant to Section 18.12.140, Public Hearings, unless otherwise provided.

B. Appeals by the City Council.

1. **Right to Appeal.** The City Council may appeal any decision of the Zoning Administrator or Planning Commission by calling up the decision for consideration by the City Council, in accordance with subsection (B)(3) of this section.
 2. **Time Limits for Appealing a Decision.** An appeal by the City Council shall be made by the time the City Council receives and files the official transmittal of the decision on an application, through minutes, action memorandum or otherwise, by the body having original jurisdiction over the matter.
 3. **Method of Appeal.** Appeals by the City Council shall be by a majority vote of the City Council at a regular or adjourned regular City Council meeting.
- C. **Public Notice of the Appeal.** Notice of the public hearing on the appeal shall be provided as required in Section 18.12.140, Public Hearings, of this title.
- D. **Time Limit for Hearing an Appeal.** Public hearings on appeals shall be held within sixty (60) days of the City Clerk or Department's receipt of a completed appeal application. The City Clerk shall notify the applicant, in writing, of the date established for the public hearing within ten (10) days of receipt of a completed appeal application. The appellant, or applicant if the City Council is the appellant, must provide the City with stamped envelopes for public notification, by twenty (20) days prior to the scheduled hearing on the appeal, or the appeal shall be taken off the City Council's calendar and the appellant shall have waived any and all rights to such appeal.
- E. **Scope of Review.** The body hearing the appeal shall not be limited to the issues raised on the appeal, but rather shall be entitled to review new evidence and to consider all elements of the appealed action. At the close of the public hearing on the appeal, the appellate body may reverse, affirm, revise or modify original action on the application being appealed.
- F. **Appeal to the Coastal Commission.** A final action taken by the City for a project that is appealable, as defined in subsection (F)(1) of this section, may be appealed to the Coastal Commission in compliance with this section and Title 14 California Code of Regulations Sections 13111 through 13120 and Section 30603 of the Coastal Act. If there is any conflict between the provisions of this section or the Coastal Act, the Coastal Act shall control.
1. **Appealable Development—Public Resources Code Section [30603\(a\)](#).** A decision by the City on a CDP application within the appeal areas identified in Public Resources Code Section [30603\(a\)](#) as generally depicted on the Post-LCP Certification Permit and Appeal Jurisdiction Map or on any development approved or denied by the City on a CDP application for a project that constitutes a major public works project or energy facility may be appealed to the Coastal Commission.
 - a. **Status of Appellant.**
 - 1) **Who May Appeal.** An appeal may be filed by an applicant, an aggrieved person, or two members of the Coastal Commission in compliance with Public Resources Code Section [30625](#).

- 2) **Aggrieved Person Defined.** As provided by Public Resources Code Section [30801](#), an aggrieved person is any person who, in person or through a representative, appeared at a public hearing held before the Zoning Administrator, Planning Commission, or City Council in connection with the decision or action appealed, or who, by other appropriate means prior to a hearing, informed the City of the nature of their concerns or who for good cause was unable to do either.
2. **Exhaustion of City Appeals Required.** An applicant or other aggrieved person may appeal a City decision on a CDP application to the Coastal Commission only after exhausting all appeals to the Planning Commission and City Council in compliance with this chapter. Except that exhaustion of all local appeals shall not be required if any of the circumstances identified in Code of Regulations Section 13573 apply, including, but not limited to, the following circumstances:
- a. The City requires an appellant to appeal to more local appellate bodies that have been certified as appellate bodies for permits in the Coastal Zone in accordance with this title;
 - b. An appellant was denied the right of the initial City appeal by a City ordinance which restricts the class of persons who may appeal a City decision;
 - c. An appellant was denied the right of the initial local appeal under this chapter because City notice and hearing procedures did not comply with Title 14, Division 5.5, Chapter 8, Subchapter 2, Article 17 of the California Code of Regulations;
 - d. The City charges an appeal fee for the filing or processing of appeals; or
 - e. An appeal of a City decision was filed by two members of the Coastal Commission in compliance with Public Resources Code Section 30625. Notice of a Coastal Commissioner's appeal shall be transmitted to the City in compliance with Title 14 California Code of Regulations Section 13111(d). The City may transmit the Coastal Commissioner appeal to the local appellate body (which considers appeals from the local body that rendered the final decisions subject to the Coastal Commissioner appeal), and the Coastal Commissioner appeal may be suspended pending a decision on the merits by that local appellate body. If the final action by an appellate body modifies or reverses the previous decision, the Coastal Commissioners shall be required to file a new appeal from that decision.
3. **Grounds for Appeal to Coastal Commission—Public Resources Code Section [30603](#).** The grounds for an appeal to the Coastal Commission of a City final action on a CDP application are as follows:
- a. For approval of a CDP as described in subsection (F)(1) of this section, an allegation that the project does not conform to the standards of the LCP or public access policies of Chapter 3 of the Coastal Act;

- b. For denial of a development described in subsection (F)(1) of this section, an allegation that the project conforms to the standards of the LCP and the public access policies of the Coastal Act.
 4. Notice of Final Action on Appeals within the Coastal Zone. Where a local appeal has been filed and decided on a project that is appealable to the Coastal Commission in compliance with this section, the City shall provide notice of the final action.
 5. Time Limit for Filing an Appeal to the Coastal Commission. An appeal of a City Council decision on an appealable development shall be filed with the Coastal Commission within ten (10) working days of the receipt by the Coastal Commission of adequate notice of final City action, in compliance with this chapter and the Coastal Act. The beginning of the ten (10) working day appeal period shall be established by Coastal Commission staff.
 6. Notice to City of Appeal to Coastal Commission. An appellant shall notify the applicant, any persons known to be interested in the application and the City of the filing the appeal. Notification shall be by delivering a copy of the completed notice of appeal to the domicile(s), office(s), or mailing address(es) of said parties. In any event, such notification shall be by such means as may reasonably advise said parties of the pendency of the appeal. Unwarranted failure to perform such notification may be grounds for dismissal of the appeal by the Coastal Commission.
 7. Transmittal of City Permit Files to Coastal Commission after an Appeal. After receipt of an appeal, the City shall, within five (5) working days, deliver to the Coastal Commission Executive Director all relevant documents and materials used by the City in its consideration of the CDP application, including contact information for persons to whom the City provided notice regarding the application or who participated in the City's review of the application. If the Coastal Commission fails to receive the documents and materials, the Coastal Commission shall set the matter for hearing and the hearing shall be left open until all relevant materials are received.
 8. Acceptance of Coastal Commission Action on Appeal. [Where an appeal has been filed with the Coastal Commission in compliance with subsection (F) (Appeal to the Coastal Commission) and the Coastal Commission has reversed or modified the action of the City on the CDP, the action of the Coastal Commission on the CDP is final.
- G. Judicial Review of City Decision. A person shall not file a petition for writ of mandate, challenging a City decision on a CDP until all appeals or calls for review, if applicable, to the Planning Commission and/or City Council have been first exhausted in compliance with this chapter.

18.12.160 Enforcement.

- A. Purpose. This chapter establishes provisions that are intended to ensure compliance with the requirements of this Implementation Plan and any conditions of a permit or approval. However, nothing contained within this chapter shall prohibit the City from taking or initiating any other enforcement actions as provided for by this Implementation Plan or other applicable law.
- B. Permits and Approvals.
 - 1. Compliance with Implementation Plan. All departments, officials, and employees of the City who are assigned the authority or duty to issue approvals or permits shall only do so in compliance with the provisions of this Implementation Plan.
 - 2. Permits Deemed Void. An approval or permit issued in conflict with the provisions of this Implementation Plan shall be deemed void.
- C. Legal Remedies.

The City may choose to undertake any one or all of the following actions to correct and/or abate any violations of this Implementation Plan:

- 1. Code Enforcement. The City may use any or all of the code enforcement provisions specified in the San Clemente Municipal Code.
- 2. Revocations or Changes. Any real property found to be used, maintained, or allowed to exist in violation of any permit(s) approved by the City may subject the permit to revocation or change proceedings.
- 3. Revocations. The City's action to revoke a permit shall have the effect of terminating the permit and disapproving the privileges granted by the original approval.
- 4. Changes. The City's action to change or add any conditions attached to a permit instead of revoking it may include any aspect of the project, including buffers, duration of the permit or entitlement, hours of operation, landscaping and maintenance, lighting, parking, performance guarantees, property maintenance, signs, surfacing, traffic circulation, or any other aspect/condition determined to be necessary to ensure that the permit or variance is operated or implemented in a manner consistent with the original findings for approval.

This section provides a process to ensure compliance with the requirements of this Implementation Plan and any conditions of a CDP or approval. However, nothing contained within this section shall prohibit the City from taking or initiating any other enforcement actions as provided for by this Implementation Plan or other applicable law.

- D. Review Authority and Process.
 - 1. Applications Approved at a Public Hearing. The City Council may modify or revoke approvals / permit applications that were approved at a public hearing.

2. Applications Approved Without a Public Hearing. The City Council or City Manager may modify or revoke an approval / permit application that did not require a public hearing and was approved by the Director or City Planner.
- E. Required Findings. One or more of the following findings shall be made by the City Council to modify or revoke an approved permit application:
1. Conditions of approval of the approved application(s) are being violated or are not being satisfied; or
 2. The site or land use is being operated in a manner that constitutes a nuisance; or
 3. The application contained incorrect, false, or misleading information.
- F. Enforcement Pursuant to the Coastal Act. In addition to the enforcement provisions contained in this section, the provisions of Chapter 9 of Division 20 of the Public Resources Code shall also apply with respect to violations and enforcement and the City and the Coastal Commission shall have the enforcement powers described therein.

CHAPTER 18.16 - APPLICATIONS

18.16.010 Purpose and Intent.

This chapter provides procedures to ensure that all development in the Coastal Zone is consistent with the California Coastal Act (Division 20 of the Public Resources Code) as amended, in accordance with the and the City's Local Coastal Program. The provisions of this chapter shall apply in the Coastal Zone, as defined by the Coastal Act. Furthermore, the provisions of this chapter, and as applicable the Coastal Act and regulations, shall be utilized to determine whether or not a proposal in the City's permitting jurisdiction constitutes development and whether or not that development requires a CDP or is exempt. No provision contained in any other chapter of the Implementation Plan, nor in any other City policy or regulations, shall be used in such determinations.

18.16.020 Coastal Development Permits.

- A. Coastal Development Permit Required. Any development in the Coastal Zone shall require a CDP issued by the City pursuant to Chapter 18.12, Coastal Development Permit Review Process, or the Coastal Commission, unless exempt or categorically excluded from CDP requirements. Development undertaken pursuant to a CDP shall conform to the plans, specifications, terms and conditions of the permit. The requirements for obtaining a CDP shall be in addition to requirements to obtain any other permits or approvals required by other articles of this title, other city ordinances or codes or from any state, regional or local agency. If conflicts between this chapter and other city ordinances or codes arise, this chapter shall govern.
- B. Permit Jurisdiction. After certification of the LCP and the Coastal Commission's delegation of authority to the City, the City shall issue all CDP's for development not located within the Coastal Commission's original permit jurisdiction.
 1. Coastal Development Permit Issued by the Coastal Commission. Developments on tidelands, submerged lands, and public trust lands as described in Public Resources Code Section 30519(b) and in Areas of Deferred Certification (ADC) as designated by the certified LCP require a permit issued by the Coastal Commission in accordance with the Coastal Act. Areas of Coastal Commission permit jurisdiction and ADC's are depicted on the Post-LCP Certification Permit and Appeal Jurisdiction Map contained in IP Part 6 (Maps and Figures).
 - a. Approval in Concept. All development in areas where the Coastal Commission retains CDP authority shall require conceptual approval from the City prior to application to the Coastal Commission. An approval in concept indicates that the proposed development conforms in concept to all City land use and development regulations, including any applicable discretionary actions, and therefore entitles the applicant to apply to the Coastal Commission for a CDP.
 2. Coastal Development Permit Issued by the City. All development requires a CDP unless specifically exempt or categorically excluded. After certification of the LCP, the City shall issue all CDP's and exemptions or categorical exclusion determinations for development not located

within the Coastal Commission's original permit jurisdiction or areas of deferred certification, unless the development qualifies for a consolidated permit application.

- C. Application Filing, Processing, and Review. An application for a CDP shall be filed and processed in compliance with Chapter 18.12, Coastal Development Permit Review Process. The application shall include all of the information and materials specified by the Director, together with the required fee in compliance with the City's fee schedule adopted by resolution. It is the responsibility of the applicant to provide evidence in support of the findings required by subsection (F) of this section (Findings and Decision).
- D. Public Notice and Hearing Provisions.
1. Public Hearing Required. A public hearing shall be required before the decision on any CDP application that is not exempted or excluded.
 2. Notice. Notice of the hearing shall be provided and the hearing shall be conducted in compliance with Section 18.12.140, Public Hearings.
- E. Review Authority. The review authority identified in Table 18-2 (Section 18.12.020) is designated to approve, conditionally approve, or deny applications for CDPs, as well as any modifications, amendments or revocations thereof, in compliance with the procedures provided in this section.
- F. Findings and Decision. The review authority may approve or conditionally approve a CDP application, only after first finding that the proposed development:
1. Conforms to all applicable sections of the certified LCP;
 2. Conforms with the public access and public recreation policies of Chapter 3 of the Coastal Act if the project is located between the nearest public road and the sea or shoreline of any body of water located within the Coastal Zone.
- G. Conditions of Approval. The review authority may impose such reasonable terms and conditions in connection with the granting of a CDP as deemed necessary to ensure the development will be in accordance with the certified LCP, and if applicable, the public access and public recreation policies of Chapter 3 of the Coastal Act, and may require guarantees and evidence that such conditions are being or will be complied with.
- H. Notice of Final Action. Within seven (7) days of the date of the final local action on an exemption or CDP application and meeting the requirements of Title 14 California Code of Regulations Section 13570, a notice of its final action shall be sent by first class mail to the applicant, the Coastal Commission, and any persons who specifically request such notice by submitting a self-addressed, stamped envelope. Such notice shall be accompanied by a copy of the exemption, denial or conditions of approval and written findings and the procedures for appeal of the action to the Coastal Commission.

- I. Post-Decision Procedures. The procedures and requirements, including those related to appeals and revocation, in Chapter 18.12, Coastal Development Permit Review Process, shall apply following the decision on a CDP application or exemption.

18.16.030 Emergency Coastal Development Permits.

In the event of an emergency, as defined in Chapter 7 of this IP, or in order to prevent or avoid an imminent emergency, which has been verified by the City Engineer or Building Official, temporary permits to proceed with remedial measures may be authorized by the Director until such time as a full CDP shall be filed.

- A. Application. An emergency CDP application shall be made to the Director in writing, or if, in the opinion of the Director, time does not allow written application, the application may be made orally in person or by telephone or electronic mail and shall include the following:
 1. A description of the nature or cause of the emergency and location of the emergency;
 2. The location of the remedial, protective or preventative work required to deal with the emergency;
 3. An explanation of the circumstances during the emergency that justify the action to be taken, including the probable consequences of failing to take action.
- B. Limitations. The Director shall not grant an emergency CDP for any development that falls within an area in which the Coastal Commission retains direct permit review authority. In such areas and for such developments, a request for an emergency authorization must be made to the Coastal Commission.
- C. Application Review. The Director is the review authority for emergency CDP applications. The Director's determination to approve or deny the application shall be final. If the Director approves the application, the Director shall submit a report to the California Coastal Commission, City Council and the Planning Commission detailing the review and approval process, including the nature of the emergency and the remedial, protective, or preventive work required to deal with the emergency. Before making a determination, the Director shall verify the facts, including the existence and the nature of the emergency, and allow for public notification and public comment insofar as time allows. The Director may grant an emergency permit upon reasonable terms and conditions, including an expiration date and the requirement to submit an application for a regular CDP for retaining any of the development authorized by the emergency permit within sixty (60) days of emergency permit issuance, if the Director finds that:
 1. An emergency exists that requires action more quickly than permitted by the procedures for regular permits administered pursuant to the provisions of Chapter 18.12, Coastal Development Permit Review Process, and the work must be started as soon as possible and can and will be completed within thirty (30) days unless otherwise specified by the terms of the permit; and

2. Public comment on the proposed emergency action has been reviewed, if time allows; and
 3. The work proposed would be consistent with the requirements of the certified LUP portion of the City's LCP; and
 4. The emergency work proposed is the minimum necessary to address the emergency.
- D. Expiration. An emergency CDP is valid for sixty (60) days from the date of issuance by the Director. The Director may extend an emergency permit for an additional sixty (60) days for good cause, including but not limited to, an ongoing emergency situation or the emergency work is commenced but not completed.

18.16.040 Development Exempt from CDP Requirements.

The following projects, when they are not located within the Coastal Commission's jurisdiction, are exempt from the requirement to obtain a CDP from the City:

- A. Precertification. Any development authorized by a CDP approved by the Coastal Commission before the effective date of certification of the LCP and has not expired will continue to be under Coastal Commission jurisdiction.
- B. Coastal Commission Permit Jurisdiction Areas. For developments in the Area of Deferred Certification and/or the Coastal Commission's original jurisdiction, the Coastal Commission retains permit jurisdiction. Applicants wishing to perform development in these areas must apply directly to the Coastal Commission for authorization before commencing development.
- C. Coastal Act Exemptions. Development not located within the Coastal Zone is exempt. Development in the Coastal Zone but not located within the Coastal Commission's permit jurisdiction, determined to be exempt from the CDP requirements pursuant to California Public Resources Code Section 30610, shall be exempt from the CDP requirements of the IP. The following types of projects shall be exempt from a CDP unless they involve a demonstrated risk of adverse effects on coastal resources:
 1. Notwithstanding any other provision of this division, no CDP shall be required pursuant to this chapter for the following types of development and in the following areas:
 - a. Improvements to existing single-family residences; provided, however, that the commission shall specify, by regulation, those classes of development which involve a risk of adverse environmental effect and shall require that a CDP be obtained pursuant to this chapter.
 - b. Improvements to any structure other than a single-family residence or a public works facility; provided, however, that the commission shall specify, by regulation, those types of improvements which (1) involve a risk of adverse environmental effect, (2) adversely affect public access, or (3) involve a change in use contrary to any policy of this division. Any improvement so specified by the commission shall require a CDP.

- c. Maintenance dredging of existing navigation channels or moving dredged material from those channels to a disposal area outside the coastal zone, pursuant to a permit from the United States Army Corps of Engineers.
 - d. Repair or maintenance activities that do not result in an addition to, or enlargement or expansion of, the object of those repair or maintenance activities; provided, however, that if the commission determines that certain extraordinary methods of repair and maintenance involve a risk of substantial adverse environmental impact, it shall, by regulation, require that a permit be obtained pursuant to this chapter.
 - e. The installation, testing, and placement in service or the replacement of any necessary utility connection between an existing service facility and any development approved pursuant to this division; provided, however, that the commission may, where necessary, require reasonable conditions to mitigate any adverse impacts on coastal resources, including scenic resources.
 - f. The replacement of any structure, other than a public works facility, destroyed by a disaster. The replacement structure shall conform to applicable existing zoning requirements, shall be for the same use as the destroyed structure, shall not exceed either the floor area, height, or bulk of the destroyed structure by more than 10 percent, and shall be sited in the same location on the affected property as the destroyed structure.
2. As used in this subdivision:
- a. “Disaster” means any situation in which the force or forces which destroyed the structure to be replaced were beyond the control of its owner.
 - b. “Bulk” means total interior cubic volume as measured from the exterior surface of the structure.
 - c. “Structure” includes landscaping and any erosion control structure or device which is similar to that which existed prior to the occurrence of the disaster.
 - d. Any activity anywhere in the coastal zone that involves the conversion of any existing multiple-unit residential structure to a time-share project, estate, or use, as defined in Section 11212 of the Business and Professions Code. If any improvement to an existing structure is otherwise exempt from the permit requirements of this division, no CDP shall be required for that improvement on the basis that it is to be made in connection with any conversion exempt pursuant to this subdivision. The division of a multiple-unit residential structure into condominiums, as defined in Section 783 of the Civil Code, shall not be considered a time-share project, estate, or use for purposes of this subdivision.
 - e. Any proposed development which the executive director finds to be a temporary event which does not have any significant adverse impact upon coastal resources within the meaning of guidelines adopted pursuant to this subdivision by the commission. The

commission shall, after public hearing, adopt guidelines to implement this subdivision to assist local governments and persons planning temporary events in complying with this division by specifying the standards which the executive director shall use in determining whether a temporary event is excluded from permit requirements pursuant to this subdivision. The guidelines adopted pursuant to this subdivision shall be exempt from the review of the Office of Administrative Law and from the requirements of Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code.

3. Exclusion or waiver from the CDP requirements of this division pursuant to this subdivision does not diminish, waive, or otherwise prevent the commission from asserting and exercising its CDP jurisdiction over any temporary event at any time if the commission determines that the exercise of its jurisdiction is necessary to implement the coastal resource protection policies of Chapter 3 of the Coastal Act (commencing with Section 30200)
4. Existing Single-Unit Residential Buildings. Improvements to existing single-unit residential buildings, including all fixtures and other exterior structures directly attached to the residence; ancillary structures normally associated with single-unit residences, such as garages, swimming pools, fences, storage sheds, but not including guest houses or self-contained residential units/accessory dwelling units and junior accessory dwelling units; and landscaping on the lot.
5. The following classes of development are anticipated to require a CDP, however, because they involve a potential risk of adverse environmental effects:
 - a. Improvements to a single-unit structure where either the structure or the improvement is located on a beach, in a wetland or stream, seaward of the mean high tide line, within an environmentally sensitive habitat area, or in an area designated as highly scenic in the Certified LUP, or within 50 feet of the edge of a coastal bluff.
 - b. Any significant alteration of landforms including removal or placement of vegetation on a beach, wetland, or sand dune, or within fifty (50) feet of the edge of a coastal bluff or stream, or in an environmentally sensitive habitat area.
 - c. Expansion or construction of a water well or septic system.
 - d. Improvements on property that is located between the sea and first public road paralleling the sea, or within three hundred (300) feet of the inland extent of any beach or of the mean high tide line of the sea where there is no beach, whichever is the greater distance, or in significant scenic resources areas as designated by the City's Certified LUP, when such improvements would constitute or result in any of the following:
 - 1) An increase of 10 percent or more of the floor area of existing primary structure(s) on the building site or an additional improvement of 10 percent or less where an

improvement to the structure has previously been undertaken pursuant to California Public Resources Code Section 30610(a) and/or this subsection.

- 2) The construction of an additional story or loft or increase in building height of more than 10 percent.
 - 3) The construction, placement or establishment of any significant nonattached structure such as a garage, fence or shoreline protective device but not including an ADU or JADU.
- e. Any improvement to a single-unit residence where the CDP issued for the original structure indicates that any future improvements would require a CDP or CDP Amendment.

In any particular case, even though an improvement falls into one of the classes set forth in this subsection (C)(1), the Director may, upon finding that the impact of the development on coastal resources or coastal access to be insignificant, waive the requirement of a permit pursuant to Section 18.16.060 (De Minimis Waiver of CDP).

6. Other Existing Structures. Improvements to existing structures, other than single-unit residences or public works facilities, including all fixtures and other structures directly attached to the structure and landscaping. The following classes of development, however, require a CDP because they involve a risk of adverse environmental effect, could adversely affect public access, or involve a change in use contrary to the Coastal Act:
- a. Improvements to any structure where either the structure or the improvement is located on a beach, in a wetland or stream, or seaward of the mean high tide line, in an area designated as highly scenic in the certified LUP, or within fifty feet of the edge of a coastal bluff.
 - b. Any significant alteration of landforms, including removal or placement of vegetation, on a beach or sand dune; in a wetland a stream; or within one hundred (100) feet of the edge of a coastal bluff or stream, in a highly scenic area; or in an environmentally sensitive habitat area.
 - c. Improvements on property that is located between the sea and first public road paralleling the sea, or within 300 feet of the inland extent of any beach or of the mean high tide of the sea where there is no beach, whichever is the greater distance, or in significant scenic resources areas as designated by the City's LUP when such improvements would constitute or result in any of the following:
 - 1) An increase of 10percent or more of the internal floor area of existing structure(s) on the building site or an additional improvement of 10 percent or less where an improvement to the structure has previously been undertaken pursuant to California Public Resources Code Section [30610\(a\)](#) and/or this subsection.

- 2) The construction of an additional story or loft or increase in existing structure's height by more than 10percent.
 - 3) The construction, placement or establishment of any significant nonattached structure such as a garage, fence, or shoreline protective works.
 - d. Any improvement where the CDP issued for the original structure indicates that any future improvements would require a CDP.
 - e. Any improvement to a structure that changes the intensity of use of the structure (e.g., such as a substantial increase in square footage in a non-residential building).
 - f. Any improvement made pursuant to a conversion of an existing structure from a multiple unit rental use or visitor-serving commercial use to a use involving a fee ownership or long-term leasehold including but not limited to a condominium conversion, stock cooperative conversion or motel/hotel timesharing conversion.
 - g. In any particular case, even though an improvement falls into one of the classes set forth in this subsection (C)(2), the Director may, upon finding that the impact of the development on coastal resources or coastal access to be insignificant, waive the requirement of a permit pursuant to Section 18.16.060 (De Minimis Waiver of a Coastal Permit).
7. Maintenance Dredging. Maintenance dredging or moving dredged materials to a disposal area outside of the Coastal Zone, pursuant to a permit from the United States Army Corps of Engineers.
8. Repair and Maintenance. Repair or maintenance activities that do not result in an addition to, or enlargement of, the object of the repair and maintenance activities, with the exception of the following activities that involve a risk of substantial adverse environmental impacts:
 - a. Any method of repair or maintenance of a seawall, revetment, bluff retaining wall, breakwater, groin, culvert, outfall, or similar shoreline work that involves:
 - 1) Repair or maintenance involving >50% alteration of the foundation of the protective work including pilings and other surface or subsurface structures; or
 - 2) The placement, whether temporary or permanent, of riprap, or artificial berms of sand, or any other form of solid material, on a beach or in coastal waters, streams, wetlands, estuaries, or on shoreline protective works; or
 - 3) The presence, whether temporary or permanent, of mechanized construction equipment or construction materials on any sand area or bluff or within twenty (20) feet of coastal waters or streams.
 - b. Any repair or maintenance to facilities or structures or work located in an environmentally sensitive habitat area, or any sand area, within 50 feet of the edge of a coastal bluff or environmentally sensitive habitat area; or within 20 feet of any coastal waters and streams that include:

- 1) The placement or removal, whether temporary or permanent, of riprap, rocks, sand or other beach materials or any other forms of solid materials;
 - 2) The presence, whether temporary or permanent, of mechanized equipment or construction materials, except that the use of such equipment solely for routine beach maintenance and/or park maintenance shall not require a CDP;
 - 3) All repair and maintenance activities governed by subsection (C)(4) of this section shall be subject to the permit regulations promulgated pursuant to the Coastal Act, including but not limited to the regulations governing administrative and emergency permits. The provisions of subsection (C)(4) of this section shall not be applicable to those activities specifically in the document entitled Repair, Maintenance and Utility Hookups, adopted by the Coastal Commission on September 5, 1978, unless a proposed activity will have a risk of substantial adverse impact on public access, environmentally sensitive habitat area, wetlands, or public views to the ocean.
 - 4) Unless destroyed by disaster, the replacement of 50 percent or more of a single-unit residence, seawall, revetment, bluff retaining wall, breakwater, groin or any other structure is not repair and maintenance under California Public Resources Code Section [30610\(d\)](#) but instead constitutes a replacement structure requiring a CDP.
 - 5) In any particular case, even though an improvement falls into one of the classes set forth in this subsection (C)(4) (Repair and Maintenance), the Director may, upon finding that the impact of the development on coastal resources or coastal access to be insignificant, waive the requirement of a permit pursuant to Section 18.16.060 (Waiver for De Minimis Development).
9. Utility Connections. The installation, testing and placement in service or the replacement of any necessary utility connection between an existing service facility and any development approved pursuant to the Coastal Act or the certified LCP; provided, however, that the City or the Coastal Commission may, where necessary, require reasonable conditions to mitigate any adverse impacts on coastal resources, including scenic resources.
10. Replacement of Structures Destroyed by Disaster. The replacement of any structure, other than a public works facility, destroyed by a disaster.
- a. Unless otherwise permitted in the Section titled “Deferred Repairs and Accident Damage of Nonconforming Structures and Uses in IP Part 3 (Title 18.60.070)” The replacement structure shall conform to applicable existing zoning requirements, shall be for the same use as the destroyed structure, shall not exceed either the floor area, height, or bulk of the destroyed structure by more than 10 percent, and shall be sited in the same location on the affected property as the destroyed structure.
 - b. As used in this subdivision:

- 1) “Disaster” means any situation in which the force or forces which destroyed the structure to be replaced were beyond the control of its owner.
 - 2) “Bulk” means total interior cubic volume as measured from the exterior surface of the structure.
 - 3) “Structure” includes landscaping and any erosion control structure or device which is similar to that which existed prior to the occurrence of the disaster
11. Time-Share Conversions. Any activity anywhere in the Coastal Zone that involves the conversion of any existing multiple-unit residential structure to a time-share project, estate, or use, as defined in Section [11003.5](#) of the Business and Professions Code. If any improvement to an existing structure is otherwise exempt from the permit requirements of this part, no CDP shall be required for that improvement on the basis that it is to be made in connection with any conversion exempt pursuant to this subsection. The division of a multiple-unit residential structure into condominiums, as defined in Section [783](#) of the Civil Code, shall not be considered a time-share project, estate, or use for purposes of this subsection.
- D. Special and Temporary Events. Special and other temporary events that meet all of the following criteria may be exempt from CDP requirements:
1. The event will not occur on or between Memorial Day weekend and Labor Day or if proposed in this period will not significantly impact public use of roadways or parking areas or otherwise impact public use or access to coastal waters; and
 2. The event will not occupy any portion of a public sandy beach or the location is remote with minimal demand for public use; and
 3. There is no potential for adverse effect of sensitive coastal resources; and
 4. Does not involve permanent structures or structures that involve grading or landform alteration for installation; or
 5. The event has previously received a CDP and will be held in the same location, at a similar season, and for the same duration, with operating and environmental conditions substantially the same as those associated with the previously approved event.
- The Director may determine that a temporary event shall be subject to CDP review, even if the criteria in subsections (D)(1) through (5) of this section are met, if the Director determines that unique or changing circumstances exist relative to a particular temporary event that have the potential for significant adverse impacts on coastal resources.
6. The City may also exclude from permit requirements temporary events meeting all of the above criteria when:
 - a. The fee is for preferred seating only and more than 75% of the provided seating capacity is available free of charge for general public use; or

- b. The event is held on sandy beach area in a remote location with minimal demand for public use, and there is no potential for adverse effect on sensitive coastal resources; or
 - c. The event is less than one day in duration; or
 - d. The event has previously received a CDP and will be held in the same location, at a similar season, and for the same duration, with operating and environmental conditions substantially the same as those associated with the previously-approved event.
7. Definitions. For purposes of this section (D and E above), the following definitions shall apply:
- a. “Temporary event(s)” means an activity or use that constitutes development as defined in Section 30106 of the Coastal Act; and is an activity or function of limited duration; and involves the placement of non-permanent structures; and/or involves exclusive use of a sandy beach, parkland, filled tidelands, water, streets or parking area which is otherwise open and available for general public use;
 - b. ” Limited duration” means a period time which does not exceed a two-week period on a continual basis, or does not exceed a consecutive four-month period on an intermittent basis;
 - c. “Non-permanent structures” include, but are not limited to, bleachers, perimeter fencing, vendor tents/canopies, judging stands, trailer, portable toilets, sound/video equipment, stages, platforms, movie/film sets, etc., which do not involve grading or landform alteration for installation
 - d. ” Exclusive use” means a use that precludes use in the area of the event for public recreation, beach access or access to coastal waters other than for or through event itself.
 - e. “Coastal resources” include, but are not limited to, public access opportunities, visitor and recreational facilities, water-oriented activities, marine resources, biological resources, environmentally sensitive habitat areas, agricultural lands, and archaeological or paleontological resources.
 - f. “Sandy beach area” includes publicly owned and privately owned sandy areas front on coastal waters, regardless of the existence of potential prescriptive rights or a public trust interest.

18.16.050 Categorically Excluded Projects.

The City has an existing Categorical Exclusion Order E-82-01 which will expire and be renewed concurrent with Coastal Commission Executive Director Sign Off of the IP.

Post-Certification Categorical Exclusion. The Coastal Commission may adopt a new Categorical Exclusion Order after certification of this Implementation Plan pursuant to Section 30610(e) or 30610.5 of the Public Resources Code and Subchapter 4 or 5 of Chapter 6 of Division 5.5 of Title 14 of the

California Code of Regulations (Sections 13215-235 and 240-249). Records of such Categorical Exclusions shall be kept on file with the City.

- A. Notice of Exclusion. A notice of exclusion shall be provided to the Coastal Commission, via email or regular mail, and to any person who has requested such notice within five working days of issuance. The notice of exclusion may be issued at the time of project application but shall not become effective until all other approvals and permits required for the project are obtained. A copy of all terms and conditions imposed by the City shall be provided to the Coastal Commission, per Section 13315 of the California Code of Regulations.

18.16.060 De Minimis Waiver of Coastal Development Permit.

- A. Authority. The Director may issue a written waiver from the CDP requirements of this chapter for any development that is de minimis.
- B. Determination of Applicability. A proposed development is de minimis if the Director determines, based on a review of an application for a CDP, that the development satisfies all of the following requirements:
1. The proposed development is within the Coastal Zone and not located within an appeal area and not within an area where the Coastal Commission retains permit jurisdiction and no local public hearing is required.
 2. The proposed development involves no potential for any adverse effect, either individually or cumulatively, on coastal resources and is consistent with the policies and regulations of the certified LCP.
 3. The determination shall be made in writing and based upon factual evidence.
- C. Applicability. The Director may consider the following types of development for possible permit waivers:
1. Proposed development that would otherwise be on the consent calendar of the City Council agenda without special conditions of approval;
 2. Proposed development which is fully consistent with the certified LCP and for which all applicable policies of the LCP are objective in nature, such that staff does not have to exercise its judgment as to satisfaction of subjective criteria; and
 3. Proposed development located in areas where similar development has been approved as a routine matter without conditions or opposition.

The following types of development will not be considered for possible de minimis waivers:

- Projects that involve questions as to conformity with the certified LCP, or that may result in potential impacts on coastal resources and public access;
- Projects with known opposition or probable public controversy; and

- Projects that involve Tentative Tract Map or Parcel Map for condominium conversions.

D. Public Notice. If, upon review of the CDP application, the Director determines that the development is de minimis, the applicant shall post public notice of the de minimis waiver on the property for at least seven calendar days prior to the final decision granting the waiver. Notice of intent to issue a de minimis waiver shall also be made to the Coastal Commission and to persons known to be interested in the proposed development within 10 calendar days of accepting an application for a de minimis waiver or at least seven calendar days prior to the decision on the application.

The Director shall provide notice, by first class mail, of pending waiver of permit requirements. This notice shall be provided to all persons who have requested to be on the mailing list for that development project or site or for coastal decisions within the local jurisdiction, to all property owners and residents within three hundred (300) feet of the perimeters of the parcel on which the development is proposed, and to the Coastal Commission.

E. Content of Public Notice. The notice shall contain the following information:

1. A general description of the proposed project and location;
2. A statement that the development is within the Coastal Zone;
3. The date of filing of the application and the name of the applicant;
4. The number assigned to the application;
5. The date at which the waiver may become effective;
6. The general procedure concerning the submission of public comments either in writing or orally prior to the decision; and
7. A statement that a public comment period of sufficient time to allow for the submission of comments by mail will be held prior to the decision.

F. The Director shall report to the City Council at its next available public meeting those projects for which CDP de minimis waivers are proposed, with sufficient description to give notice of the proposed development to the City Council. A list of waivers issued by the Director shall be available for public inspection at the public counter of the Community Development Department and at the City Council meeting during which any waivers are reported. A waiver shall not take effect until after the Director makes his/her report to the City Council. If one-third of the City Council (two members) so request, such issuance shall not be effective and, instead, the application for a CDP shall be processed in accordance with the CDP provisions of this chapter.

18.16.070 Coastal Commission Review of Recorded Access Documents.

A. Standards and Procedures. Upon final approval of a CDP or other authorization for development, and where issuance of the permit or authorization is conditioned upon the applicant recording a legal document which restricts the use of real property or which offers to dedicate or grant an

interest or easement in land for public use, a copy of the permit conditions, findings of approval, and drafts of any legal documents proposed to implement the conditions shall be forwarded to the Coastal Commission for review and approval prior to the issuance of the permit consistent with the following procedures and California Code of Regulations Section 13574:

1. The Executive Director of the Coastal Commission shall review and approve all legal documents specified in the conditions of approval of a CDP for public access and conservation/open space easements.
 - a. Upon completion of permit review, and prior to the issuance of the permit, the City shall forward a copy of the permit conditions, findings of approval, and copies of the legal documents to the Executive Director of the Coastal Commission for review and approval of the legal adequacy and consistency with the requirements of potential accepting agencies;
 - b. The Executive Director of the Coastal Commission shall have 15 working days from receipt of the documents in which to complete the review and notify the City of recommended revisions if any;
 - c. The City may issue the permit upon expiration of the 15 working day period if notification of inadequacy has not been received by the City within that time period;
 - d. If the Executive Director has recommended revisions to the City, the permit shall not be issued until the deficiencies have been resolved to the satisfaction of the Executive Director; or
2. At the time of CDP approval, if the City requests, the Coastal Commission shall delegate to the City the authority to process the recordation of the necessary legal documents pertaining to the public access and open space conditions. Upon completion of the recordation of the documents, the City shall forward a copy of the permit conditions and findings of approval and copies of the legal documents pertaining to the public access and open space conditions to the Executive Director of the Coastal Commission.

PART 3 GENERAL COASTAL DEVELOPMENT STANDARDS

CHAPTER 18.20 - GENERAL COASTAL DEVELOPMENT STANDARDS

18.20.010 Purpose and Intent.

The purpose of this chapter is to ensure that development is consistent with the Local Coastal Program (LCP) Land Use Plan (LUP), complies with the development standards of this chapter, produces an environment that is harmonious with existing and future development, and protects the use and enjoyment of neighboring properties.

The standards of this chapter apply to all zoning districts in the Coastal Zone. These standards shall be considered in combination with the standards for each Coastal zoning district in Part 4 (Coastal Zoning Districts, Allowable Land Uses, and Standards) of this Implementation Plan (IP). Where there may be a conflict, the standards that are most restrictive and/or most protective of coastal resources shall prevail.

All structures, additions to structures, and uses shall conform to the applicable standards of this chapter as determined by the Community Development Director.

18.20.020 General Site Planning and Development Standards.

- A. Purpose. This section provides general standards for siting and planning development in the Coastal Zone, as well as more specific standards applicable to development along coastal bluffs and coastal canyons.
- B. Location of New Development. New development shall be located in areas with adequate public services or in areas that are capable of having public services extended, maintained, or expanded without significant adverse effects on coastal resources. Redevelopment and infill development shall be allowed within and adjacent to the existing developed areas in the Coastal Zone subject to the density and intensity limits and resource protection policies of the LUP.
- C. Development in Areas Subject to Coastal Hazards - Geologic, Fire or Flooding.
 1. Applicability. The provisions in this section apply to development within the Coastal Zone. Refer to Section 18.20.040, Protection of Natural Landforms and Shoreline, for additional standards pertaining to lots containing coastal bluffs or canyons.
 2. Site Specific Coastal Hazards Report. CDP applications for development proposed on a bluff top or other lot subject to current or potential future erosion, slope instability, flooding/inundation, wave runup, or wave impacts, and sea level rise shall include a comprehensive hazards report as outlined in IP Section 18.68.050.

3. Fuel Modification.

- a. **Applicability.** This subsection provides standards for development within and adjacent to wildland fire hazard areas including coastal bluffs and canyons.
- b. New development in urban-wildland interface areas shall be sited and designed to minimize required fuel modification and brushing to the maximum extent feasible in order to minimize habitat disturbance or destruction, removal or modification of native vegetation, and irrigation of natural areas, while providing for fire safety. No fuel modification required to protect new development shall take place in environmentally sensitive habitat areas (ESHA). Development shall utilize fire-resistant materials.
- c. CDP applications for new development near native or sensitive habitat shall include a Fuel Modification Plan approved by OCFA including a site plan/depiction of the total area of natural vegetation that would be impacted by the required Fuel Modification Plan.
- d. Fire risk reduction shall be determined on a case-by-case basis, by Planning and/or Engineering Department staff in coordination with staff from OCFA, and may include the following, but is not limited to:
 - 1) Increased setback from sensitive habitat and/or significant biological resources;
 - 2) Exceedance of Building Code and Fire Code requirements for project;
 - 3) Class A Roof Systems;
 - 4) Irrigated fuel modification zones;
 - 5) Installation of masonry or other noncombustible walls at top of slope;
 - 6) Boxed eaves;
 - 7) Ember-resistant vents;
 - 8) Reduced landscaping; and
 - 9) Other such alternative construction methods.
- e. In high fire hazard areas as mapped by [CalFire](#) two fuel modification zones, as established by CalFire and/or the Orange County Fire Authority shall be enforced:
 - 1) Zone 1 is a non-flammable, irrigated zone, which shall extend from a structure outward to a minimum of 30 feet. Key components in Zone 1 shall include:
 - Non-combustible surface (pavement, concrete, decomposed granite, etc.) or,
 - Irrigated wet zone (water conserving irrigation systems with efficient drip emitters and “smart” controllers and use of California Friendly landscape concepts);
 - High-leaf-moisture plants as ground cover, less than 4 inches high;

- No tree crowns within 10 feet of structures (at maturity);
 - Tree spacing of a minimum 10 feet between crowns;
 - No tree limb encroachment within 10 feet of a structure or chimney, including outside barbecues or fireplaces;
 - Tree maintenance includes canopy raising to 6 feet or one-third the height of the tree;
 - Shrubs less than 2 feet tall, on 5-foot centers;
 - Year-round maintenance;
 - Fire-resistive species composition; and
 - No combustible fencing in rear or side yards.
- 6) Zone 2 is a thinning zone, which reduces the fuel load of a wildland area adjacent to Zone 1, and thereby, reduces heat and ember production from wildland fires, slows fire spread, and reduces fire intensity as it approaches the Zone 1 and structure. Zone 2 adjoins Zone 1 on its outer edge and shall measure 50 feet in width. In this Zone, no more than 50% of the native, non-irrigated vegetation shall be retained. Key components in Zone 2 shall include:
- A minimum of 50% thinning or removal of plants (50% no fuel), focusing on removal of the most flammable species and dead and dying plants while creating a mosaic of shrub groupings;
 - Grasses between shrub groupings cut to 4 inches in height;
 - Ground cover between shrub groupings to be maintained less than 6 inches high;
 - Trees and tree-form shrub species that naturally grow to heights that exceed 4 feet vertically pruned to prevent ladder fuels;
 - Maintenance including ongoing removal and thinning of dead/dying shrubs; and
 - Plant species introduced or to remain in Zone 2 shall not include prohibited or highly flammable species.
- g. Fuel modification zones abutting sensitive habitats and significant biological resources shall consist of fire-resistive, native plant species as listed in the Orange County Fire Authority (OCFA) Fuel Modification Zones Plant List.
- h. Invasive plant species shall be prohibited in fuel modification zones abutting sensitive habitats, and significant biological resources.

- i. Fuel modification zones shall be located within the site being developed to the maximum extent feasible. Fuel modification performed by private property owners cannot go beyond property lines without a notarized agreement or fuel modification easement by the adjacent property owners.
- j. Fuel modification on public land to protect existing private development shall be avoided whenever feasible; if avoidance is not feasible, measures must be employed to minimize the amount of fuel modification necessary on public land.
- k. No new division of land shall be allowed that would require new fuel modification (e.g., vegetation removal) or new fuel breaks in ESHA or on public open space or park lands to protect new development within the resultant lots.
- l. If natural vegetation removal is proposed, as part of a fuel modification plan, applications for new development shall include the total acreage of natural vegetation that would be removed or subject to other fuel modification requirements, such as thinning.
- m. Alternative Fuel Modification. Alternative fuel modification measures, including but not limited to landscaping techniques to preserve and protect habitat areas, buffers, designated open space, or public parkland areas, may be approved by the Fire Department/Orange County Fire Authority only where such measures are necessary to protect public safety. Such “landscaping techniques” shall not include the use of a restricted or controlled native plant palette, mechanized mowing, thinning or pruning, permanent irrigation beyond 20 feet of combustible structures. Other alternative fuel modification methods that would result in a reduction in the size or quality of the areas to be preserved and protected, as listed above, shall be consistent with LUP RES-83. Alternative fuel modification methods also shall not adversely impact public access opportunities. All development shall be subject to applicable federal, state, and City fire protection requirements. 18.20.030 Coastal Zone Subdivision.

In addition to all the other applicable specific provisions of this chapter, the following general provisions shall apply in review of subdivision of land: or lot line adjustment:

- D. Compliance with Local Coastal Program Required. Any proposed subdivision of land or lot line adjustment lying wholly or partially within the Coastal Zone shall be designed to comply with and implement the goals, policies, and various components of the Local Coastal Program for those parcels of the subdivision lying within the Coastal Zone. No subdivision of land or lot line adjustment shall be approved unless development of all created parcels in the Coastal Zone can occur in compliance with the applicable provisions of the certified Local Coastal Program.
 1. Limit subdivisions in areas vulnerable to sea level rise. Prohibit any new land divisions, including subdivisions, lot splits, lot line adjustments, and/or certificates of compliance that create new beachfront or blufftop lots unless the lots can ensure that when the lots are

developed, the development will not be exposed to hazards or pose any risks to protection of coastal resources, consistent with Section 18.68.040.

2. Parcel or tract maps shall not be recorded with the County of Orange until a finding of consistency with this Section pursuant to a final local CDP is approved by the City, or approved by the Coastal Commission on appeal, if applicable.
- E. **Public Access and Open Space Areas.** When the Local Coastal Program indicates the location of a public accessway or of any permanent open space or conservation area within the boundaries of a proposed subdivision, such accessway, open space, or conservation area shall be shown on the tentative map and offered for dedication to the City. If no public accessway is provided to an identified access point in the Land Use Plan, a proposed subdivision adjacent to or that encompasses the access point shall identify and offer for dedication an accessway to the City. When an accessway, open space, or conservation area is already in existence at the time a tentative map is filed, the status of such accessway, open space, or conservation area, whether public or private, shall be identified on the map.
1. Where feasible, dedications shall provide connections to existing and proposed bikeways and trail systems.
 2. Park and recreational facilities shall be adequate to accommodate the needs of new residents of the subdivision.
 3. Where feasible, public trails, recreation areas, and viewing areas shall be provided adjacent to public coastal view corridors.
- F. **Coastal Resource Protection.** Proposed subdivisions shall be designed to minimize impacts to natural landforms, aesthetics and coastal access and shall preclude new development within ESHA and shall prevent impacts (e.g., fencing, vegetation removal, fuel modification) that would significantly degrade ESHA.
- G. **Private Streets.** New private streets that inhibit existing public access to and along the shoreline and to beaches, coastal parks, trails, or coastal bluffs are prohibited.

18.20.030 Protection of Natural Landforms and Shoreline.

- A. **Purpose.** This section provides regulations for the protection of natural landforms and shoreline features. The intent is to ensure that development is sited and designed to minimize hazards to life and property; to ensure the structural integrity of coastal bluffs and canyons; to neither create nor contribute to erosion or adverse impacts on shoreline sand supply and the shoreline; and to protect public access, public views, and scenic qualities of the Coastal Zone; and to implement policies of the Land Use Plan.
- B. **Applicability.** This section applies to CDP applications for development applications on lots that abut or include Coastal Bluffs, Coastal Canyons, beaches, or the shoreline; as defined in Chapter 18.84. See Exhibit 18.88.070 Coastal Canyons.

C. Development Standards. Development proposed that abuts a coastal bluff or on a coastal bluff lot on coastal bluffs or within coastal canyons or within shoreline areas are subject to the following standards:

1. Determination of Bluff or Canyon Edge. All development applications for projects adjacent to a coastal bluff or canyon edge shall provide a topographic survey of the property that indicates the location of the bluff or canyon edge. The topographic survey shall be prepared by a licensed surveyor or registered civil engineer. The edge location shall be drawn in accordance with the definition for “bluff edge” or “canyon edge” as defined in Part 5 of the IP.
2. If after reviewing the topographic survey, the City Planner determines that the location of the bluff and/or canyon edge has not been drawn in accordance with the definition of edge, the City may stake the bluff or canyon edge in the field. Once the edge is staked, a licensed surveyor or registered civil engineer shall survey the location of the stakes and transfer the stakes coordinates onto the topographic survey. This information shall then be used to accurately establish the edge of bluff or canyon on the topographic survey and project site plan.
3. Coastal Bluff and Canyon Preservation.
 - a. Landscaping. Landscaping in coastal canyon setback areas or the coastal bluff setback areas, shall be primarily composed of native plant species suitable to the adjacent vegetation/habitat type. The removal of native plant species and the introduction of non-native plant species in coastal bluffs and canyons shall be prohibited to the maximum extent feasible. .
 - b. Vegetation thinning and/or clearing within Coastal Canyons and Bluffs, (including areas located within 30 feet of any habitable structure or parking garage), shall be allowed, when done in accordance with the fuel modification requirements in Section 18.20.020(C)(3), Fuel Modification, and the following criteria:
 - 1) Vegetation must be removed if it is located next to or under combustible habitable structures, their overhangs, or appendages. If the 30 foot Fuel Modification Zone 1 area is on a slope of 10 degrees or higher, an alternative approach is necessitated: all ornamental plants shall be removed; dead, dying native plants shall be removed; and native plants shall be trimmed and thinned by removing the lower 1/3 to 2/3 of the plants’ vegetative growth and accumulated litter and dead material, while retaining root structures in place for slope and soil stability; and a total of 50% of the fuel load shall be removed within 30 feet of structures and result in plant spacing distance that is approximately three times the width of plant or plant group canopy widths. Where root zone is not sufficiently established, to be determined by the City Engineer or other designated City personnel, alternative measures for slope and soil stability may be required, to the satisfaction of the City Engineer.

- 2) Best Management Practices must be utilized to prevent any discharge of soil, vegetation or other material to the storm drain system (including natural canyons, area drains, streets, gutters, catch basins, pipes, channels, or receiving waters) in compliance with the municipal storm water permit issued by the San Diego Regional Water Quality Control Board, the City's IP, and the Orange County Drainage Area Management Plan.
 - c. Landscape thinning and clearing within Coastal Canyons and Bluffs, including areas located between 30 and 100 feet of any habitable structure or parking garage, shall be allowed when done in accordance with fuel modification requirements in Section 18.20.020(C)(3)(4), Fuel Modification, and the following criteria. The areas beyond the Zone 1 30 feet area from habitable structures are commonly referred to as fuel modification Zone 2 thinning zones. In these zones, dead and dying plants, accumulations of leaves, thatch and similar debris shall be removed. The goal is to provide between 30% and 50% thinning and removal of existing dead plant material and overall fuels without increasing erosion potential. This is accomplished by:
 - 1) Removing dead and dying plants, branches, leaves, and similar debris.
 - 2) Removing non-native (also termed as ornamental or exotic) vegetation.
 - 3) Nominal trimming of native vegetation is allowed and shall include removal of the lower 1/3 to 2/3 of the plant vegetation and accumulated dead material and litter. In no case shall plants be trimmed down to the root stalk, unless approved by the City Planner.
 - 4) Best Management Practices must be utilized to prevent any discharge of soil, vegetation, or other material to the storm drain system (including natural canyons, area drains, streets, gutters, catch basins, pipes, channels, or receiving waters) in compliance with the municipal storm water permit issued by the San Diego Regional Water Quality Control Board, the City's IP, and the Orange County Drainage Area Maintenance Plan.
 - d. New landscaping and landscape modification, other than as described above, must be approved by the City Planner.
4. Landform Alterations for Coastal Bluffs and Canyons.
- a. Prohibition of Landform Alterations. Grading, cutting, or filling that will alter natural shoreline processes for coastal bluffs and/or canyons shall be prohibited unless approved by the City and one of the following findings made:
 - 1) Alterations to a coastal bluff or canyon are required for compelling reasons of public safety (e.g., grading work necessary for stabilization of the coastal bluffs adjacent to the Pacific Coast Highway or above the public beach, or for the existing railroad, without which stabilization would threaten life and property); or

- 2) The alterations are required to provide a significant overriding coastal public benefit (e.g., staircases or accessways or other critical public infrastructure to provide coastal access to the public where none previously existed).
 - 3) The alterations are associated with a shoreline protective device required to protect a public beach or existing structure in danger of erosion or failure.
- b. Standards for Permitted Landform Alterations.
- 1) Where permitted, alterations of bluffs and/or canyons shall comply with all of the following standards:
 - Any landform alteration proposed for reasons of public safety, public benefit or required to protect existing structures shall minimize grading to the maximum extent feasible. In the areas where the natural landform is impacted, the stabilization method used shall be visually compatible with the coastal landform (e.g., landform or contour grading, artificial sculptured bluff face that matches the color and contour of the natural bluff to the maximum extent feasible).
 - All feasible mitigation measures capable of reducing or eliminating project-related impacts have been incorporated into the project.
 - Native, drought tolerant plants and efficient irrigation shall be required for landscaping to minimize water consumption, fertilization, and chemical application, and to visually relate development to existing natural landscapes where present. Grading shall not alter the biological integrity of any sensitive habitat areas unless it is replaced with habitat of equal or greater value.
 - 2) Development shall include all applicable water quality and stormwater protection measures as outlined in IP Chapter 18.72.

18.20.040 Accessory Buildings and Structures.

A. General Requirements for Accessory Buildings and Structures

1. Attached or detached accessory buildings and accessory structures may be constructed with, or subsequent to, the construction of the primary building as provided for herein. Exceptions may be granted as deemed by the City Planner or other City designee.

B. Within Coastal Bluff Lots

1. Ancillary improvements, such as at-grade decks, walls, fences, retaining walls, patio covers, and other accessory structures, that do not require continuous deepened foundations as determined by the City Planner, may encroach into the bluff edge setback to a minimum of 10 feet from the bluff edge.

C. Within Coastal Canyon Lots:

1. Ancillary improvements, such as at-grade decks, walls, fences, retaining walls, patio covers, and other accessory structures, that do not require deepened foundations as determined by the City Planner, may encroach into the 15-foot canyon edge setback to a minimum of 5 feet from the canyon edge.
2. Drainage devices extending into a canyon will be allowed only when 100% site drainage to the street is not practical, to be determined by the City Engineer. Drainpipes are to be designed and placed to minimize impacts to the canyon, including visual impacts. Where practical, when extensions are made to existing drainpipes, the entire length of pipe shall be brought into conformance with this section. Drainpipes must be reviewed and in-concept approved by the City Engineer and City Planner, or their designees.

Adequate visual impact mitigation may include color of original pipe, painting of pipe to blend with natural surroundings, screening of pipe using vegetation and other natural land features, or any other method deemed appropriate by the City Planner.

18.20.050 Setbacks and Encroachments.

The setbacks below are minimum setbacks that may be altered to require greater setbacks when required or recommended as a result of a geotechnical review. New development or redevelopment requiring a CDP shall comply with the following setback and encroachment regulations, as applicable. No development shall be permitted within the setbacks provided below except for as provided in A, Exceptions to the Standards, of this section.

- A. **Exceptions to the Standards.** Exceptions to the standards in this section shall be permitted for an addition to an existing structure if the exception is in keeping with the intent and standards of this section and consistent with the LCP.
- B. **Setback Determining Factors.** When selecting the appropriate setback, the City Planner shall consider the following factors: geology, soil, topography, existing vegetation, public views, adjacent development, safety, minimization of potential impacts to visual resources, community character, protection of native vegetation, ESHA, and equity. These additional factors may require increased setbacks. The development setback shall be established depending on site characteristics and determined after a site visit by a City Planner.
- C. **Multiple Setbacks.** When there are two or more setback choices available in the standards below (e.g., stringline and bluff or canyon edge setback), the City Planner shall determine which of the setbacks shall be applied to a development based on the geology, soil, topography, existing vegetation, public views, adjacent development and other site characteristics. The greatest setback of the setbacks listed below shall be applied to the development, with setback requirements for bluff and canyon edges and biological resources having priority over street and rights-of-way setbacks, while maintaining a minimum 5-foot setback from the property line. along the frontage road/street.

D. Coastal Bluff Setback. Proposed development or redevelopment on coastal bluff lots shall be set back:

1. At least 25 feet from the bluff edge (see 18.84.040, Definitions, Determination of Bluff or Canyon Edge; or
2. In accordance with a stringline drawn between the nearest corners of adjacent primary or accessory structures on either side of the development; or
3. [A distance sufficient to maintain a factor of safety against sliding of at least 1.5 under static conditions and 1.1 under seismic (pseudostatic) conditions for the full economic life of the development (generally seventy-five (75) years). This generally means that the setback necessary to achieve a factor of safety of 1.5 (static) and 1.1 (pseudostatic) today must be added to the expected amount of bluff erosion over the economic life of the development (generally seventy-five (75) years), accounting for the effects of sea level rise]

E. Coastal Bluff Setback Restrictions. The following restrictions shall apply to coastal bluff setbacks:

1. For new development or Major Remodels, no deepened foundations, such as caissons, shall be located within 25 feet of a bluff edge.
2. Cantilevering into the bluff top setback or geologic setback may be allowed up to a 10-foot seaward projection as described in the IP Section 18.20.060.
3. Construction to within 5 feet of the public right-of-way/front/ yard setback for all stories shall be allowed as long as adequate architectural relief (e.g., recessed windows or doorways or building articulation) is maintained as determined by the City.
 - a. No variance or other additional permit shall be required for a reduction in the street side setback to a minimum of 5 feet when this policy is applied, provided the development is consistent with all other applicable LUP policies.
4. Ancillary improvements,, that do not require deepened foundations such as at-grade decks, walls, fences, retaining walls, patio covers, and other accessory structures, as determined by the City Planner, may encroach into the 25-foot bluff edge setback to a minimum of 10 feet from the bluff edge provided such improvements:
 - a. are consistent with all other applicable LCP policies;
 - b. are sited and designed to be easily relocated landward or removed without significant damage to the bluff area
 - c. will be relocated and/or removed and the affected area restored to natural conditions when threatened by erosion, geologic instability, or other coastal hazards
 - d. are removed by the landowner in the event that portions of the development fall to the bluffs, beach or ocean before they are removed/relocated, along with all recoverable debris, and the material lawfully disposed of in an approved disposal site;

- e. Do not require any bluff or shoreline protective device.
- F. **Bluff Top Swimming Pool Setback.** The minimum bluff top setback for a swimming pool is the greater of 25 feet from the bluff edge, or the setback distance recommended as a result of the required geotechnical review. All new or substantially reconstructed swimming pools shall incorporate a leak prevention/detection system.
- G. **Bluff Face Development.** Bluff Face Development. Drainage devices extending over or down the bluff face will not be permitted if the property can be drained away from the bluff face. Drainpipes will be allowed only where no other less environmentally damaging drain system is feasible and the drainpipes are designed and placed to minimize impacts to the bluff face, toe, and beach.
- H. New permanent structures shall not be permitted on a bluff face, except for engineered staircases or accessways to provide public access where no feasible alternative means of public access exists. Bluff face public access facilities shall meet the following criteria:
- 1. Must be designed and constructed to minimize landform alteration of the oceanfront bluff face;
 - 2. Does not contribute to further erosion or cause, expand, or accelerate instability of the bluff;
 - 3. Must be visually compatible with the surrounding areas;
 - 4. Avoids the need for bluff or shoreline protection to the extent feasible; and
 - 5. Must be sited and designed to be easily relocated or removed without significant damage to the bluff or shoreline.
- I. **Coastal Canyon Setback.** New development or redevelopment, including principal structures and accessory structures with foundations, such as guest houses, pools, and detached garages, shall not encroach into coastal canyons. The development setback shall be established depending on site characteristics and determined after a site visit by a City Planner if warranted. Coastal Canyon Setbacks shall be set back the greater of either:
- 1. A minimum of 30% of the depth of the lot, as measured from the property lines that abut the bottom of the coastal canyon, and not less than 15 feet from the canyon edge; or
 - 2. A minimum of 30% of the depth of the lot, as measured from the property lines that abut the bottom of the coastal canyon, and set back from the line of native vegetation (not less than 15 feet from coastal sage scrub vegetation or not less than 50 feet from riparian vegetation);
or
 - 3. In accordance with house and deck/patio stringlines drawn between the nearest corners of adjacent structures (rear corner/side of structure closest to coastal canyon), .that are also on lots containing a Coastal Canyon.

- J. A legally permitted structure developed prior to the Coastal Act may be considered in the stringline setback when it is in character with development along the coastal canyon that has been approved under the Coastal Act with the benefit of CDPs.
- K. Coastal Canyon Ancillary Improvements. Ancillary improvements such as decks and patios, which are at grade and do not require continuous structural foundations or fuel modification that may impact native vegetation, may encroach into the 15-foot canyon edge setback from the canyon edge. No new or redeveloped walkways, stairs, or retaining walls shall extend into the canyon beyond the required coastal canyon setback.
- L. Canyon Pool Setbacks. The minimum setback for swimming pools adjacent to coastal canyons is 15 feet from the canyon edge. All new or substantially reconstructed swimming pools shall incorporate a leak prevention/detection system. This minimum setback may be altered to require greater setbacks when required or recommended as a result of geotechnical review required by LUP Policy HAZ 8 and HAZ-9
- M. Drainage Devices. Setback Determining Factors. When selecting the appropriate setback, the City Planner shall consider the following factors: geology, soil, topography, existing vegetation, public views, adjacent development, safety, minimization of potential impacts to visual resources, community character, equity and protection of native vegetation. These additional factors may require increased setbacks depending on the conditions of the site and adjacent coastal resources. The development setback shall be established depending on site characteristics and determined after a site visit by a City Planner as may be warranted.
1. Adequate visual impact mitigation may include color of original pipe, painting of pipe to blend with natural surroundings, screening of pipe using vegetation and other natural land features, or any other method deemed appropriate by the Community Development Director or City Planner.
- N. Location and Measurement of Setbacks. Setbacks shall be located and measured as follows:
1. General.
 - a. Measure at Right Angles. The distance/depth of a setback area (i.e., front, side, or rear) shall be measured at right angles from the nearest property line in order to establish a setback area/line parallel to that property line.
 - b. Future Street Right-of-Way. Whenever a future street right-of-way line is officially established, required setback areas shall be measured at right angles from the established future right-of-way line(s).
 2. Front Setback Area.
 - a. General. The front setback area shall extend across the entire width of the lot frontage.
 - b. Corner Lots. The front setback area for a corner lot shall be the required distance parallel to the shortest property line adjoining the street.

3. Side Setback Area. The side setback area shall be established by a line parallel with the side property line and extending between the front and rear setback areas.
4. Street Side Setback Area. The side setback area on the street side of a corner lot shall be established by a line parallel with the side property line adjoining the street and extending between the front and rear setback areas.
5. Rear Setback Area.
 - a. General. The rear setback area shall extend across the entire width of the rear of the lot.
 - b. Irregularly Shaped Lots. Where the side lot lines converge to a point at the rear of the lot and make an angle 90 degrees or less, a line 10 feet long within the lot, parallel to and at a maximum distance from the front lot line, shall be deemed to be the rear lot line for the purpose of determining the depth of the required rear setback area. Where the angle created by the convergence of two side lot lines at the rear of the lot is greater than 90 degrees, a line 10 feet long measured from the point of convergence and perpendicular to the front lot line shall establish the location of the required rear setback line.
6. Residential Zones and Residential Lots in Mixed Use Zones: In the case of through lots, the rear yard setback shall be the same numerical requirement as the front yard setback. The rear yard setback for a through lot may not be reduced by using the provisions for the median front yard setback found in Chapter 18.40, Residential Zones and Standards.
7. All Other Zones and Lots. For all other lots and zones, the rear yard setback for a through lot shall be the rear yard setback required in the development standard tables in each zone.

18.20.060 Fences, Walls, and Hedges.

- A. Purpose and Intent. The purpose and intent of this section is to establish standards for fences, walls and hedges that limit their visual and traffic impacts, but allow for the privacy and architectural interest afforded by such structures. The purpose of a stricter fence height limit in the front yard is to provide for an open street scene, to allow the primary structures on a street to be visible and to contribute to the visual character of the neighborhood, and to allow for unobstructed views of traffic to and from driveways.
- B. Standards for Fences, Walls, and Hedges in All Zones
 1. Maintenance. Fences, Walls, and Hedges shall be constructed and maintained so that they do not constitute a hazard to traffic, persons, or property.
 2. Prohibited Types of Fences. Barbed wire and razor fences are prohibited in all zones, except when such materials are needed to restrict access to public utility equipment such as high voltage transformers.

3. **Measuring Height.** The height of fences, hedges, and walls and all structural elements supporting fences, walls and hedges, including pilasters, trellises, etc., shall be measured from the lower side of finished grade to the top of the fence, hedge, or wall.

C. Standards for Fences, Walls, and Hedges in Residential Zones

1. **Height Limits.** Table 18-3 provides the maximum height limit for fences, walls, and hedges in residential zones. In front yards and portions of street side yards, fences, walls, and hedges have a stricter height limit to maintain an open street scene, preserve the visibility of primary structures; enhance neighborhood character, and provide unobstructed views of traffic to and from driveways.

Table 18 - 3 Maximum Height of Fences, Hedges, and Walls

Location	Maximum Height
Front setback areas	3 feet 6 inches
Rear yard, interior side, and other areas of lot setback areas	6 feet
Street-side setback area	Reverse corner lot: 3 feet 6 inches. Corner lot: Within 5 feet from street-side property line: 3 feet 6 inches. Remaining width of street-side yard: 6 feet

2. Exceptions.

- a. A Minor Exception Permit (MEP) is required to allow the height of a fence, wall, or hedge in front yards and street side yard setback areas (within 5 feet of property line) to be increased to a maximum 6 feet.
- b. A Conditional Use Permit is required to allow the height of a fence, wall, or hedge in the rear half of a lot to exceed 6 feet when the fence, wall, or hedge encloses tennis courts, other similar recreational areas, or private screened outdoor areas.
- c. **Required Findings.** In addition to the general findings required for permits, the following specific findings shall be made to allow height exceptions for fences, walls, or hedges:
 - 1) The height of the fence, wall, or hedge will not be unsightly or incompatible with the character of or uses in the neighborhood;
 - 2) The height of the fence, wall, or hedge will not have negative visual impacts upon the street scene or obstruct views of traffic to and from driveways.

D. Standards for Fences, Walls, and Hedges in Nonresidential Zones. In nonresidential zones, fences, walls, and hedges shall comply with the following requirements:

1. **Height and Materials.** The height limit and other features of fences, walls, and hedges are reviewed and approved through the discretionary review process.

2. **Fencing Around Parking Areas. Minimum Standards for Screening Parking Lots in Nonresidential and Mixed-Use Zones.** Parking lots designed for five or more vehicles and located adjacent to residentially zoned property shall be separated from adjacent residential properties by a six-foot wall, or view-obscuring fence, measured from the finished grade of the residential property. In no case shall the wall be less than 5 feet tall as measured from the finished grade of the nonresidential property. The wall shall be screened with landscaping to minimize visual impact upon the neighborhood.

E. Retaining Walls.

1. **Standards for Retaining Walls in All Zones.**
 - a. **Construction and Maintenance.** Retaining walls shall be constructed and maintained so that they do not constitute a hazard to traffic, persons, or property.
 - b. **Measuring Height.** The height of retaining walls shall be measured from the lower side of finished grade to the top of the retaining wall.
2. **Standards for Retaining Walls in Residential Zones.** Unless otherwise provided for in the applicable zones, the following standards shall apply to retaining walls and to all structural elements supporting the retaining walls, including pilasters, trellises, etc. In addition to the regulations set forth in this section, all retaining walls shall be constructed and maintained so that they do not constitute a hazard to traffic, persons, or property.
 - a. **Height Limits.** The maximum height limits for residential retaining walls are shown in Table 18-4, Maximum Height of Retaining Walls, below.

Table 18 - 4 Maximum Height of Retaining Walls

Location	Maximum Height
Front setback areas	3 feet 6 inches
Rear yard, interior side, and other areas of lot setback areas	6 feet
Street-side setback area	Reverse corner lot: 3 feet 6 inches. Corner lot: Within 5 feet from street-side property line: 3 feet 6 inches. Remaining width of street-side yard: 6 feet.

- b. **Stepping of Retaining Walls.** A number of retaining walls (stepping) may be constructed to substitute for one tall retaining wall if both of the following occur:
 - 1) The height of each retaining wall must comply with the height limits of Table 18-4, Maximum Height of Retaining Walls, above; and
 - 2) The minimum distance between any two retaining walls shall be equal to or greater than the height of the taller of the two retaining walls. The distance between the two walls shall be measured as the horizontal separation between the two closest

wall faces: the back face of the downslope retaining wall and the front face of the up slope retaining wall.

- 3) A minor adjustment to the distance between stepped walls required in Subparagraph ii above is available to accommodate a driveway for an in-bank garage with the approval of a Minor Exception Permit, as required in Section 17.16.090, Minor Exception Permits, of Title 17.

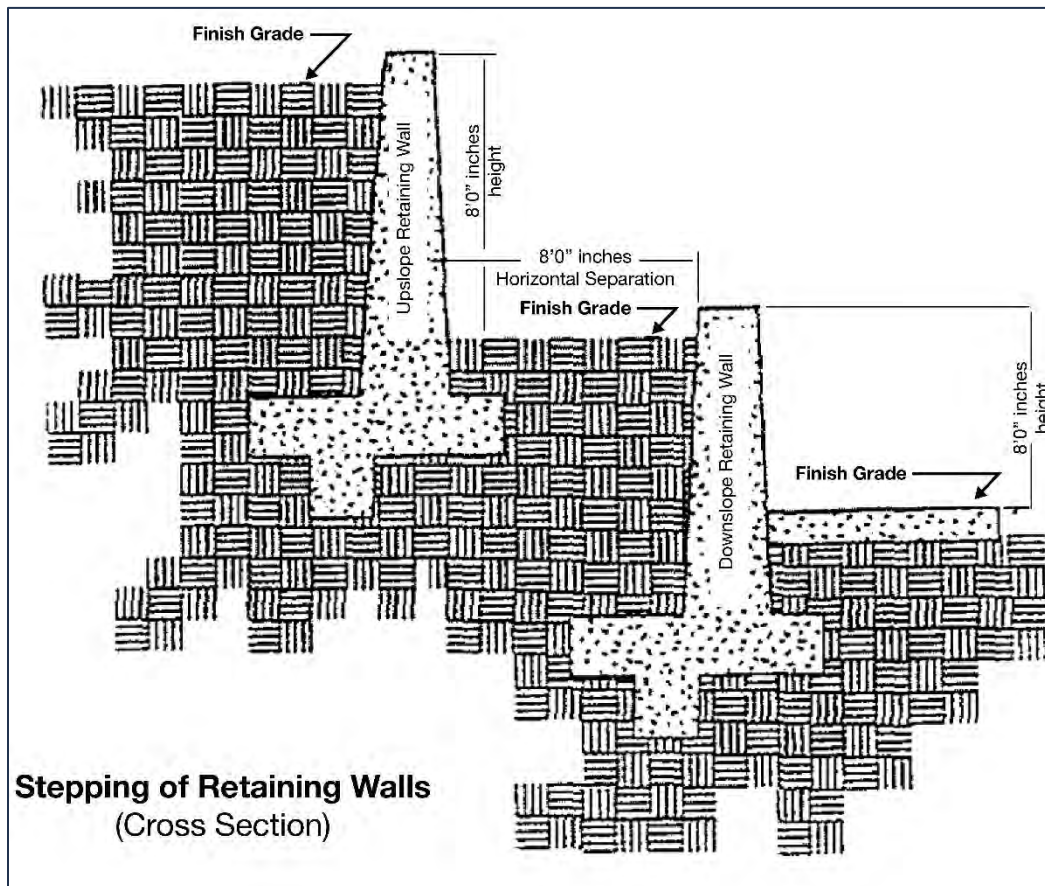


Figure 18 - 1 Stepping of Retaining Walls

3. Guardrail Requirements.

- a. **Guardrail Height.** The height of guardrails shall comply with the Building Code. The height is measured from the top of the retaining wall to the top of the guardrail. When swimming pools are proposed, the height of the guardrails shall be no higher than the minimum height required by the Swimming Pool Code.
- b. **Materials for Guardrails.** Guardrails shall be designed and constructed of materials that limit visual impacts. Unless the City Planner finds it is unnecessary to limit visual impacts, guardrails shall be designed or constructed of materials that are mostly open or transparent when retaining walls are located in a front yard setback, rear yard back (on through lots),

street side yard back (within 5 feet of street side property line), or in other instances where retaining walls are in a location or have a height that will have significant visual impacts unless guardrails are mostly open. Guardrails are “mostly open” when they are constructed of materials that may include, but are not limited to glass or have metal or wood pickets. The City Planner determines if the design and materials of guardrails will adequately limit visual impacts. The City Planner's decision may be appealed per Section 18.12.150, Appeals of an Action.

- c. Guardrails with Pilasters. When incorporated into guardrails required by the Building Code, pilasters shall be allowed above retaining walls as follows:
 - 1) The maximum height of pilasters shall not exceed 42 inches as measured from the top of the retaining wall to the top of pilasters. In the case where swimming pools are proposed, the height of the pilasters shall be no higher than the minimum height required by the Swimming Pool Code.
 - 2) The minimum centerline distance between pilasters shall not be less than 6 feet when the pilaster is part of the required guardrail and not less than 4 feet when the pilaster is part of the required handrail for stairways.

4. Exceptions.

- a. The following exceptions are allowed with the approval of an MEP.
 - 1) An increase in the permitted height of retaining walls up to a maximum height of 6 feet for walls located in front yards, rear yards (on through lots), or located within 5 feet of street-side yard property lines.
 - 2) An increase in the permitted height of a retaining wall up to a maximum height of 8 feet, 6 inches for walls not located in front yards, rear yards (on through lots), or street-side yards.
- b. Required Findings. In addition to the general findings required for specific permits, all of the following findings shall be made prior to the approval of an MEP to exceed the standards for retaining walls:
 - 1) The height of the retaining wall will not be unsightly or incompatible with the character of or uses in the neighborhood;
 - 2) The height of the retaining wall will not have negative visual impacts upon the street scene or obstruct views of traffic to and from driveway;
 - 3) The additional height is necessary, given topographical constraint

18.20.070 Height Limitations.

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

1. Preserve the natural topography by encouraging residential structures that follow the topography of the lots on which they are located and by discouraging significant grading or fill on infill lots. The calculation of height by individual roof element is intended to assist these objectives, by allowing roof elements to step up or down with the natural topography of the lot. The measurement of height from original grade is also intended to assist these objectives, by establishing height limits that are relative to the natural topography;
 2. Accommodate the special difficulties of developing on sloped properties by allowing height to be averaged within roof elements;
 3. Encourage developments with full roofs. The establishment of a height limit to plate line and a height limit to top of roof, in specific mixed-use and nonresidential zones where traditional architecture is required, is intended to assist with this objective; and
 4. Discourage excessively massive structures. The establishment of a story limit in mixed-use and nonresidential zones is intended to assist with this objective. The exemption of subterranean portions of structures from counting toward the story limit is intended to assist this objective, as well.
- B. General Regulations for the Measurement of Height. The following regulations for calculating height shall apply to all development within the City of San Clemente:
1. Measurement of Height from Original or Finished Grade.
 - a. Developments with Mass Recontouring. In the case of subdivisions and/or land development where mass recontouring has been or will be permitted by the City, building height shall be measured from finished grade. Please refer to Figure 18-2 for a map of those areas in the City that have had mass recontouring. This subsection does not include properties with significant grading that have received the approval of a variance from height limits; please refer to the following paragraph b, for the method of measuring height on these properties.

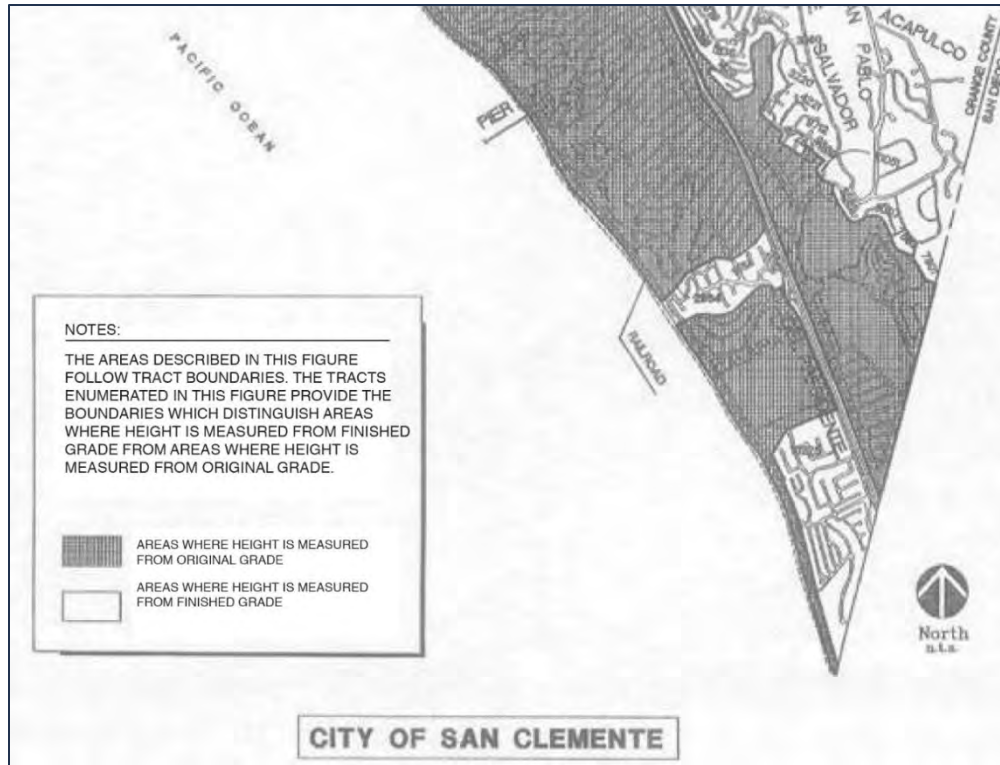


Figure 18 - 2 Areas in the City with Mass Recontouring



Figure 18 - 3 Areas in the City with Mass Recontouring

- b. All Other Development. In the case of developments where mass recontouring has not been permitted, or where significant grading has been allowed but through the approval of a variance from the height limit, building height shall be measured from original grade.
 - c. In cases where it is ambiguous whether building height should be measured from finished or original grade, or where a determination of finished or original grade is difficult, the Director shall make such determination.
 2. Measurement of Height by Roof Element. The building height limits for a zone shall be applied to and measured for each roof element of a structure. No individual roof element may exceed the height limits for the zone.
 3. Measurement of Height to the Top of a Roof Element. Unless additional height limits are indicated in the development standard tables in Chapters 18.40 Residential Zones and Standards, through 18.56 Public Zones and Standards, of this title, the maximum height limit stated for a zone shall be a limit upon the “average height to the top of the roof element. “The average height to the top of a roof element is calculated by:
 - a. Measuring the height of each building corner of the roof element. The height of each corner of the roof element is the vertical distance between original or finished grade and a projection of the top of the roof element, at each corner. Please refer to subsection (B)(1), Measurement of Height from Original or Finished Grade, of this section, regarding whether original or finished grade should be used; and
 - b. Averaging the sum of the height of each corner of the roof element.
 - c. A chimney is not counted in the height measurement.
- C. Height Limits in Underlying Residential, Nonresidential and Mixed Zones
1. The maximum building height within the Coastal Overlay Zone relies on the established height limit for the underlying zone. The building height limits for residential, nonresidential, and mixed-use zones are included in Table 18-5, Maximum Height by Zone. Maximum building height limits for nonresidential and mixed-use structures are expressed in terms of both numerical height limits and a story limit; structures must comply with all the height limits for the zone with allowance for architectural projection exceptions above the height limit per Title 17.24.080.

Table 18 - 5 Maximum Height by Zone

Zoning Designation	Building Height (TOR=Top of roof; PL=Plate Line)
Residential – RL	TOR: 25 feet TOR: 30 feet Marblehead Coastal Area
Residential – RML	TOR: 25 feet
Residential – RM	TOR: 25 feet
Residential – RH	TOR: 45 feet TOR: 30 feet Coronado Lane properties in Pier Bowl area
Commercial – NC 1.1	TOR: 15 feet; 1 story
Commercial – NC 1.2	TOR: 33 feet; PL: 26 feet; 2 stories
Commercial – NC 1.3	TOR: 45 feet Top of Roof; PL: 37 feet; 3 stories
Commercial – NC 2	TOR: 33 feet; PL: 26 feet; 2 stories; and for properties along South El Camino Real, projects shall be at the same elevation or lower than the Interstate 5 highway. The Interstate 5 highway elevation is measured where the center of southbound travel lanes intersects a straight line drawn through the midpoint of the rear property line and midpoint of the front property line. With the approval of a Conditional Use Permit, projects may exceed the Interstate 5 elevation, up to the height limits provided in this section above, provided the review authority meets the general findings for a Conditional Use Permit.
Commercial – NC 3	TOR: 45 feet; PL: 37 feet; 3 stories; and for properties along South El Camino Real, projects shall be at the same elevation or lower than the Interstate 5 highway. The Interstate 5 highway elevation is measured where the center of southbound travel lanes intersects a straight line drawn through the midpoint of the rear property line and midpoint of the front property line. With the approval of a Conditional Use Permit, projects may exceed the Interstate 5 elevation, up to the height limits in provided in this section above, provided the review authority meets the general findings for a Conditional Use Permit.
Commercial – CC 1	TOR: 33 feet; PL: 26 feet; 2 stories
Commercial – CC 2	TOR: 45 feet; PL: 37 feet; 3 stories If hospital use: TOR: 54 feet; PL: 45 feet; 4 stories
Commercial – CC 3	TOR: 45 feet; PL: 37 feet; 3 stories
Commercial – CC4	TOR: 45 feet; PL: 37 feet; 3 stories
Regional Commercial – RC 1	TOR: 45 feet; PL: 37 feet; 3 stories Exceptions granted for a theater and/or clock tower (62 feet for highest architectural projection; PL: 55 feet)
Coastal and Recreation Serving – CRC	Per existing building height at street elevation
Light Industrial – LI	TOR: 45 feet; 2 or 3 stories West Pico Corridor Area: TOR: 35 feet; 3 stories
Heavy Industrial – HI	TOR: 5 feet; 2 stories West Pico Corridor Area: TOR: 35 feet except concrete batch plant structures 70 feet with permit
Mixed Use – MU 1	Commercial projects and mixed-use projects on lots 12,000 square feet or smaller: TOR: 33 feet; PL: 26 feet; 2 stories (Exception with Conditional Use Permit: TOR 45 feet; PL: 37 feet; 3 stories) Mixed use projects on lots 12,000 square feet or larger: TOR: 45 feet; PL: 37 feet; 3 stories

Zoning Designation	Building Height (TOR=Top of roof; PL=Plate Line)
Mixed Use – MU 2	Commercial projects: TOR 33 feet; PL: 26 feet; 2 stories Mixed use projects: TOR: 45 feet; PL: 37 feet; 3 stories
Mixed Use – MU 3	TOR: 33 feet; PL: 26 feet; 2 stories City Council exception possible to allow third story with TOR: 35 feet on sites with sloping topography
Mixed Use – MU 3.1	Residential and Commercial projects: TOR: 33 feet; PL: 26 feet Mixed use projects on lots 12,000 square feet or smaller: TOR: 33 feet; PL: 26 feet; 2 stories (Exception with Conditional Use Permit: TOR: 45 feet; PL: 37 feet; 3 stories) For mixed use projects on lots greater than 12,000 square feet: TOR: 45 feet; PL: 37 feet; 3 stories
Mixed Use – MU 3.2	Two-story limit facing S. El Camino Real. Facing the rear and alley, there is no limit on stories. Instead, height limits apply so buildings appear to be three stories and transition to two stories abutting the alley. The most restrictive height limit below applies: Height ceiling;* TOR: 33 feet; PL: 28 feet *Exception with Conditional Use Permit; TOR: 35 feet; PL: 30 feet Average height limit; TOR: 45 feet; PL: 37 feet Alley transition height limit: TOR: 28 feet within the first 13 feet of the alley.
Mixed Use – MU 3.3	TOR: 33 ft.;;* PL: 26 feet; 2 stories* *City Council exception possible to allow third story with TOR: 35 feet on sites with sloping topography.
Mixed Use – MU 5	TOR: 33 feet. 2 Stories with a maximum PL: 26 feet.
Private Open Space – OS2	To be determined on an individual basis
Public Open Space – OS1	To be determined on an individual basis
Architectural Design – A	As specified in the underlying land use zone
Affordable Housing – AH	As specified in the underlying land use zone
Planned Residential District – PRD	No change
Mixed Use Overlay – MU	Commercial projects: TOR: 33 feet; PL 26 feet; 2 stories For mixed use projects with lots greater than 12,000 square feet: TOR: 45 feet; PL: 37 feet; 3 stories Mixed use projects*: TOR: 33 feet; PL 26 feet; 2 stories *Exception with Conditional Use Permit: TOR: 45 feet; PL: 37 feet; 3 stories

18.20.080 Lighting.

- A. General Outdoor Lighting Standards. Exterior lighting shall be energy-efficient and shielded or recessed so that direct glare and reflections are contained within the boundaries of the parcel, and shall be directed downward and away from adjoining properties and public rights-of-way. No lighting shall blink, flash, or be of unusually high intensity or brightness. All lighting fixtures shall be appropriate in scale, intensity and height to the use. Security lighting shall be provided at all entrances/exits.
- B. New development adjacent to ESHA.

1. New lighting associated with new development adjacent to an ESHA shall minimize impacts to wildlife.
2. All outdoor lighting fixtures shall be designed, shielded, aimed, located, and maintained to direct lighting away from ESHA and ESHA buffers and to minimize glare, sky glow, and light trespass.
3. Buildings shall be designed to minimize light trespass from interior lighting.
4. All lighting shall utilize the best available “dark sky” practices, including the use of lights with the lowest intensity possible for safety purposes and that utilize wavelengths that are the most environmentally protective of organisms active at night and dawn and dusk.

18.20.090 Skirt Walls and Stem Walls.

Skirt and stem walls shall not exceed 22 feet in height as measured from finished grade to the underside of the finished floor of the structure, unless there exists a horizontal offset of at least 4 feet. In addition, when columns are utilized on the rear elevations below the underside of the finished floor, a standard ratio of one square inch in area for every one vertical foot in height shall be required for such columns.

18.20.100 Substandard Lots.

- A. Purpose and Intent. Because the standards for lot size and width have been amended a number of times since San Clemente's incorporation as a City, there are a number of substandard residential and nonresidential lots in the City. The purpose of this section is to provide for the development of lots that are currently substandard but existed legally at the time of their creation.
- B. Regulations. Structures may only be erected or enlarged on a substandard lot, if the substandard lot met the minimum size and width requirements for the zone in which it is located on the day the lot became a legal lot of record.

18.20.110 Grading.

- A. Grading that does not accompany development can result in the unnecessary elimination of topographic and aesthetic resources, if the development plans for the site change, or in unsightly visual impacts for an uncertain length of time, if the land remains undeveloped. Requests to grade property prior to processing any development plans for a site require special consideration to ensure that grading is justified and complies with the City's LUP and General Plan policies to prevent unnecessary visual and topographic impacts.
 1. All grading requests that do not accompany requests for development projects shall require the approval of a Conditional Use Permit, with the following exceptions to be determined by the City Engineer:
 - a. Emergency grading for purposes of public safety; or
 - b. Grading, including grading for the purpose of structure excavation, which does not result in substantial physical or visual changes in the existing area.

2. All grading requests require review by the City's Engineering Division. Please refer to the City's Grading Ordinance, Chapter 15.36 of the San Clemente Municipal Code (SCMC) for further specifications related to grading and Grading Permits.
- B. Required Findings. Prior to the approval of a Conditional Use Permit for grading that does not accompany a development request, all of the following findings shall be made in addition to the general findings required for the approval of a Conditional Use Permit: 1. The grading is necessary for proper maintenance of the property; 2. The negative visual, topographic, and/or biological impacts have been reduced to an acceptable level, as determined by the City.

18.20.120 Scenic and Visual Resources.

- A. Purpose. The purpose of this section is to ensure that development shall be sited and designed to protect and, where feasible, enhance the scenic and visual qualities of the Coastal Zone, including public views to and along the ocean, coastal bluffs, and other scenic coastal areas. These regulations are not intended to protect private views.
- B. Initial Evaluation. Any CDP application for development involving the construction of a new building or the expansion of an existing building and having one or more of the characteristics listed below shall be reviewed by Planning to evaluate the development's impact to a public viewshed or the scenic and visual qualities of the Coastal Zone.
1. The development site is located seaward of the first public roadway paralleling the ocean.
 2. The development site is located on a coastal bluff or canyon.
 3. The development site is adjacent to, or within the viewshed of, a scenic resource including a coastal bluff, coastal canyon, natural landform, scenic gateway, scenic roadway, scenic corridor, public view corridor, scenic coastal vista, or scenic coastal area.
 4. The development site contains significant natural landforms or natural vegetation.
- C. Visual Impact Analysis. Where the initial evaluation indicates that a proposed development has the potential to impact a public view to and along the ocean and scenic coastal areas, a view impact analysis shall be prepared at the project proponent's expense. The analysis shall accurately, pictorially, digitally, photographically, and/or physically provide accurate plans and renderings to indicate the proposed site in its current state and compare it with an illustration showing the proposed building volume (at the same scale) in its proposed location.
- D. Siting and Design. Development shall be sited and designed in accordance with the following principles, where applicable in order to meet the purpose of section:
1. Avoid or minimize impacts to public coastal views and, where feasible, restore and enhance the scenic and visual qualities of the Coastal Zone.
 2. Development on the edges of public coastal view corridors, including those down public streets, shall be designed and sited to frame and accent public coastal views.

3. Clustering of buildings to provide open view and access corridors to the ocean.
4. Modulation of building volume and mass.
5. Variation of building heights, where feasible.
6. Inclusion of porticoes, arcades, windows, and other “see-through” elements in addition to the defined open corridor.
7. Minimization of landscape, fencing, parked cars, and other nonstructural elements that block views and access to the ocean.
8. Prevention of the appearance of the harbor ocean. being walled off from the public right-of-way.
9. Inclusion of setbacks that in combination with setbacks on adjoining parcels cumulatively form functional view corridors.
10. Encourage adjoining property owners to combine their view corridors to achieve a larger cumulative corridor than would be achieved independently.
11. Where feasible, development along coastal view roads shall prevent an appearance of the public right-of-way being walled off from the public viewsheds.

18.20.130 Demolition and Conversion of Affordable Housing.

- A. Purpose and Intent. This subsection is intended to provide standards to implement affordable housing requirements, related to the replacement of existing affordable units in the Coastal Zone, included in the City's Housing Element and the California Government Code Section 65590.
- B. Applicability.
 1. Applicable Projects. This subsection shall apply to the conversion to condominiums or demolition of three or more dwelling units within the Coastal Zone, where at least one of the units was occupied by an eligible household, as defined in the City's Housing Element.
 2. Exempt Projects. This subsection shall not apply to projects meeting any of the following criteria, unless the City determines that the replacement of all or any portion of the converted or demolished dwelling unit is feasible:
 - a. The conversion or demolition of a residential structure that contains less than three dwelling units, or in the event that a proposed conversion or demolition involves more than one residential structure, the conversion or demolition of 10 or fewer dwelling units;
 - b. The conversion or demolition of a residential structure to a nonresidential use that is “coastal dependent” or “coastal related” as defined in Public Resources Code 30101 as amended, and consistent with the underlying zone;
 - c. The demolition of a residential structure that has been declared a public nuisance.

1. **Determination of Applicability.** The Planning Division shall determine whether units to be converted or demolished are occupied by Eligible Households. This determination may be based upon a completion of an income related questionnaire by current residents. A dwelling unit need not be replaced if either of the following criteria apply:
 - d. The dwelling unit is not occupied by an eligible household. For purposes of this subsection, a residential dwelling shall be deemed occupied by a person or family if the person or family was evicted from that dwelling unit within one year prior to the filing of an application to convert or demolish the unit and if the eviction was for the purpose of avoiding the requirements of this subsection.
 - e. A survey of the residents of the units is infeasible, based on the City Planner's determination.

The Planning Division shall make its determination, and inform the developer of the number of below market rate rental units to be provided, as required in Subdivision C, Standards, of this section, within 60 days of receipt of a complete application.

C. Standards.

1. **Requirement to Provide Affordable Housing.** Dwelling units located in the Coastal Zone that are to be demolished or converted to condominiums and that are occupied by “eligible households” shall be replaced. Requirements for affordability, eligibility and implementation shall be in accordance with the requirements of Section 17.24.120, Inclusionary Housing Requirements, of the San Clemente Municipal Code, and the standards and guidelines in the Inclusionary Housing Program in the City's Housing Element, except as otherwise stated in this section.
2. **Number of Affordable Units to be Provided.** The developer shall provide one below- market rate rental unit for each dwelling unit to be demolished or converted that was occupied by an eligible household, or 20% of the total number of residential units in the project, whichever is greater.

18.20.140 Accessory Dwelling Units.

- A. **Purpose and Intent.** The purpose and intent of this section is to allow and regulate accessory dwelling units (ADUs) and junior ADUs within the Coastal Zone. The regulations in this section are intended to comply with California Government Code sections 65852.2 and 65852.22. .
- B. **Effect of Conforming.** An ADU or JADU that conforms to the standards in this section will not be:
 1. Deemed to exceed the allowable density for the lot on which the ADU or JADU is located;
 2. Deemed to be inconsistent with the General Plan and the zoning designation for the lot on which the ADU or JADU is located; and

3. Considered in the application of any ordinance, policy, or program to limit residential growth.
4. Required to correct a nonconforming zoning condition, as defined below. This does not prevent the City from enforcing compliance with applicable building standards in accordance with Health and Safety Code section 17980.12.

C. Definitions. As used in this section, terms are defined as follows:

1. “Accessory dwelling unit” or “ADU” means an attached or a detached residential dwelling unit that provides complete independent living facilities for one or more persons and is located on a lot with a proposed or existing primary residence. An accessory dwelling unit also includes the following:
 - a. An efficiency unit, as defined by section 17958.1 of the California Health and Safety Code; and
 - b. A manufactured home, as defined by section 18007 of the California Health and Safety Code.
2. “Accessory structure” means a structure that is accessory and incidental to a dwelling located on the same lot.
3. “Complete independent living facilities” means permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family or multifamily dwelling is or will be situated.
4. “Efficiency kitchen” means a kitchen that includes each of the following:
 - a. A cooking facility with appliances.
 - b. A food preparation counter or counters that total at least 15 square feet in area.
 - c. Food storage cabinets that total at least 30 square feet of shelf space.
5. “Junior accessory dwelling unit” or “JADU” means a residential unit that:
 - a. is no more than 500 square feet in size,
 - b. is contained entirely within an existing or proposed single-family structure,
 - c. includes its own separate sanitation facilities or shares sanitation facilities with the existing or proposed single-family structure, and
 - d. includes an efficiency kitchen, as defined in subsection
6. “Living area” means the interior habitable area of a dwelling unit, including basements and attics, but does not include a garage or any accessory structure.
7. “Nonconforming zoning condition” means a physical improvement on a property that does not conform with current zoning standards.

8. “Passageway” means a pathway that is unobstructed clear to the sky and extends from a street to one entrance of the ADU or JADU.
9. “Proposed dwelling” means a dwelling that is the subject of a permit application and that meets the requirements for permitting.
10. “Public transit” means a location, including, but not limited to, a bus stop or train station or SC Rides, where the public may access buses, trains, subways, and other forms of transportation that charge set fares, run on fixed routes, and are available to the public.
11. “Tandem parking” means that two or more automobiles are parked on a driveway or in any other location on a lot, lined up behind one another.

D. Permit Procedures.

1. Approvals and Types of ADUs and JADUs. The following approvals apply to ADUs and JADUs:
 - a. ADUs and JADUs that Require Only a Building Permit. If an ADU or JADU complies with each of the general requirements in subsection E below, it is allowed with only a building permit in the following scenarios:
 - 1) Converted on Single-family Lot: Except as allowed by subsection D.1.a(2) below, only one ADU or JADU on a lot with a proposed or existing single-family dwelling on it, where the ADU or JADU:
 - i. Is either: within the space of a proposed single-family dwelling; within the existing space of an existing single-family dwelling; or within the existing space of an accessory structure, plus up to 150 additional square feet if the expansion is limited to accommodating ingress and egress; and
 - ii. Has exterior access that is independent of that for the single-family dwelling; and
 - iii. Has side and rear setbacks sufficient for fire and safety, as dictated by applicable building and fire codes.
 - 2) Limited Detached on Single-family Lot: One detached, new-construction ADU on a lot with a proposed or existing single-family dwelling (in addition to any JADU that might otherwise be established on the lot under subsection D.1.a(1) above), if the detached ADU satisfies each of the following limitations:
 - i. The side- and rear-yard setbacks are at least four-feet.
 - ii. The total floor area is 800 square feet or smaller.
 - iii. The peak height above grade is 16 feet or less.
 - 3) Converted on Multifamily Lot: One or more ADUs within portions of existing multifamily dwelling structures that are not used as livable space, including but not

limited to storage rooms, boiler rooms, passageways, attics, basements, or garages, if each converted ADU complies with state building standards for dwellings. Under this subsection D.1.a(3), at least one converted ADU is allowed within an existing multifamily dwelling, up to a quantity equal to 25 percent of the existing multifamily dwelling units.

4) Limited Detached on Multifamily Lot: No more than two detached ADUs on a lot that has an existing multifamily dwelling if each detached ADU satisfies both of the following limitations:

- i. The side- and rear-yard setbacks are at least four-feet.
- ii. The peak height above grade is 16 feet or less.

b. ADUs that Require an ADU Permit.

1) Except as allowed under subsection D.1.a above, no ADU may be created without a building permit and an ADU permit in compliance with the standards set forth in subsections E and F below.

2) The City may charge a fee to reimburse it for costs incurred in processing ADU permits, including the costs of adopting or amending the City's ADU ordinance. The ADU permit processing fee is determined the Planning Division and approve by the City Council by resolution.

2. Application Process and Timing.

a. An ADU permit application shall be considered ministerially, without any discretionary review or a hearing.

b. The City must act on an application to create an ADU or JADU within 60 days from the day the City receives a complete application, unless either:

1) The applicant requests a delay, in which case the 60-day time period is tolled for the period of the requested delay, or

2) When an application to create an ADU or JADU is submitted with a permit application to create a new single-family dwelling on the lot, the City may delay acting on the ADU permit application for the ADU or JADU until the City acts on the permit application to create the new single-family dwelling, but the application to create the ADU or JADU will still be considered ministerially without discretionary review or a hearing.

3. Impact and Utility Fees. The following requirements apply to all ADUs and JADUs that are approved under subsections D.1.a or D.1.b above.

a. Impact Fees.

- 1) No impact fee is required for an ADU or JADU that is less than 750 square feet in size. For purposes of this subsection D.3, “impact fee” means a “fee” under the Mitigation Fee Act (Gov. Code § 66000(b)) and a fee under the Quimby Act (Gov. Code § 66477).
- 2) Any impact fee that is required for an ADU that is 750 square feet or larger in size must be charged proportionately in relation to the square footage of the primary dwelling unit. (E.g., the floor area of the ADU, divided by the floor area of the primary dwelling, times the typical fee amount charged for a new dwelling.) “Impact fee” here does not include any connection fee or capacity charge for water or sewer service.

b. Utility Fees.

- 1) If an ADU or JADU is constructed with a new single-family home, a separate utility connection directly between the ADU or JADU and the utility and payment of the normal connection fee and capacity charge for a new dwelling are required.
- 2) Except as described in subsection D.3.b(1), converted ADUs and JADUs on a single-family lot that are created under subsection D.1.a(1) above are not required to have a new or separate utility connection directly between the ADU or JADU and the utility. Nor is a connection fee or capacity charge required.
- 3) Except as described in subsection D.3.b(1) all ADUs and JADUs that are not covered by subsection D.3.b(2) require a new, separate utility connection directly between the ADU or JADU and the utility.
 - iii. The connection is subject to a connection fee or capacity charge that is proportionate to the burden created by the ADU or JADU, based on either the floor area or the number of drainage-fixture units (DFU) values, as defined by the Uniform Plumbing Code, upon the water or sewer system.
 - iv. The portion of the fee or charge that is charged by the City may not exceed the reasonable cost of providing this service.

E. General ADU and JADU Requirements. The following requirements apply to all ADUs and JADUs that approved under subsections D.1.a and D.1.b above:

1. Zoning.

- a. An ADU or JADU subject only to a building permit under subsection D.1.a above may be created on a lot in a residential or mixed-use zone.
- b. An ADU subject to an ADU permit under subsection D.1.b above may be created on a lot that is zoned to allow single-family dwelling residential use or multifamily dwelling residential use.

2. Fire Sprinklers. Fire sprinklers are required in an ADU if sprinklers are required in the primary residence.
3. Rental Term. No ADU or JADU may be rented for a term that is shorter than 30 days.
4. No Separate Conveyance. An ADU or JADU may be rented, but no ADU or JADU may be sold or otherwise conveyed separately from the lot and the primary dwelling (in the case of a single-family lot), or from the lot and all of the dwellings (in the case of a multifamily lot).
5. Septic System. If the ADU or JADU will connect to an onsite water-treatment system, the owner must include with the application a percolation test completed within the last five years or, if the percolation test has been recertified, within the last 10 years.
6. Owner Occupancy.
 - a. All ADUs permitted before January 1, 2020 are subject to the owner-occupancy requirement that was in place when the ADU was created.
 - b. An ADU that is permitted after that date but before January 1, 2025, is not subject to any owner-occupancy requirement.
 - c. All ADUs that are permitted on or after January 1, 2025 are subject to an owner-occupancy requirement. A natural person with legal or equitable title to the property must reside on the property as the person's legal domicile and permanent residence.
 - d. All JADUs are subject to an owner-occupancy requirement. A natural person with legal or equitable title to the property must reside on the property, in either the primary dwelling or JADU, as the person's legal domicile and permanent residence. However, the owner-occupancy requirement in this subsection E.6.d does not apply if the property is entirely owned by another governmental agency, land trust, or housing organization.
7. Deed Restriction. Prior to issuance of a building permit for an ADU or JADU, a deed restriction must be recorded against the title of the property in the County Recorder's office and a copy filed with the Planning Division. The deed restriction must run with the land and bind all future owners. The form of the deed restriction will be provided by the City and must provide that:
 - a. The ADU or JADU may not be sold separately from the primary dwelling.
 - b. The ADU or JADU is restricted to the approved size and to other attributes allowed by this section.
 - c. The deed restriction runs with the land and may be enforced against future property owners.
 - d. The deed restriction may be removed if the owner eliminates the ADU or JADU, as evidenced by, for example, removal of the kitchen facilities. To remove the deed restriction, an owner may make a written request of the Planning Division, providing evidence that the ADU or JADU has in fact been eliminated. The Planning Division

may then determine whether the evidence supports the claim that the ADU or JADU has been eliminated. Appeal may be taken from the Planning Division's determination consistent with other provisions of this Code. If the ADU or JADU is not entirely physically removed, but is only eliminated by virtue of having a necessary component of an ADU or JADU removed, the remaining structure and improvements must otherwise comply with all applicable legal requirements, including those of the Zoning Code.

- e. The deed restriction is enforceable by the Planning Division for the benefit of the City. Failure of the property owner to comply with the deed restriction may result in legal action against the property owner, and the City is authorized to obtain any remedy available to it at law or equity, including, but not limited to, obtaining an injunction enjoining the use of the ADU or JADU in violation of the recorded restrictions or abatement of the illegal unit.

F. Development Standards for ADUs that Require an ADU Permit. The following requirements apply only to ADUs that require an ADU permit.

1. Passageway. No passageway is required for an ADU.
2. Parking.
 - a. One off-street parking space is required for each ADU. The parking space may be provided in setback areas or as tandem parking.
 - b. When a garage, carport, or other covered parking structure is demolished or converted for the construction of an ADU, those off-street parking spaces are not required be replaced.
 - c. Exceptions. No parking is required in the following situations:
 - 1) The ADU is located within one-half mile walking distance of public transit stops (bus, rail, or SC Rides).
 - 2) The ADU is located within an architecturally and historically significant historic district.
 - 3) The ADU is part of the proposed or existing primary residence or an accessory structure under subsection D.1.a(1) above.
 - 4) When on-street parking permits are required but not offered to the occupant of the ADU.
 - 5) When there is a city-sanctioned, posted car-share pick-up or drop-off location within one block of the ADU.
3. Height. No ADU subject to this subsection F may exceed 16 feet in height above grade, measured to the peak of the structure.

4. Setbacks. An ADU that is subject to this subsection F must conform to:
 - a. A 20-foot of the front-yard setback. In addition, the ADU may not be closer than the living area of the primary dwelling to the front property line.
 - b. 4-foot side- and rear-yard setbacks.
 - c. A detached ADU shall be a minimum of five feet from the primary building, measured from the closest point of the ADU (whether wall, balcony, eave, etc.) to the closest point of the primary dwelling.
 - d. No setback if the ADU is constructed in the same location and to the same dimensions as an existing accessory building.
5. Maximum Size.
 - a. The maximum size of an attached ADU subject to this subsection F is 850 square feet for a studio or one-bedroom unit and 1,000 square feet for a unit with two bedrooms. No more than two bedrooms are allowed. An attached ADU that is created on a lot with an existing primary dwelling is further limited to 50 percent of the floor area of the existing primary dwelling.
 - b. The maximum size of a detached ADU subject to this subsection F is 850 square feet for a studio or one-bedroom unit and 1,000 square feet for a unit with two bedrooms. No more than two bedrooms are allowed.
 - c. Application of other development standards in this subsection F, such as lot coverage, might further limit the size of the ADU, but no application of the percent-based size limit in subsection F.5.a above or of lot coverage requirements may require the ADU to be less than 800 square feet.
6. Lot Coverage. No ADU subject to this subsection F may cause the total lot coverage of the lot to exceed 50 percent lot coverage, subject to E.5.c above.
7. Driveway Access. The ADU and primary dwelling must use the same driveway to access the street, unless otherwise required for fire apparatus access as determined by the fire authority.
8. Architecture Review.
 - a. The materials and colors of the exterior walls, roof, and windows and doors must match the appearance and architectural design of those of the primary dwelling.
 - b. The roof slope must match that of the dominant roof slope of the primary dwelling. The dominant roof slope is the slope shared by the largest portion of the roof.
 - c. The exterior lighting must be limited to down-lights or as otherwise required by the building or fire code.

- d. The ADU must have an independent exterior entrance, apart from that of the primary dwelling. The ADU entrance must be located on the side or rear building façade, or if located in front, not visible from public-right-of-way.
 - e. The interior horizontal dimensions of an ADU must be at least 10 feet wide in every direction, with a minimum interior wall height of seven feet.
 - f. Windows and doors of the ADU may not have a direct line of sight to an adjoining residential property. Fencing, landscaping, privacy glass, or clerestory windows may be used to provide screening and prevent a direct line of sight.
9. Historic Protections. An ADU that is on real property that has an identified historic resource listed on a federal, state, or local register of historic places must comply with the Secretary of the Interior's objective Standards for the Treatment of Historic Properties, as applicable. An ADU may not be located in front of a historic resource, except when the ADU is created from an existing structure.
- G. Nonconforming ADUs and JADUs and Discretionary Approval. Any proposed ADU or JADU that does not conform to the objective standards set forth in subsections A through F of this section may be allowed with an Architectural Permit, according to Section 17.16.100.

18.20.150 Short-Term Lodging Units.

- A. Purpose. This section provides standards for the operation of Short-Term Lodging Units (STLUs) and Short-Term Apartment Rentals (STARs), as defined in Chapter 7 of this IP where allowed in compliance with the City's Municipal Code. STLUs and STARs are lodging uses (which are inherently commercial operations), typically located within structures designed for long-term residential tenancy. As such, special consideration must be given to STLUs and STARs to ensure that the existing character of residential neighborhoods and coastal access and resources are preserved and not adversely impacted.
- B. Applicability. This section applies to STLUs and STARs as those terms are defined in this title. STLUs and STARs are permitted only within certain visitor-serving, mixed-use, and residential designated areas / neighborhoods, as provided in Map 18.88.050, the use tables Table 18-15 in Chapters 18.40 Residential Zones and Standards, and Table 18-23 in Chapter 18.48, Mixed-Use Zones and Standards, and on terms consistent with the requirements of Title 18 and the development standards contained in Chapter 17.28.270.
- C. Operational Standards. The owner, or any other person(s) or entity(ies) that hold(s) legal and/or equitable title to the lodging unit, shall comply with the following:
 1. Architectural Treatment. The exterior architectural appearance of any building utilized as an STLU, including any accessory structures, shall be maintained in a residential character and shall be architecturally compatible with the neighborhood in which it is located. No building shall be constructed or altered, nor shall the operation of the STLU or STAR be such that

the structure may be recognized as serving a nonresidential use either by color materials, construction, lighting, signage, landscaping, or by other similar effects.

2. Rentals per Unit. The maximum number of STLUs allowed within any single dwelling unit is one.
3. Insurance. All STLU owners shall obtain and maintain vacation rental property insurance that covers the commercial lodging use of the site. Proof of insurance shall be provided to the Community Development Director or his or her designee. Proof of insurance for use of property as an STLU must also be resubmitted each year.
4. Noise and Disorderly Conduct. STLU renters and their guests shall not create unreasonable noise or disturbances, engage in disorderly conduct, or violate provisions of this code or any state or federal law or regulation, including, but not limited to, those pertaining to noise disorderly conduct, the consumption of alcohol, or the use of illegal drugs. The STLU owner shall ensure compliance with this provision.
5. Responsive Contact. The STLU owner shall provide a 24-hour emergency contact that will respond, on site if requested, within 30 minutes to complaints about the condition, operation or conduct of STLU renters or their guests. Prior to any change to the 24-hour emergency contact, the STLU owner shall submit a revised STLU zoning permit application to the Community Development Director, or designee for approval.
6. Compliance. The STLU owner shall comply with all applicable codes regarding fire building construction and safety, and all other relevant laws, regulations, and ordinances. The City's failure to inspect STLUs does not constitute a waiver of its right to perform future inspections.
7. Posting the Permit. The STLU owner shall post a copy of the permit and house rules that comply with the conditions set forth in this section in a conspicuous place in the STLU.
8. No Events. An STLU may only be used for overnight lodging. It shall not be used for a wedding, bachelor or bachelorette party, or other party conference, or any other similar event.
9. Notice. Each STLU owner shall, upon issuance of any STLU zoning permit or upon any approved change to an existing STLU zoning permit, provide written notice to the Community Development Director and to all neighboring property owners (within a radius of 300 feet of the STLU property) the following information:
 - a. The names of the STLU owner and of the STLU operator (if not the owner), including telephone numbers, at which those parties may be reached on a 24-hour basis.
 - b. The City's Code Enforcement telephone number by which members of the public may report violations of this chapter.
 - c. The maximum number of renters that are permitted to stay in the unit.

10. The Community Development Director may request access to an STLU or to records related to the use and occupancy of the unit for the purpose of inspection or audit to determine that the objectives and conditions of this chapter are being fulfilled. On such request, the STLU owner shall provide access to the Director during normal business hours.
11. **Occupancy Limit.** The maximum number of renters and guests in an STLU may not exceed two persons per legal bedroom plus two persons, but in no event may the maximum occupancy of any STLU exceed 10 or the maximum allowed under Title 15 of the code, whichever is lower; provided, however, that dwelling units with five or more legal bedrooms may apply to the Community Development Director for a waiver of the 10-person occupancy limit, which the Director may approve, conditionally approve, or deny based on reasonable and objective criteria. The Community Development Director's decision on a waiver of the 10-person occupancy limit is discretionary but shall not be unreasonably withheld. The Director shall establish reasonable and objective criteria, based upon legal bedrooms, for evaluating the 10-person waiver requests and shall submit the criteria to the City Council for adoption by resolution. The criteria may be amended by resolution. The STLU owner shall by written agreement with the renter limit overnight occupancy of the STLU to the maximum number of guests.
12. Upon notification that an STLU renter or a renter's guest has violated Subsection (C)(4), Noise and Disorderly Conduct, or (C)(11), Occupancy Limit and Parking, above, the STLU owner shall promptly notify the renter of the violation and take such action as is necessary to prevent a recurrence. It is not intended that the owner act as a law-enforcement officer or place himself or herself in harm's way. Should there be any breaches in requirements by STARs or STLUs for the underlying land use designation or standards or laws established by the City, penalties and permit revocation shall be considered by Code Enforcement and the City Planner, respectively.
13. A STAR owner or the owner's trained and qualified property manager must operate the STAR and must sleep within a habitable room in a unit on the property every night that a unit in the STAR is rented for short-term lodging purposes. The Director of Community Development shall develop reasonable and appropriate standards for property-manager training and qualification and shall submit them to the City Council for adoption by resolution. The standards may be amended by resolution.

18.20.160 Public Beaches.

- A. **Parking.** Public parking shall be permitted provided there are no significant adverse impacts to public beaches, habitat, or the public's right of access to the bay and ocean and sea level rise concerns have been addressed. Any proposed change(s) to existing public parking shall be reviewed to determine whether an amendment to an existing CDP or a new CDP is required.
- B. **Beach Hours.**

1. Existing Restrictions. It shall be unlawful for any person to be upon or use the public pier and any upland public beach of the City between the hours of 12:00 a.m. (midnight) and 4:00 a.m. In the event of special circumstances so warranting, the City Manager, in his or her judgment, is authorized and empowered to modify the hours established herein by first filing each such modification and the specified period thereof with the City Clerk. In addition, the City Council may by resolution modify the hours established herein for any business establishment that operates on the public pier or public beach if the Council determines in its sole discretion that such modification will not be contrary to the public health, safety or welfare.
2. Access to State Tidelands. A public beach closure/curfew by the City cannot apply to the area seaward of the mean high tide line. Public access to the water's edge and at least 20 feet inland of the wet sand of all beaches shall be permitted at all times. Existing or new signage at beaches or beach parking lots shall not indicate or suggest a prohibition of public access to the shoreline at any time and any replacement or new signs shall explain the public's right to gain access to state tidelands as defined above at all hours for recreational activities. Nothing in this LCP shall be construed as placing any limit or prohibition on the public's right to gain access to state tidelands as defined above.
3. Amendment Required to Change Beach Hours. Any change in the beach regulations or hours set forth in subsection (B)(1) of this section resulting in a closure to public use of any portion of the beach inland of the mean high tide line shall require an amendment to this Implementation Plan approved by the Coastal Commission.
4. Emergency Closures. During public emergencies when a law enforcement agency temporarily closes a beach, parking lot, accessway, or other coastal recreational facility to protect life or property, the closure shall remain in effect only for the duration of the emergency.
5. Closures to Abate Public Nuisances. Pursuant to Coastal Act Section 30005, in situations where the City has declared a public nuisance, the abatement of which requires a closure, the closure shall remain in effect only until the declared nuisance is abated.

CHAPTER 18.24 - COASTAL PARKING AND SITE ACCESS STANDARDS

18.24.010 Purpose and Intent.

The purpose of this chapter is to provide standards on all aspects of parking within the Coastal Zone. The intent is to provide adequate parking, minimize traffic congestion, protect existing and provide safe coastal access and access to all land uses, and ensure that parking facilities are as compatible as possible with surrounding land uses.

18.24.020 Applicability.

- A. **All Approved Land Uses.** All approved land uses, including any change in intensity of use or expansion of a structure shall provide parking as required by this chapter.
- B. **Review of Parking Areas.** This review may take place as part of a discretionary application, when one is required. The plans of any new parking area or existing parking area on private property that is being resurfaced, restriped, or reconfigured shall be submitted to the Community Development Department for review for compliance with this chapter. The plans shall clearly indicate the proposed development and its dimensions, including the location, size, shape, design, curb cuts, lighting, landscaping, line painting, bumper stops, and other features and appurtenances of the proposed or revised parking area. City-owned parking areas do not require review for compliance with this chapter as work for City-owned parking areas is reviewed through the City's Capital Improvement Program.

18.24.030 Off-Street Parking Requirements by Land Use.

- A. **Application and Interpretation of Parking Requirements.**
 1. **Number of Off-Street Parking Spaces Required.** The number of off-street parking spaces required for the land uses identified in the Permitted and Conditional Use Tables of this title are listed in Table 18-7, Number of Parking Spaces Required, except where parking requirements are established in Chapter 17.28, Special Uses, or exceptions to these requirements are granted in accordance with Section 18.24.130, Waivers of Parking Requirements, in this chapter. Parking spaces shall be designed as required in Section 18.24.050, Design Standards for Off-Street Parking Facilities, of this chapter.
 2. **Uses Not Listed.** When parking requirements for land uses are not specifically listed in this section or in Chapter 17.28, Special Uses, the parking requirements shall be those required for the most similar use. The most similar use shall be determined by the Community Development Director or City Planner as provided for in Section 18.04.060, Interpretations, subject to the concurrent review and appeal provisions contained in Section 17.12.090, Consideration of Concurrent Applications, and Section 18.12.150, Appeals.
 3. **New Buildings Without Tenants.** If the type of tenants that will occupy a nonresidential building, or the nonresidential portion of a mixed-use building, is not known at the time the new building is being proposed, the number of parking spaces required for the nonresidential

uses will be determined through the discretionary review process. Through the discretionary review process, conditions may be placed on the type of future tenant allowed to ensure that the parking provided for the project will be adequate.

4. **Mixed-Use Sites.** When several uses/businesses occupy a single structure or parcel, the total parking required shall be the sum of the requirements for each individual use, except as otherwise provided in Subsection A(5), Mixed-Function Uses, below, and Section 18.24.120, Shared Parking, in this chapter.
5. **Mixed-Function Uses.** When a building or tenant space is occupied by a single use, but the use contains several functions, such as sales, office, and storage, parking spaces shall be provided based on the gross floor area of occupied tenant space(s), as required in Table 18-7, Number of Parking Spaces Required. Exceptions: Exceptions to this requirement may be granted by the Community Development Director or City Planner for buildings or tenant spaces that meet one of the following criteria:
 - a. One of the functions is a restaurant.
 - b. Each function generates significant parking demand so parking requirements should be applied to each function individually.
6. **Alterations of Use.**
 - a. For changes of use when the required number of parking spaces is not provided, refer to Section 18.32.060(C), Changes of Use.
 - b. A request for a parking space waiver per Section 18.24.130, Waivers of Parking Requirements may be applicable.
 - c. In Mixed-Use Zoning districts within the Visitor Serving Commercial District 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 alteration or addition of square footage. For example, if an existing retail use requiring four parking spaces converts to a restaurant use requiring seven parking spaces, the net increase in parking requirements, in this case three spaces, would have to be added on-site. Existing nonconforming parking spaces shall count towards the total required off-street parking for alterations of use if the existing parking space is at least 8 feet in width by 15 feet in length.
7. **Rounding of Numbers.** When the required number of parking spaces is other than a whole number, the total number of spaces shall be rounded up to the nearest whole number, unless otherwise provided for in this title. Exceptions in this title include provisions:
 - a. For mixed-use projects on lots of 6,000 square feet or smaller and requiring fewer than five parking spaces, then the number may be rounded down if all of the conditions in Table 18-6, Parking Conditions, apply; and

Table 18 - 6 Parking Conditions

Number of Required Parking Spaces	Number Rounded Down to:	Conditions that must apply
Between 4.0 and 4.9	4	Maximum one residential unit; The net floor area of the residential portion of the project is 2,700 square feet or less; The total number of bedrooms in the residential portion of the project is 3 or fewer; The net floor area of the non-residential portion of the project is less than 800 square feet.
Between 3.0 and 3.99	3	Maximum one residential unit; The net floor area of the residential portion of the project is 1,800 square feet or less; The total number of bedrooms in the residential portion of the project is 2 or fewer; The net floor area of the non-residential portion of the project is less than 800 square feet.

b. For three or more dwelling units on a single lot per Table 18-7, Number of Parking Spaces Required, of this title.

1. **More than One Parking Ratio.** Where more than one parking ratio is shown for a particular use, the required number of spaces shall be the total of all ratios shown. For instance, the parking requirement for bed and breakfast inns is “One per bed and breakfast unit. Two for owner’s units. “The total parking requirement for a bed and breakfast inn is the sum of the required parking for the units and two spaces for the owner’s unit.

B. Number of Parking Spaces Required. The number of off-street parking spaces required for various land uses are listed in Table 18-7, Number of Parking Spaces Required, except for those listed in Chapter 17.28, Special Uses. Unless otherwise indicated, the parking requirements are for square feet of gross floor area occupied by the use and, in the case of nonresidential uses, include the parking required for customers and employees. Exception for parking located within a structure: Building floor area occupied by parking within a structure shall not count towards gross floor area to calculate parking required for use(s) that occupy the remainder of the structure. If the parking within a structure is converted to a residential or nonresidential use, parking shall be required for the residential or nonresidential use as indicated in this chapter.

Table 18 - 7 Number of Parking Spaces Required

Use	Number of Parking Spaces Required
Commercial Uses	
Convenience Stores or Mini-Markets	One per 200 square feet of gross floor area plus one parking space for each 200 square feet of outside area used for the display, storage, or sale of convenience items. Other retail establishments of 2,500 square feet or less: one parking space for each 200 square feet of the retail establishment used for the display, storage or sale of convenience items, including floor area and outside area.
General Retail Stores	In MU 3.1 and 3.3 zones and MU zones with VSCD overlay, : one per 400 square feet. Elsewhere: one per 300 feet.
Furniture and Appliance Stores	Two spaces plus one space per 500 square feet.
Laundromats	One per four washing machines.
Massage	One per 200 square feet.
Retail Nursery/Garden Shop	One space for each 300 square feet of indoor display area; one space for each 800 square feet of outdoor display area.
Hospital Uses	
Convalescent Home	One per four patient beds
Hospitals	Two per patient bed
Industrial Uses	
Manufacturing	One per 500 square feet.
Research and Development	One per 500 square feet.
Warehousing/Storage	One per 2,000 square feet.
Lodging	
Bed and Breakfast Inns	One per bed and breakfast unit. Two per owner's unit. Exceptions pursuant to Section 17.28.090, Bed and Breakfast Inns.
Boarding House	One per guest room.
Hotels and Motels	One per unit. Two per manager's unit. One employee parking space per 10 rooms. Parking required for ancillary uses. Parking requirements may be reduced through a Conditional Use Permit (CUP) with a parking study pursuant to Section 17.28.170, Hotels and Motels.
Timeshares	1.2 per unit.
Professional Offices, Financial Institutions and Related Uses	
Banking Institutions	One per 300 square feet.
Offices, General and Professional	In MU 3.1 and 3.3 zones and MU zones with VSCD overlay,: one per 350 square feet. Elsewhere: one per 300 square feet.
Offices, Medical	One per 200 square feet.
Personal Services	
Barber, beauty, nail, and tanning services	One per 200 square feet
Body Piercing Studios	One per 200 square feet
Tattoo Parlors	One per 200 square feet
Public/Quasi-Public Uses	

Use	Number of Parking Spaces Required
Group Counseling/Group Instruction	One space per employee; one space per two students, maximum capacity.
Churches	One per four seats, based on seating capacity and/or occupancy signs posted by the Orange County Fire Authority.
Public Assembly	One per four seats, based on seating capacity and/or occupancy signs posted by the Orange County Fire Authority.
Day Care Facilities	One for each two employees; one for each five children. Minimum of three spaces.
Educational Facilities	
Elementary/Junior High	One per staff member, one per 10 students.
High School	One per three students.
Community College/University	One per two students.
Business/Professional/Trade	One per staff member; one per two students.
Driving Range	1.25 spaces for each tee.
Golf Course	Six spaces per hole, plus parking required for incidental uses (such as restaurant, pro-shop, etc.).
Residential Uses	
Accessory Dwelling Units (ADUs)	<p>See 18.20.150 The following requirements apply to Accessory Dwelling Units subject to Section 18.20.150(F):</p> <ol style="list-style-type: none"> 1. One off-street parking space is required for each ADU. The parking space may be provided in setback areas or as tandem parking. 2. When a garage, carport, or other covered parking structure is demolished or converted for the construction of an ADU, those off-street parking spaces are not required be replaced. 3. Exceptions. No parking is required in the following situations:(1) <ol style="list-style-type: none"> a. The ADU is located within one-half mile walking distance of public transit stops (bus, rail, or SC Rides). b. The ADU is located within an architecturally and historically significant historic district. c. The ADU is part of the proposed or existing primary residence or an accessory structure under Section 18.20.150(D)(1). d. When on-street parking permits are required but not offered to the occupant of the ADU. e. When there is a city-sanctioned, posted car-share pick-up or drop-off location within one block of the ADU.
Congregate Care Facility	Two per manager's unit. Manager's units shall also be included in calculating guest parking. One covered space per two residential units. One guest space per five dwelling units (including manager's units). Guest parking in any project that has secured parking facilities shall be made separately accessible to the guests. All required parking shall be available to the residents of the project at no fee. Exceptions to the parking requirements substantiated by a parking study may be approved through the discretionary review required for the congregate care facility pursuant to Section 17.28.110, Congregate Care.
Single Dwelling Unit on a Single Lot	Two per dwelling unit. All required parking for single-family dwelling units shall be covered.
Guesthouses	One per guesthouse.
Two Dwelling Units on a Single Lot (Except for Single-family Homes with Second Residential Units)	Two per dwelling unit. 50% of the spaces must be covered. Each dwelling unit shall be assigned at least one covered parking space.

Use	Number of Parking Spaces Required
	<p>1. Large Two-Unit Projects: Two-unit projects that have a cumulative bedroom count that exceeds seven and/or a project net floor area that exceeds 5,400 square feet shall provide one additional parking space for the project.</p>
<p>Three or More Dwelling Units on a Single Lot</p>	<p>1. The Total Parking Required for a Project: The total number of parking spaces required for a project shall comply with all of the following:</p> <ul style="list-style-type: none"> a. The total number of parking spaces required for a project shall be the sum of the parking required for the dwelling units (Subsection 2) and the parking required for guests (Subsection 3). b. The total number of parking spaces required for a project shall not be less than two spaces per unit. c. Calculations shall be rounded off as provided for in Subsection 4, below. <p>2. Parking Requirements for Dwelling Units: The number of parking spaces required for each dwelling unit shall be determined using the following two methods of calculating parking. The method resulting in the greater number of spaces being required for a unit shall be used for that unit:</p> <ul style="list-style-type: none"> a. Method 1—Number of Bedrooms in a Dwelling Unit: <ul style="list-style-type: none"> 0—1 bedroom: 1.5 spaces. 2 bedrooms: 2.0 spaces. 3 bedrooms: 2.5 spaces. Over 3 bedrooms: 3.0 spaces. b. Method 2—Net Floor Area of a Dwelling Unit: <ul style="list-style-type: none"> To 900 square feet: 1.5 spaces. To 1,800 square feet: 2.0 spaces. To 2,700 square feet: 2.5 spaces. Over 2,700 square feet: 3.0 spaces. c. Covered Spaces: 50% of the total number of parking spaces required for the dwelling units shall be covered, with no less than one covered assigned parking space being provided for each dwelling unit. <p>3. Guest Parking: The number of guest parking spaces provided for a project shall be 0.333 spaces per dwelling unit.</p> <p>4. Rounding Off: Fractional numbers shall be rounded off once the dwelling unit and guest parking requirements have been added together. The following rules regarding rounding shall apply:</p> <ul style="list-style-type: none"> a. Fewer than Five Units: If the total number of required parking spaces is a fractional number of 0.45 or greater, that number shall be rounded up to the next whole number; if the total number of required parking spaces is a fractional number less than 0.45, that number shall be rounded down to the next whole number. b. Five or Greater Units: If the total number of required parking spaces is a fractional number, the total number shall be rounded up to the nearest whole number.
<p>Senior Housing Projects</p>	<p>Manager's Unit. Two parking spaces shall be provided for manager's units. Manager's units shall also be included in calculating guest parking.</p> <p>Senior Units. For each residential dwelling unit within a senior housing project, one covered parking space shall be provided on site. In addition, one guest parking space for each five dwelling units, including the manager's unit, shall be provided on site. Guest parking in any project that has secured parking facilities shall be made separately accessible to the guests. All required parking shall be available to the residents of the project at no fee.</p> <p>Exceptions to the parking requirements substantiated by a parking study may be approved through the discretionary review required for the senior housing project.</p>
<p>Mobile Home Parks</p>	<p>Two per mobile home. One guest space per three mobile home sites. Tandem parking is permitted for the parking provided for each mobile home. Pursuant to Section 17.28.190, Mobile Homes.</p>

Use	Number of Parking Spaces Required
Restaurants and Bars	
Bars, Cocktail Lounges, Taprooms, Microbreweries	One per four seats, based on seating capacity or occupancy signs posted by the Orange County Fire Department.
Restaurants	In MU 3.1 and 3.3 zones and MU zones with VSCD 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: <ol style="list-style-type: none"> 1. Single destination restaurants over 3,000 square feet: one per 120 square feet of interior space. 2. Drive-through/fast food restaurants: One per 35 square feet of public seating area, plus one per 200 square feet of all other gross floor area, with one lane for each drive-up window with stacking space for six vehicles.
Unclassified Uses	
Bowling Alleys	Two per alley, plus parking for incidental uses (restaurant, pro-shop, etc.).
Health Club/Fitness Facilities	One per 150 square feet.
Theater	One per four seats, based on seating capacity as shown by capacity signs posted by the Orange County Fire Authority.
Tennis/Racquetball Courts	Three spaces per court, plus parking required for incidental uses.
Vehicle-Related Repair, Sales, and Service	
Car Wash:	
Full Service (Includes Gas)	One per every three employees on the maximum shift plus 600 square feet of operations parking area for each 20 feet of conveyor length.
Self Service	One per stall plus one space queuing lane in front of each stall
Oil Change, Lube, and Tune Shops	One per service bay, plus one for each employee, plus two space queuing lanes for each bay, with a minimum of five spaces.
Service/Gas Stations	In no case shall fewer than three parking spaces be provided for any service station.
With convenience store	One per 200 square feet devoted to convenience items.
With self-service or full-service car wash facilities	Single-bay self-service: no additional spaces required Other self-service and full-service car-wash facilities: Refer to the Car Wash – Full Service (Includes Gas) and Self-Service sections in this table, above.
With auto repair	One per 400 square feet of repair area.
Vehicle Dealerships	
Vehicle rental and sales facilities with fewer than 10 vehicles on site	Minimum of three.
Vehicle rental and sales facilities with 10 or more vehicles on site	One per 400 square feet of showroom and office. One per 2,000 square feet of outdoor display area. One per 300 square feet of parts department area.
Vehicle Dealerships	One per 400 square feet of showroom and office. One per 2,000 square feet of outdoor display area. One per 500 square feet of vehicle repair area. One per 300 square feet of parts department area.
Vehicle Repair/Service	
Vehicle Service and Repair-Related Facilities	One per 400 square feet, with a minimum of five total.

Use	Number of Parking Spaces Required
Full-Service Car Wash Facilities	One per three employees on the maximum shift. Required 600 square feet of operations parking area for each 20 feet of conveyor length.
Self-Service Car Wash Facilities	One per self-service car wash stall. One space queuing land in front of each self-service car wash stall.
Home Occupation	The home occupation may be conducted in the garage but shall not use any space required for off-street parking.
Outdoor Dining Areas	<p>Parking requirements may be waived or modified in some instances per Section 18.24.130, Waivers of Parking Requirements.</p> <p>Parking requirements for outdoor dining facilities located within MU3-A and MU3-CB-A zones, may be exempted by the review authority if the following findings can be made: Off-street public parking is available within a block of the restaurant; and The outdoor dining facility contributes and enhances the village/pedestrian atmosphere of the Architectural Overlay District it is located in by incorporating paseos and/or plazas that are specifically designed for outdoor dining facilities.</p>
Restaurants with 0 to 31 Indoor Seats	0 parking spaces required for 8 or less outdoor seats. For more than 8 outdoor seats, refer to the parking requirements for indoor restaurant seating.
Restaurants with 32 or more Indoor Seats	0 parking spaces required for 16 or less outdoor seats. For more than 16 outdoor seats, refer to the parking requirements for indoor restaurant seating.
Outdoor Display, Permanent and Accessory	<p>No outdoor display shall occupy any part of a required parking area or encroach upon public right-of-way. Areas used for outdoor display and sales shall be calculated in determining the parking requirements for the primary use.</p> <p>Exception: Auto dealerships and rental facilities with 10 or fewer cars for sale/no repair are exempt from these requirements, as detailed in Section 17.28.310, Vehicle Dealerships.</p>
Minor Utilities	The parking requirements for a public utility use such as an electric distribution and transmission substation, public utility service yard or similar use may be waived or modified, subject to the approval of a CUP in accordance with Section 17.16.060, Conditional Use Permits, upon a finding that the use requires no full-time or permanent employees.
Reverse Vending Machines	The machines shall not require additional parking spaces.
Small Collection Facilities and Mobile Recycling Units	<p>No additional parking spaces will be required for customers of a Small Collection Facility located at the established parking lot of a host use. One space will be provided for the attendant, if needed. Mobile recycling units shall have an area clearly marked to prohibit other vehicular parking during hours when the mobile unit is scheduled to be present. Occupation of parking spaces by the facility and by the attendant may not reduce available parking spaces below the minimum number required for the primary host use unless all of the following conditions exist:</p> <ol style="list-style-type: none"> 1. The facility is located in a convenience zone or a potential convenience zone as designated by the California Department of Conservation; 2. A parking study shows that existing parking capacity is not already fully utilized during the time the recycling facility will be on the site; 3. The permit will be reconsidered at the end of 18 months. <p>If criteria a-c above are met, a reduction in available parking spaces in an established parking facility may then be allowed as follows</p> <p>For a commercial host use:</p> <ol style="list-style-type: none"> 1. A maximum reduction of 0 spaces will be allowed if there are currently 0-25 available parking spaces present. 2. A maximum reduction of 2 spaces will be allowed if there are currently 26-35 available parking spaces present. 3. A maximum reduction of 3 spaces will be allowed if there are currently 36-49 available parking spaces present.

Use	Number of Parking Spaces Required
	<p>4. A maximum reduction of 4 spaces will be allowed if there are currently 50-99 available parking spaces present.</p> <p>5. A maximum reduction of 5 spaces will be allowed if there are currently 100+ available parking spaces present.</p> <p>For a community facility host use: A maximum of reduction of 5 spaces will be allowed when not in conflict with the parking needs of the host use.</p>
Large Collection Facilities	<p>Space will be provided on site for six vehicles or the anticipated peak customer load, whichever is higher, to circulate and to deposit recyclable materials, except where the Planning Division determines that allowing over-flow traffic above six vehicles is compatible with surrounding businesses and public safety;</p> <p>One parking space will be provided for each commercial vehicle operated by the recycling facility. Parking requirements will be as provided for in the zone, except that parking requirements for employees may be reduced when it can be shown that parking spaces are not necessary such as when employees are transported in a company vehicle to a work facility.</p>
Processing Facility	<p>Space shall be provided on site for the anticipated peak load of customers to circulate, park and deposit recyclable materials. If the facility is open to the public, space will be provided for a minimum of 10 customers or the park load, whichever is higher, except where the Planning Division determines that allowing overflow traffic is compatible with surround businesses and public safety.</p> <p>One parking space will be provided for each commercial vehicle operated by the processing center. Parking requirements will otherwise be as mandated by the zone in which the facility is located.</p>
Drive-Throughs	One lane for each drive-up window with stacking spaces for six vehicles.
Special Activities Providing Valet Parking and/or Shuttle Service	Public Parking shall not be negatively impacted
Christmas Tree and Pumpkin Sales Lots	Areas used for pumpkin or Christmas tree sales shall not eliminate the parking for the primary use on the site, if there is one, or for any other site.
Parking Lot Sales/Temporary Outdoor Display	Adequate parking shall be provided and maintained during the course of the activity.

18.24.040 Design Standards for Off-Street Parking Facilities.

According to requirements in this section and the City Engineering Division’s technical standards, parking design standards are as follows, except as otherwise provided for in Section 18.24.130, Waivers of Parking Requirements, or Section 18.24.080, Disabled-Accessible Parking Spaces.

A. Location of Parking in Relationship to a Use. Required parking shall be located either on-site or off-site in compliance with 18.24.110(E)

B. Parking Space Size.

1. **Garages or Carports That Contain Four or Fewer Parking Spaces.** Parking spaces shall be a minimum of 9 feet wide and minimum length of 19 feet in residential garages or carports that contain four or fewer parking spaces and do not include circulation elements such as driveway aisles but consist primarily of parking spaces.

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

C. Parking Setbacks, All Zones.

1. All parking spaces, whether covered or required or otherwise, shall be subject to the setback restrictions for accessory buildings in the zone in which the parking area is located.
2. Setback for Alley-Facing Garages, or Carports, or Parking Spaces. When a detached garage or detached carport opens to an alley, and/or when parking spaces back into alleys, the setbacks shall conform the Engineering Technical Specifications approved by the City Engineer for parking spaces backing into alleys.

D. Street-Facing Garage and Carport Setbacks in Residential Zones.

1. Setback for Street-Facing Garages or Carports. The minimum setback for a street-facing garage or carport shall be 20 feet, when standard garage doors are provided, and 18 feet, when roll-up garage doors are provided. In zones where the minimum setback listed for a street-facing garage or carport is greater than 18 feet or 20 feet, the more restrictive requirement shall apply. This requirement shall apply to garages where parking would be allowed in the driveway (see Subsection E), except for the following:
 - a. When a Special Residential Overlay district identifies a reduced front yard setback in which parking is accessed from, then the Overlay's setbacks are applied to parking spaces.
 - b. For parking spaces accessed from street-side yards in RL and RML zones, parking spaces may be setback 18 feet from the curb where sufficient right-of-way exists from the property line to the curb so that vehicles in the driveway will not overhang into the street or onto a standard sidewalk.

E. Residential Parking in Driveways. Vehicles on private property used for residential purposes shall be parked only on materials approved by the City engineer in parking spaces or in driveways that comply with the following standards:

1. The driveway provides access to required parking spaces.
2. The vehicle is not blocking access to parking for other residential units or encroaching onto sidewalk areas. Driveway parking cannot count toward the required off-street parking for residential units, except in the case of tandem parking, as provided for in Table 18-7, Number of Parking Spaces Required, of this title.

F. Parking Area and Garage-Single-Family. Garages shall be located and designed so that they do not dominate the appearance of the single-family dwelling from the street.

1. Exceptions may be granted if the proposed development is consistent with all other applicable LCP LUP policies and the exception is required as a result of bluff top setback requirements.

- G. Parking Area and Garage -Multifamily.** New multifamily residential parking shall be designed to visually hide or buffer subterranean parking garages. All new multifamily parking areas and garages shall be located and designed to be architecturally integrated with and complementary to the main structure.
- H. Parking for Commercial and Mixed-Use Projects in Mixed-Use Zones.** In Mixed-Use Zones, parking for commercial and mixed-use projects shall be located behind buildings to the maximum extent feasible or to the side of buildings when parking behind buildings is impossible. For specific requirements regarding the location of parking, please refer to Section 18.60.080, Visitor Serving Commercial District Overlay.
- I. Bicycle Parking.** Refer to Section 18.24.060 for bicycle parking standards.
- J. Tandem and Stacked Parking.** Refer to Section 18.24.090 for tandem and stacked parking standards.
- K. Parking Area Design.** Parking areas and garages shall be located and designed to be architecturally integrated with and complementary to the main structure.
- L. Parking Garage Screening.** New multifamily residential parking garages shall be designed to visually hide or buffer subterranean parking garages
- M. Landscaping.** Landscaping shall be provided for the following outdoor parking facilities: parking lots, all nonresidential parking areas, and outdoor residential parking areas of 10 or greater parking spaces, in compliance with the following standards:
1. All landscaping within parking lots shall be located in planter areas that are bounded by concrete curbing. All required curbing for planter areas shall be at least 6 inches high and 6 inches wide.
 2. For limitations on the distance by which a vehicle may overhang a landscaped area, please refer to the City of San Clemente Engineering Division's Technical Standards.
 3. Excluding curbing, all required planter areas shall be at least 4 feet wide and at least 25 square feet in area. Each planter shall be supplied with appropriate irrigation.
 4. The landscaping plan for the parking lot shall include a minimum of one canopy tree for every five parking stalls in the parking lot.
 5. Landscaping shall not interfere with vehicle line of sight while entering or exiting a parking structure or parking lot.
 6. For nonresidential uses, if parking is between a building and the street, a minimum 10-foot landscaped setback area shall be required between the street and the parking area.
 7. Parking lots shall provide landscaped area in the interior of the parking lot as follows:

Table 18 - 8 Percentage of Parking Area to be Landscaped

Parking Stalls Required	% of Total Parking Area to be Landscaped
0-50 stalls	10
50 +	12

8. Landscaping provided in parking areas shall count toward the site landscaping requirements found in Chapter 18.28, Landscape Standards. For requirements for parking lots functioning as a single use, please refer to Section 17.28.220, Parking Lots.

N. Accessibility and Usability. All required off-street parking spaces shall be designed, located, constructed, and maintained so as to be fully and independently usable and accessible for automobile parking purposes, except where otherwise permitted by this title.

O. Maintenance of Off-Street Parking Facilities.

1. All parking areas shall be kept clean and free of dust, mud, or trash; pavement and striping shall be maintained in a continuous state of good repair.
2. No storage of dismantled or disabled vehicles is permitted in driveways or open parking areas, unless specifically permitted as a part of site approval.

P. Green Code. The provisions of the California Green Building Standards Code shall apply to the design and construction of all new parking per Section 15.08.20 (E), Green Code.

18.24.050 On Street Parking, Minimize Curb Cuts.

A. Curb Cuts. New development shall avoid curb cuts to protect on-street parking spaces. If a curb cut cannot be avoided, the number of curb cuts shall be minimized. Where feasible, development projects shall close existing curb cuts to create new on-street parking spaces.

18.24.060 Bicycle Parking Standards.

A. Purpose and Intent. The bicycle parking standards are meant to promote bicycle use and promote, maintain and enhance existing public access to the coast.

B. Applicability. The bicycle parking standards shall be required for all of the following developments that are new or exceed the Major Remodel thresholds: commercial, multifamily residential, mixed-use, public buildings, commercial areas, schools, and parks. All other developments shall be encouraged to provide such facilities, when feasible.

1. Exemptions. All development projects estimated to employ a total of 100 or more persons shall follow the standards set forth in Chapter 17.76, Trip Reduction and Travel Demand Management.

C. Number Required. Development projects shall provide bicycle parking spaces equivalent or greater than 5% of the number of off-street parking spaces required. Private beach areas under

an access management program shall provide bicycle racks for a minimum of 10 bicycles at the beach terminus of the vertical access way, where feasible.

- D. Design Requirements.** For each bicycle parking space required, a stationary object securely anchored to a permanent surface shall be provided to which a user can secure the bicycle frame and at least one wheel with a user-provided U-shaped bicycle lock. The stationary object may be either a bicycle rack, a wall-mounted bracket, or a bicycle locker. Bicycle racks, wall-mounted brackets, and bicycle lockers shall be designed so that they do not cause a hazard to pedestrians and are easily accessed yet protected from motor vehicles.
- E. Location.** Parking areas shall be located in compliance with the following requirements:
1. The location of bicycle parking spaces is dependent on the intended use and duration of use for the space.
 - a. Short-term bicycle parking spaces shall be located to be visible from public areas such as public streets, storefronts, sidewalks, plazas and to be convenient to the target users of the bicycle parking to the maximum extent feasible, and shall be placed within 100 feet of the structure's main pedestrian entrance or as close as feasible. When feasible, bicycle parking shall be located adjacent to coastal access points.
 - b. Long-term bicycle parking spaces shall be located in a well-illuminated, secured, covered area; accessible to and from nearby public streets and sidewalks for the target users of the bicycle parking, who may or may not include the general public; and located near the structure's main pedestrian entrance, main employee entrance, or in the parking garage.
 2. Bicycle parking spaces shall be located directly adjacent to a bicycle rack or within a secure, single bicycle locker and shall allow for convenient, unobstructed access to such bicycle rack or locker.
 3. Bicycle parking spaces shall be located so as not to block pedestrian entrances, walkways, or circulation patterns in or around nearby facilities or structures.
 4. Bicycle parking shall not be located within the public right-of-way and shall be placed so that parked bicycles do not block sidewalks or encroach into the public right-of-way.
- F. Signage.** Appropriate signage identifying the location of bicycle parking and bicycle facilities shall be provided on site, where applicable.
- G. Bicycle Facilities.** For new or remodeled commercial, multifamily residential, and mixed-use developments, attractive destination facilities, such as bicycle lockers, showers, or changing rooms shall be created.

18.24.070 Disabled-Accessible Parking Spaces.

When so directed by a resolution of the City Council, the Building Official or designee is authorized to designate parking spaces for the exclusive use of physically handicapped persons whose vehicles display a distinguishing placard or license plate issued to disabled persons pursuant to the California Vehicle Code.

Disabled accessible parking spaces shall be provided as required by Title 24 of the California State Building Standards Code. Such spaces shall be identified as required below:

- A. By posting a sign depicting profile view of a wheelchair with an occupant in white on a blue background.
- B. By outlining or painting the stall or space in blue and outlining on the ground in the stall or space in white or suitable contrasting color a profile view depicting a wheelchair with an occupant.

It shall be unlawful for any person having control over an off-street parking facility containing spaces or stalls reserved for the physically handicapped to fail to maintain either sign method required by Subsections A and B of this section such that the sign(s) ceases to clearly and conspicuously provide notice that the stall or space is reserved for physically handicapped persons.

The Americans with Disabilities Act also contains parking regulations. For information regarding these standards, please refer to the City's Building Division.

18.24.080 Boat, Trailer, and Oversized Vehicle Parking on Residentially Zoned or Developed Properties.

- A. **Purpose and Intent.** The parking restrictions set forth in this section are designed to provide for parking for boats, trailers, and oversized vehicles to improve the appearance and aesthetic values of the City's residential areas and residentially developed properties, and further to eliminate or prevent the occurrence of potential traffic hazards.
- B. **Applicability.** This section shall apply to the parking of all boats, trailers, and oversized vehicles on all residentially zoned and residentially developed properties.
- C. **Setbacks.**
 1. **Standard.** All boats, trailers, and oversized vehicles parked on residentially zoned or residentially developed property, including oversized vehicles parked in driveways, shall be parked a minimum of 20 feet from the back of any curb or, if no curb exists, from the edge of any improved street.
 2. **Exceptions:** This 20-foot setback shall not apply under any of the following conditions:

- a. The boat, trailer, or oversized vehicle is parked in any area within a garage or carport or within a legal enclosure or behind a fence or wall that totally shields such boat, trailer, or oversized vehicle from view from the adjacent street.
- b. The oversized vehicle is required for the daily use of an individual who is disabled, in accordance with Subsection G(1) of this section.
- c. The boat, trailer, or oversized vehicle is parked for temporary loading and unloading, in accordance with Subsection G(2) of this section.

D. Parking in Driveways. The only oversized vehicles allowed to be parked in required driveways shall be oversized vehicles that are self-powered and operable. Boats and trailers shall not be parked in required driveways. For the purposes of this section, the required driveway is that portion of the driveway determined to be required to provide access to the garage, carport, or other legally required off-street parking area for vehicles on the property, pursuant to the City's driveway standards on file in the Office of the City Engineer.

E. Partial Screening Required.

1. Purpose and Intent. The purpose and intent of this section is to address the potential aesthetic impacts of boats, trailers, and oversized vehicles that are parked outside the required driveway and that are visible from the street. The regulations in this subsection are meant to result in fences, walls, and hedges that partially block the view of boats, trailers, and oversized vehicles from vantage points along street-side property lines of the property on which the boat, trailer, or oversized vehicle is parked. The intent of this subsection is to require partial, and not full, screening, from both vertical and horizontal perspectives, of the boat, trailer, or oversized vehicle. The screening required by this section is partial from a vertical perspective, because most boats, trailers, and oversized vehicles exceed the maximum height of the fence, wall, or hedge required in this subsection. The screening required by this subsection is partial from a horizontal perspective because (1) this subsection requires screening from views along the street-side property line of the subject property, not along the entire street, and (2) this subsection does not require that fences, walls, or hedges be 100% opaque. The City recognizes the desirability, for aesthetic purposes, of allowing a variety of opaqueness and materials to be used to satisfy the fence, wall, and hedge requirements.
2. Standards. All boats, trailers, and oversized vehicles shall be partially screened by fences, walls, or hedges that comply with City standards, Section 18.20.070, Fences, Walls, and Hedges, and meet the following standards:
 - a. Height. Fences, walls, and hedges provided for partial screening shall be 6 feet in height, unless granted an exception by the Community Development Director, as provided for in Subsection G(3) of this section.

- b. Location. The fence, wall, or hedge shall be located between any visible portion of the boat, trailer, or oversized vehicle and the entire length of any street-side property line of the property on which the boat, trailer, or oversized vehicle is located.
 - c. Opaqueness. Fences, walls, or hedges must be at least 50% opaque, as viewed from a line perpendicular to the fence, wall, or hedge. Open fencing, such as wrought iron, may be used for partial screening, if combined with other materials or plantings to achieve at least 50% opacity.
3. Exceptions. The requirements of this subsection shall not apply under any of the following conditions:
- a. The boat, trailer, or oversized vehicle is parked in any area within a garage or carport or within a legal enclosure or behind a fence or wall that totally shields such boat, trailer, or oversized vehicle from view from the adjacent street.
 - b. The oversized vehicle is located entirely on the required driveway, in accordance with Subsection D of this section. When an oversized vehicle is located partially on the required driveway, the entire oversized vehicle shall be partially screened in accordance with the provisions of this subsection.
 - c. The oversized vehicle is required for the daily use of an individual who is disabled, in accordance with Subsection G(1) of this section.
 - d. The boat, trailer, or oversized vehicle is parked for temporary loading and unloading, in accordance with Subsection G(2) of this section.

F. Parking Space Surfacing and Maintenance. All parking spaces for boats, trailers, and oversized vehicles, shall be:

1. Covered with an all-weather surface, as deemed appropriate by the Community Development Director or City Planner.
2. Kept clean and free of dust, mud, and trash. Surfacing shall be maintained in a continuous state of good repair, as determined by the Community Development Director or City Planner.

G. Exceptions.

1. Vehicles for the Disabled. Vehicles displaying license plates or placards issued pursuant to Vehicle Code Section 5007, 22511.55 or 22511.59, shall be exempt from the setback and partial screening provisions of this section (Subsections C and E). The requirements contained in Subsections C and E shall not be applicable to any vehicles that meet both of the following requirements:
 - a. The vehicle is properly displaying a disabled person's special identification license plate issued under Vehicle Code Sections 5007, 22511.55 or 22511.59.

- b. The owner has filed with the City Clerk of the City of San Clemente written authorization from a duly licensed medical doctor noting that the oversized vehicle is reasonably necessary to accommodate the individual's daily needs.
2. Temporary Parking for Loading and Unloading. Boats, trailers, and oversized vehicles parked in a driveway for the purpose of loading and unloading shall be exempt from the setback requirements (Subsection C) and partial screening requirements (Subsection E) of this section for a maximum of six round trips per calendar year. It is the intent of this subsection that the provisions for loading and unloading be granted solely for boats, trailers, and oversized vehicles owned or rented by the residents of the property on which the boat, trailer, or oversized vehicle is being parked. For the purpose of this section, a round trip shall mean one 48-hour period for the loading of the boat, trailer, or oversized vehicle and one 48-hour period for the unloading of the boat, trailer, or oversized vehicle. With the exception of RV Parking Extension Roundtrips allowed in Section 10.28.230 of the Municipal Code, no more than two round trips shall be allowed within a 3-day period. At the expiration of each 48-hour period, the boat, trailer, or oversized vehicle shall be moved to a location that complies with all the provisions of this section.
3. Modifications to the Minimum Height for Partial Screening. The minimum fence, wall, or hedge height for partial screening may be reduced to 42 inches with the approval of the Community Development Director, if the Community Development Director determines that all of the following conditions are met:
 - a. The boat, trailer, or oversized vehicle is located on an area of the lot that does not permit fences over 42 inches in height, in accordance with the height limits for fences, walls, and hedges found in Section 18.20.070(B), Standards for Fences, Walls, and Hedges in All Zones.
 - b. Location of the boat, trailer, or oversized vehicle to an area of the lot that would allow partial-screening that is 6 feet tall would be impractical or economically infeasible; that is, it would impose costs on the applicant that are excessive in light of the purchase costs of the boat, trailer, or oversized vehicle.
 - c. The applicant's inability to satisfy the minimum height requirements for partial screening is not the result of the applicant maintaining his or her property in a manner that renders it impossible to satisfy the requirements of this section.

18.24.090 Tandem and Stacked Parking.

This section contains requirements for parking that may be provided in a tandem or stacked configuration.

A. **Applicability.** The following uses may have tandem and stacked parking with the approvals specified in subsection B.

1. Residential uses.
2. Visitor-serving accommodations with valet parking service.
 - a. Short-Term Lodging Units.
 - b. Motels.
 - c. Hotels.
 - d. Timeshares.

B. **Required Approvals.**

1. Building Permit Required. The following uses may have tandem and stacked parking with a building permit.
 - a. Accessory Dwelling Units as described in Section 18.20.150 of this title.
 - b. Single-family dwelling.
 - c. Duplex.
 - d. Multi-family lot with three or more dwelling units in the following situations:
 - 1) The use is located within one-half mile distance of public transit stops (bus, rail, or SC Rides).
 - 2) When there is a city-sanctioned, posted car-share pick-up or drop-off location within one block of the use.
2. Coastal Development Permit. The following uses may have tandem and stacked parking, subject to Zoning Administrator approval of a CDP according to permit requirements of Chapter 18.12, Coastal Development Permit Review Process.
 - a. Multi-family lot with three or more dwelling units that do not meet the criteria in Subsection B.1.d.
 - b. Visitor-serving accommodations with valet parking service.
3. CDP Required Findings. The findings in section 18.16.020 shall be met in addition to the following:
 - a. There is adequate parking to support the use; and

- b. The tandem or stacked parking does not reduce public parking available for coastal access.

C. Tandem Parking.

1. **Curb Break.** No greater than a 16-foot curb break shall be provided unless the curb break also serves access to another separate legally approved parking area or drive aisles. Any deviation from this width shall be subject to approval from the City Engineer. City Engineer determinations are subject to the appeals process for administrative decisions in Section 18.12.150.
2. **Garage Size, Minimum.** A minimum two-car garage not less than 18 by 38 feet in internal floor area shall be provided for single family residences.
3. **General Parking Design Standards.** All parking shall comply with the design standards in Section 18.24.040(B) of this title, except for standards specified in this section.

D. Stacked Parking.

1. **Stall Height.** Parking lifts must maintain stall heights as follows:
 - a. Minimum 6.5-foot clear height for spaces on the ground floor, or from where the vehicles are accessed.
 - b. Minimum 5-foot clear height for remaining levels in which users do not have direct access to the vehicle.
2. **Vehicle Accommodation.** Parking machines must demonstrate the ability to accommodate a range of vehicle sizes to ensure viability. Nonresidential projects using a parking machine shall provide a minimum of 25% of the required parking as surface parking. This requirement may be reduced by the approval of parking waivers where allowed. Compact spaces will not be permitted for surface parking in parking areas provided to meet the minimum surface-parking requirement.
3. **Compact Spaces.** A maximum of 30% of the parking spaces within a parking machine or parking lift facility may be designated for compact vehicles.
4. **Valet.** A valet may be required as a condition of approval for parking lifts or parking machines serving nonresidential uses in which the parking facility serves infrequent uses or where the duration of visit is anticipated to be short.
5. **Maneuvering.** Maneuvering area shall be provided for parking lifts and machines consistent with garage standards as appropriate to account for vertical elements of the machines.
6. **Access and Loading.** To mitigate circulation impacts, ingress, egress, and queuing area shall be reviewed and approved by the City Engineer. The queuing area shall not interfere with on-or-off site circulation patterns. City Engineer determinations are subject to the appeals process for administrative decisions in Section 18.12.150.

7. **General Parking Design Standards.** All parking shall comply with the design standards in Section 18.24.040(B) of this title, except for standards specified in this section.

E. Coastal Access.

1. Stacked or tandem parking shall only occur if their implementation does not reduce public parking available for coastal access.

18.24.100 In-Lieu Certificates for Off-Street Parking.

- A. **Sale of In-Lieu Certificates.** The City Council may authorize the sale of in-lieu certificates for off-street parking to owners of the property who make the showing required under Subsection B, Required Showing, of this section. The City Council shall adopt a resolution or resolutions creating in-lieu parking districts within the City, setting forth both the boundaries of such districts and the applicable in-lieu fee within each district. Such fees shall be based on the cost of providing the necessary parking facilities within the applicable district at the time of sale of the in-lieu certificates. The boundaries of each district and the fee for the in-lieu certificates therein may be adjusted from time to time as the City Council sees fit.
- B. **Required Showing.** The applicant shall show to the satisfaction of the City Council that the sale of in-lieu certificates is necessary because there is not available space to provide the requisite amount of off-street parking and the project cannot be reasonably redesigned to accommodate such parking without extreme hardship. The owner of the property for which the parking certificate(s) is(are) approved shall be required to purchase and retain one certificate for each required parking space not provided in accordance with the minimum requirements of the San Clemente Implementation Plan (IP). All certificates purchased shall run with the property and shall not be transferable to another property.
- C. **Use of Funds.** All moneys paid for certificates shall be deposited with the City; expenditures from the fund shall be used solely to purchase land and make improvements for public parking and/or implementation of a non-automobile circulation system within the in-lieu district from which the money was obtained.
- D. **Method of Sale.** The City Council shall have the right to authorize the sale of in-lieu certificates subject to the following minimum requirements:
 1. Where four or fewer certificates are to be purchased, a minimum cash down payment equal to the value of one-half of one space shall be made, with the balance to be paid in equal monthly, quarterly, or annual payments over a maximum period of 5 years.
 2. Where five or more spaces are to be purchased, a minimum cash down payment equal to the value of one space shall be made, with the balance to be paid in equal monthly, quarterly, or annual payments over a maximum period of 10 years.
 3. The owner shall post a bond, a letter of credit, or a lien on the property for the balance of the certificates purchased as determined by the City.

4. Interest shall accrue on the unpaid balance of the in-lieu parking fee at the rate of 10% per annum, which percentage may be adjusted by resolution of the City Council as necessary.
5. Commercial development purchasing five or more in-lieu certificates may pay for such certificates in 108 equal monthly installments at a 1% annual interest rate by entering into an agreement with the City. Owners shall enter into the agreement prior to the issuances of the Building Permit, or if no Building Permit is required, prior to the commencement of business at the proposed location. The obligation to pay shall commence on the first day of the month directly following the date the owner commences operations.

E. **Off-Site Parking.** Where permitted by this chapter, parking required for nonresidential uses may be provided off site through the execution of a legal document within 300 feet of a use, except for employee parking may be located up to 900 feet off-site if a served businesses is located in the Downtown Parking Study Area (see Figure 18-4). Shared parking is encouraged to meet this requirement and shall comply with Section 18.24.120, Shared Parking. The legal document for off-site parking shall comply with the following restrictions:

1. The agreement shall restrict the use of the land on which the off-site parking is located for the duration of the use for which that parking is provided.
2. If shared parking is proposed as part of the off-site agreement and permitted by the City in compliance with Section 18.24.120, Shared Parking, the shared parking written agreement shall be attached to the agreement for off-site parking.
3. The agreement shall not reduce public parking available for coastal access.
4. The agreement shall be executed by the owner of the property on which the parking is located. Only the property owner may enter into these agreements.
5. The agreement shall be submitted for the review and approval of the City Attorney.
6. Following its approval of a CDP, pursuant to Chapter 18.12, Coastal Development Permit Review Process, the agreement shall be recorded by the applicant and a copy furnished to the Community Development Department. This document shall be part of the record and considered as part of any future related discretionary applications and Building Division reviews.
7. Findings. The following findings shall be made to approve off-site parking.
 - a. The proposed use is permitted within the subject zone and complies with all the applicable provisions of the LCP and the purpose and intent of the zone in which the use is being proposed.
 - b. The site is suitable for the type and intensity of use that is proposed.
 - c. The proposed use will not be detrimental to the public health, safety or welfare, or materially injurious to properties and improvements in the vicinity.
 - d. The proposed use will not negatively impact surrounding land uses.

18.24.110 Shared Parking.

In all nonresidential and mixed-use zones, private off-street parking facilities may be shared by multiple uses whose activities are not normally conducted during the same hours, or when hours of peak use vary. The applicant shall have the burden of proof for justifying a reduction in the total number of required off-street parking spaces.

A. Review Requirements.

1. Shared parking agreements may be granted by the City through the approval of a CDP subject to the requirements and findings in Subsections B and C of this section.

B. Requirements.

1. Evidence shall be submitted to demonstrate that shared parking will not result in inadequate parking. Applicants shall submit a parking study that provides an analysis of available and used parking spaces based on parking counts taken at certain time intervals during peak use hours and days to verify parking usage patterns. The Community Development Director or City Planner determines whether parking studies are adequate and has the authority to decide which parking analysis and counting methods are necessary to verify parking patterns.
 - a. Downtown Parking Study Area. At a minimum, for shared parking in the Downtown Study Area (See Figure 18-4), parking studies shall be conducted for 2 weeks, with parking counts taken every hour on Thursday and Saturday each week.
2. Evidence shall be submitted to the Community Development Director or City Planner to verify that a shared parking agreement will not result in a reduction of public parking available for coastal access.
3. Shared parking facilities shall not be located farther than 300 feet from any structure or use served, except for employee parking may be located up to 900 feet off-site if a served businesses is located in the Downtown Parking Study Area (see Figure 18-4).
4. Prior to the use being initiated, a written agreement shall be reviewed by the City Attorney and executed by the property owners to ensure the continued availability of the shared parking spaces for the life of both developments.
5. In the case of mixed-use development projects, any parking for the residential component of the project that exceeds the minimum of two per dwelling unit may be considered for shared parking.

C. Findings. All of the following findings shall be required, with exceptions as noted:

1. Given the specific conditions of the site and the adjacent area, the parking arrangement and site improvements will not result in inadequate parking.
2. The parking arrangement and site improvements will not result in reduced public parking available for coastal access.

3. The number of parking spaces required for the site, in accordance with Section 18.24.040(B), Number of Parking Spaces Required, is provided through the shared parking arrangement, based on varied hours of operation and/or combinations of peak and off-peak uses. Exceptions: The following findings may be substituted for this finding in the specific situations described below:
 - a. In the case of sites/projects that are already nonconforming as to the number of parking spaces provided, the following finding may be made: The shared parking arrangement does not intensify the nonconformity and/or any intensification can be accommodated because of varied hours of operation and/or combinations of peak and off-peak uses.
 - b. In the case of the Downtown Parking Study Area, the following finding may be made: The number of spaces to be shared has been demonstrated to be physically available (not occupied) for the proposed use(s), during the hours of operation of the proposed use(s).

18.24.120 Waivers of Parking Requirements.

A. The Downtown Parking Study Area.

1. Purpose and Intent. The Parking Waiver Program for the Downtown Parking Study Area is designed to serve the unique characteristics of this area that influence parking demand. The Parking Study Area contains a significant number of public parking spaces that absorb the overflow parking from private parking lots and substitute for private parking. In addition, the existing mix of land uses is varied, with retail and office uses, public services, service-oriented businesses, visitor commercial uses and some residential uses. The variety of land uses in the area, the incorporation of residential uses into commercial projects, the varied peak parking demand periods that they create, their proximity to one another, and the pedestrian-orientation of the area result in a shared or joint-use of the available public parking. All of these factors reduce the parking demand from that experienced by many types of commercial areas. A parking study completed in 1995, and updated approximately every two years since that time, on which this program is partially based, confirmed the unique parking circumstances in the Downtown Parking Study Area.

The Parking Waiver Program was developed to address the reduced parking demand experienced within the study area. The program has been designed so that waivers are not automatic; rather, they require discretionary action on the part of the City. Waivers are to be granted based on the availability of public parking near the proposed project and on the project's contribution to the pedestrian atmosphere of the Downtown Parking Study Area. The availability of private parking near a project is not a basis for granting waivers. In the development of this program, the City recognizes that each block within the Parking Study Area is unique, with its own set of circumstances related to public parking availability, parking demand, pedestrian-orientation and mix of uses. These individual circumstances shall be taken into consideration when waivers requests are evaluated.

2. Review Requirements.

- a. Waivers for Alterations of Use. Waivers of the parking requirements for alterations of use, except for outdoor dining, may be allowed by the following authorities, subject to the concurrent review provisions of Section 17.12.090, Consideration of Concurrent Applications, and the findings in Subsection (A)(3) of this section, through the indicated applications:

Table 18 - 9 Review Requirements for Waivers for Alterations of Use

Threshold for Review	Community Development Director / Administrative Approval	Zoning Administrator - Coastal Development Permit (CDP)	Planning Commission CDP
Waiver of Up to 3 Parking Spaces	X		
Waiver of 4-6 Parking Spaces		X	
Waiver of 7-10 Parking Spaces			X

- b. Waivers for Outdoor Dining, Additions and New Structures. The waiver of some or all parking requirements for outdoor dining, additions to existing structures, and new structures shall be reviewed by the approval body required to review other aspects of the outdoor dining facility, addition or new structure, in accordance with Chapter 18.16, Applications, of this title and subject to the findings of Subsection (A)(4) of this section. An application for a parking waiver shall be filed and processed in the following manner:

- 1) When only ministerial, City Planner, or Community Development Director review of the project is required, the parking waiver shall be reviewed by the Community Development Director through the plan check process.
- 2) When Zoning Administrator review of the project is required, the applicant shall process and obtain a CDP, for the parking waiver request.
- 3) When Planning Commission review of the project is required, the applicant shall process and obtain a CDP for the parking waiver request.

3. Limitations on Waiver Requests.

- a. For the Downtown Parking District Study Area. The City may approve up to 90 parking waivers in the Downtown Parking Study Area. Parking waivers may be granted for alterations of use and new nonresidential development. After 90 waivers have been granted, the City shall consider whether an additional parking study is necessary to assure that granting of an additional 90 waivers, for a total of 180, will not create inadequate parking in the study area. The Planning Division shall maintain a public record of the number of parking waivers issued to date.

- b. For an Individual Project Site. The City may approve parking waivers for an individual project site, subject to the following limitations:
 - 1) No project site may be granted more than 10 parking space waivers.
 - 2) The limitation on the total number of waivers that the City may grant to an individual project site is cumulative since January 1, 1997.
 - 3) Should the use or addition for which the parking waiver is granted be terminated or demolished, the parking waivers shall revert back to the City and shall be available for granting by the City to other projects.
 - 4) Prior to the granting of any waivers, the findings outlined in Subsection (A)(4) shall be made.
 4. Findings. Prior to the approval of a waiver of parking requirements, all of the following findings shall be made in addition to any general findings required for the appropriate permit:
 - a. No more than 180 parking space waivers have been granted in the Downtown Parking Study Area since January 1, 1997;
 - b. There is currently adequate parking to support the change of use and/or development and provide adequate beach parking within the study area;
 - c. The City Council has approved an updated parking study for the Downtown Parking Study Area that shows the occupancy of the parking spaces in the study area is less than or up to 90% occupied during daylight hours, on summer weekends;
 - d. Public parking is available in close proximity to the project site; and
 - e. The project receiving waivers: 1) improves pedestrian access to and from alleys and streets within the Downtown Parking Study Area to the extent feasible and commensurate with the scale of the project; or 2) the project contains both nonresidential and residential uses and, therefore, promotes shared parking and pedestrian activity within the area.
- B. Outside the Downtown Parking Study Area.** Waivers of the parking requirements for the uses contained in the following table may be approved in all other areas of the coastal zone, subject to the approval of the permits indicated in Table 18-10, Land Use Requirements and Findings.

Table 18 - 10 Land Use Requirements and Findings

Use	Permit Requirements	Findings
1. Hotels — Waivers for the Number of Parking Spaces Required	CDP	<ol style="list-style-type: none"> 1. The hotel provides for the transportation needs of its guests such that the hotel guest's use or storage of personal automobiles will not exceed the parking spaces provided for hotel guests; and 2. Either the hotel is in close proximity to existing or approved public transportation facilities or other criteria exist which would reduce the amount of parking which would otherwise be required by the hotel.
2. Historic Structures in RM and RH Zones — Waivers of the Parking Space and Circulation Requirements	CDP 2 space reduction maximum	
CDP—All others		<ol style="list-style-type: none"> 1. The structure is listed on the City's Designated Historic Structures List; and 2. The parking required by the district within which the property is located cannot be provided without altering or modifying the historic structure in a manner which is incompatible with its original style and character; and 3. The modifications of the parking and circulation requirements will not be detrimental to the health, safety and general welfare of either the people residing in the area or the general public.
3. Historic Nonresidential and Mixed-Use Structures — Waivers of the Parking Space and Circulation Requirements	CDP and MEP—2 space reduction	
CDP and CUP—All others		<ol style="list-style-type: none"> 1. The structure is listed on the City's Designated Historic Structures List; and 2. Public parking is available in close proximity to the structure; and 3. The parking required by the zone and/or district within which the property is located cannot be provided without altering or modifying the historic structure in a manner which is incompatible with the historic structure's original architectural style and character; and 4. The modification of the parking requirements will not be detrimental to the health, safety and general welfare of either the people residing in the area or the general public.
Relocation of Historic Structures—Waivers of the	CDP and Minor CUP. Please also refer	The structure is listed on the City's Designated Historic Structures List

Use	Permit Requirements	Findings
Parking Space and Circulation Requirements	to Section 17.24.160, Relocation of Structures	
4. Minor Additions to Nonresidential Structures and the Commercial Portion of Mixed-Use Structures — Waivers for the Number of Parking Spaces Required	CDP and MEP	1. The proposed expansion will not result in a deficit of more than 2 parking spaces for the use; and
		2. Public parking is available in close proximity to the structure; and
		3. Given the specific conditions of the site and the adjacent area, the waiver or modification of requirements will not result in inadequate parking.
5. Changes of Use — Waivers for the Number of Parking Spaces Required	CDP and MEP	1. The change of use will not result in a deficit of more than 2 parking spaces for the use; and
		2. Public parking is available in close proximity to the use; and
		3. Given the specific conditions of the site and the adjacent area, the waiver or modification of requirements will not result in inadequate parking.
6. Indoor Seating for Restaurants —Waivers for the Number of Parking Spaces Required for Indoor Seats	CDP and MEP	1. The total indoor seating for the restaurant will not result in a deficit of more than 5 parking spaces; and
		2. Other nonresidential uses whose activities are not normally conducted during the same hours share parking spaces with the restaurant; and
		3. Public parking is available in close proximity to the restaurant; and
		4. Given the specific conditions of the site and the adjacent area, the waiver or modification of requirements will not result in inadequate parking.
7. Outdoor Dining Areas	CDP and Minor CUP	1. Public parking is available in close proximity to the restaurant;
		2. Given the specific conditions of the site and the adjacent area, the waiver or modification of requirements will not result in inadequate parking

CHAPTER 18.28 - LANDSCAPE STANDARDS

18.28.010 Purpose and Intent.

The purpose of this chapter is to establish landscaping standards that enhance the appearance of developments; increase the compatibility between different land uses; reduce the heat and glare generated by development; and protect public health, safety, and welfare by minimizing the impacts of soil erosion, visual pollution, and promoting water conservation on private and public land.

18.28.020 Applicability.

These provisions shall apply to new developments and to existing developments in which landscaping is proposed or required in the following way:

A. Applicability of Standards.

1. **New Development.** The standards in this chapter apply to all new development including private nonresidential, mixed-use, and residential development projects proposed after the Land Use Plan (LUP) Certification date (August 10, 2018).
2. **Existing Development.** If there is a discretionary action triggering compliance with Title 18, all existing development shall be made to comply with the maintenance requirements in Section 18.28.060, Maintenance Requirements, of this chapter. Existing development shall comply with the standards in Section 18.28.040, General Landscaping Requirements, and Section 18.28.050, Landscaping Requirements for Specific Zones, of this chapter, in the following manner:
 - a. **Existing Development Requiring Zoning Administrator, Planning Commission or City Council Review.** Existing development that requests improvements or a change of use through a discretionary process shall be reviewed for compliance with the general and specific standards contained in Sections 18.28.040, General Landscaping Requirements, and 18.28.050, Landscaping Requirements for Specific Zones, of this chapter. Through the discretionary review process, compliance or partial compliance may be required by the City when the improvements or change of use are significant enough to warrant landscape improvements.
 - b. **Existing Development Requiring Administrative Review.** Existing development that requests improvements or a change of use through an administrative process shall be reviewed for compliance with Sections 18.28.040, General Landscaping Requirements, and 18.28.050, Landscaping Requirements for Specific Zones, of this chapter if the owner of a property is adding square footage onto an existing building in excess of 50% of the building's existing square footage or causing a change of use for the property.

- c. **Other Existing Development.** Other existing development shall be exempt from compliance with the standards contained in Sections 18.28.040, General Landscaping Requirements, and 18.28.050, Landscaping Requirements for Specific Zones, of this chapter.

B. Requirements for Landscape Plans. Preliminary and comprehensive landscape plans are required for specific types of projects receiving discretionary review. Please refer to the Planning Division's application checklists to determine whether a discretionary application requires a preliminary landscape plan. While the standards contained in this chapter pertain only to landscaping on private property, the City also has requirements for landscaping in the public right-of-way and water efficiency regulations for public property. The Planning Division and the City's Beaches, Parks and Recreation Department should be consulted regarding landscaping and water efficiency standards for the public right-of-way and public property. Landscape plans must include the public rights-of-way, as well as private property. The following are the two types of landscaping plans required for some discretionary projects:

1. **Preliminary/Conceptual Landscaping Plans.** A preliminary landscaping plan shall be submitted as part of a CDP application for development, in accordance with Section 18.12.040, Filing an Application, of this title.
2. **Comprehensive Landscaping Plans.** A comprehensive landscaping plan shall be prepared and submitted for all projects requiring a preliminary landscape plan, concurrent with the application for Building Permits.

18.28.030 Related Documents.

The following are City documents containing information regarding landscape requirements or guidelines:

- A. **City of San Clemente LCP Land Use Plan, General Plan and Other Documents.** Please refer to Section 18.04.040, Relationship to Other City Documents, of this title, for a description of the relationship of the Local Coastal Program (LCP) LUP, General Plan, Urban Design Guidelines, and Master Landscape Plan for Scenic Corridors.
- B. **Specific and Master Plans.** Please refer to Section 18.04.040, Relationship to Other City Documents, of this title, for a description of the City's specific and master plans. Regulations and guidelines related to landscaping can be found in Chapters 2, 3, and 5 of the specific plans, except for the Pier Bowl Specific Plan, where regulations and guidelines can be found in Chapters 4 and 10.
- C. **Zoning Ordinance, Parking and Sign Chapter.** Please refer to Chapter 18.24, Coastal Parking and Site Access Standards, for landscaping requirements relating to parking areas.

18.28.040 General Landscaping Requirements.

This section contains general landscaping requirements for all new development and improvements to existing development warranting landscape improvements, as determined through the City's review process. The requirements contained in this chapter are for landscaping on private property while water efficiency standards in this section apply to both private and public property. The Planning Division and the Beaches, Parks and Recreation Department should be consulted for general landscape requirements for public property.

The following are general landscaping requirements for new development and improvements to existing development warranting landscape improvements:

- A. **Living Plant Materials.** Landscaping shall consist primarily of drought-tolerant, native living plant material. Hardscape improvements shall not be counted toward fulfilling the required landscape.
- B. **Landscaping on Private Property.** Only landscaping on private property shall count toward the landscaping requirements of this chapter. Landscaping for parking areas and signs shall count toward the landscaping requirements of this chapter.
- C. **California Native Species.** California native plant species shall be planted in at least 60 percent of required landscaped areas, as necessary to meet State Model Water Efficient Landscape requirements.
- D. **Interference 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 areas, and basic property rights of adjacent property owners.
- E. **Physical Damage from Landscaping.** Trees planted (on private property) near public bicycle trails or curbs shall be of a species and installed in a manner that prevents physical damage to sidewalks, curbs, gutters, and other public improvements. Root control barriers shall be used.
- 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.
- G. **State Model Water Efficient Landscape Ordinance.** The State Model Water Efficiency Landscape Ordinance (MWELo), in accordance with provisions established in present-day State Assembly Bill, shall apply to all new and rehabilitated public and private projects, as specified in the City of San Clemente guidelines and specifications for WELo compliance.
- 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.

- I. **More Restrictive Provision Shall Apply.** Should any provision of this chapter conflict with any other provisions of this IP or any Specific or Master Plan contained in the IP, the more restrictive requirements shall apply.

18.28.050 Landscaping Requirements for Specific Zones.

This section contains specific landscaping requirements, by zone, for new development and improvements to existing development warranting landscape improvements, as determined through the discretionary review process. Additional landscaping requirements may be found in Section 18.24.050, Landscaping, and Section 18.24.050, Design Standards for Off-Street Parking Facilities and Section 18.28.060 regarding landscape irrigation on coastal bluffs and canyon lots.

A. Residential Zones.

1. Residential Uses. All residential uses shall comply with the following standards:
 - a. Minimum landscaping for front-yard setback areas for single-family development. A minimum of 50% of the front-yard setback area shall have a surface that remains permeable, and is to be landscaped and permanently maintained, as provided for in Sections 18.28.040, General Landscaping Requirements, and 18.28.060, Maintenance Requirements, of this chapter. Exceptions: On lots with lot width of 40 feet or less, 45% of the front-yard setback area shall have a surface that remains permeable, and is to be landscaped and permanently maintained, as provided for in Sections 18.28.040, General Landscaping Requirements, and 18.28.060, Maintenance Requirements, of this chapter.

Exceptions may be granted with the approval of a CDP and MEP, in accordance with specific permit requirements of Chapter 18.12, Coastal Development Permit Review Process (Title 18), and Section 17.16.090, Minor Exception Permit, (MEP), (Title 17) of the San Clemente Municipal Code (SCMC). In addition to the general findings required for specific permits, one of the following findings shall be made prior to the approval of a CDP:
 - 1) The project incorporates a driveway design that aesthetically improves the property beyond the required landscaping requirements of the IP, Title 18.
 - 2) Due to special circumstances applicable to the subject property including size, shape, topography, location, or surroundings, the strict application of the IP (Title 18) is found to deprive the subject property of privileges enjoyed by other properties in the vicinity under identical zone classifications.
 - b. A minimum of one 15-gallon tree or equivalent, as approved by the Community Development Director or City Planner, per 25 lineal feet of street frontage shall be planted in the front-yard setback area.
 - c. Minimum landscaping for front-yard setbacks for all other residential development. All setback areas visible from a public street, with the exception of the minimum areas

necessary for entry sidewalks and parking (including driveways and required parking spaces), shall have a surface that remains permeable and is to be landscaped and permanently maintained, as provided for in Sections 18.28.040, General Landscaping Requirements, and 18.28.060, Maintenance Requirements, of this chapter.

2. Nonresidential Uses. Please refer to the landscaping standards for nonresidential uses in nonresidential zones, below. A minimum of 10% of the gross lot area shall be provided in landscaping; however, more may be required through the discretionary review process to ensure compatibility of the use with nearby residential development.

B. Commercial Zones. All uses in commercial zones shall comply with the following standards:

1. A minimum of one 15-gallon tree or equivalent, as approved by the Community Development Director or City Planner, per 25 lineal feet of street frontage shall be planted on the site.
2. The following minimum amount of landscaping shall be provided for an individual development site:

Table 18 - 11 Commercial Landscaping as a Percentage of Gross Lot Area

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

C. Mixed-Use Zones.

1. Mixed-Use Zones except MU 5. All developments in the MU zones except MU 5 shall comply with the following landscaping standards:
 - a. A minimum of one 15-gallon tree or equivalent, as approved by the Community Development Director or City Planner, per 25 lineal feet of street frontage shall be planted on the site.
 - b. Urban Open Area Requirement. Landscaping requirements have been combined with open area requirements for this zone to allow the creation of urban open areas, such as courtyards, pedestrian walkways, outdoor seating areas and pedestrian walkways, accentuated with landscaping. Table 18-12, Mixed-Use Landscaping as a Percentage of Gross Lot Area, lists urban open area requirements for developments in the MU3 zone.

Table 18 - 12 Mixed-Use Landscaping as a Percentage of Gross Lot Area

Standard	All Lots
Total Urban Open Area (as percentage of net lot area):	
If provided on street level	20%
If provided on multiple levels, including on upper level balconies, decks, and roofs with permanently affixed planter boxes	30%
Percentage of Urban Open Area to be provided in Landscaping	25%

Exceptions to these requirements may be granted through the approval of a CDP in accordance with specific permit requirements in Section 18.48.040(C), Exceptions to the Development Standards for Lots of 8,000 Square Feet or Smaller, MU3 Zone, of this title.

2. MU 5.

- a. Residential uses in MU 5 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 in Subsection B, Commercial Zones, of this section.

D. All Zones.

1. For landscaping requirements for parking areas or lots, refer to Section 18.24.050, Design Standards for Off-Street Parking Facilities, of this title. Parking lot landscaping shall count toward the total landscaping requirements for a development site.
2. For landscaping requirements for signs, refer to Section 17.84.020(B)(3), Landscaping. Sign landscaping shall count toward the total landscaping requirements for a development site.

18.28.060 Maintenance Requirements.

The following standards shall be required of all development, new and existing:

- A. **Maintenance of Landscape.** All landscaped areas shall be maintained in an orderly, attractive, and healthy condition. This shall include proper pruning, mowing of turf areas, weeding, removal of litter, fertilization, replacement of plants when necessary, and the regular application of appropriate quantities of water to all landscaped areas.
- B. **Irrigation Systems Maintenance.** All irrigation systems shall be maintained in proper operating condition and, if applicable, adhere to the City's approved maximum applied water allowance. Waterline breaks, head/emitter ruptures, overspray or runoff conditions, and other irrigation system failures shall be repaired immediately.
- C. **No permanent irrigation is allowed within 100 feet of a coastal bluff edge or canyon edge.** Temporary irrigation may be allowed to establish new vegetation for a period of up to 36 months.

CHAPTER 18.32 - COASTAL NONCONFORMING STRUCTURES AND USES

18.32.010 Purpose and Intent.

This chapter establishes procedures for the regulation of nonconforming uses and structures, or existing uses and structures, except signs, which were lawfully established but are prohibited, regulated, or restricted by existing or new requirements. The intent is to form compliance with the LCP Certified LUP, General Plan, applicable Specific Plans, and zoning requirements, and to promote the public health, safety, and general welfare through compliance.

18.32.020 Definitions.

Definitions of terms used in this Chapter are located in Section 18.84.040 of this Title, except that definitions of terms related to mobile home parks and mobile homes are located in the state laws and regulations, including without limitation, Mobile Home Parks Act, California Health and Safety Code Section 18200 et seq.; Manufactured Housing Act, California Health and Safety Code Section 18000 et seq.; and California Code of Regulations, Title 25, Section 1000 et seq., as amended from time to time.

18.32.030 Applicability.

A. **Legal Structures and Uses.** This chapter applies only to Existing Legal Nonconforming Structures and Uses that have been “lawfully established. “For purposes of this chapter, Existing Legal Nonconforming Structures and Uses are lawfully established when structures are constructed and uses are established with the required and properly issued City approvals and/or permits, and are consistent with regulations (including State laws and regulations) in effect when Nonconforming Structures or Uses were established.

B. Exemptions.

1. State and Federal Law. Structures and land uses are exempt from this chapter if state or federal law requires structural or site plan alterations to be made that result in a structure becoming nonconforming (e.g., with regard to earthquake retrofitting safety standards, the Americans with Disabilities Act [ADA]). For example, the ADA with Disabilities Act can require a parking space to be widened to improve access. To comply with this requirement, the number of parking spaces may need to be reduced or the parking lot redesigned. A reduction in the number parking spaces can make some structures and uses nonconforming in terms of parking requirements.
2. Nonconforming Structures. The following structures are exempt from nonconforming structure regulations in this chapter:
 - a. Structures that comply with all zoning requirements except landscape standards.
 - b. Single-family dwellings constructed with a single car garage or carport (“parking structure”) in residential zones prior to April 4, 1962 are exempt from being a

- Nonconforming Structure due to insufficient parking, except when a project removes or alters the structural frame in 50 percent or greater of the structure's exterior walls, as described in Section 18.32.050(E). Then, the residence and parking structure shall be made to comply zoning requirements as described in this Chapter.
- c. Garages built into a slope or hillside and located in residential zones that do not comply with front-yard setback regulations.
 - d. National, state, or locally designated historic structures may be exempted from this chapter with the approval of a CDP and Cultural Heritage Permit.
3. Nonconforming Land Uses. The following land uses are exempt from nonconforming use regulations in this chapter:
- a. Multifamily 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 (most recent adoption date of updated/amended General Plan), the uses have not been discontinued more than 365 consecutive calendar days, and the uses meet any of the criteria below:
 - 1) The service station or vehicle service/repair-related use is on property fronting El Camino Real, or fronting other arterial streets defined in Section 18.84.040, Definitions.
 - 2) 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 CDP and Cultural Heritage Permit.
 - d. mobile home parks in compliance with any applicable CUP shall be exempt from all provisions of Chapter 17.72, except as provided in SMC subsection 17.72.060.E.

18.32.040 Determination of Nonconformity, Existing Legal Nonconforming Status.

A. Proof of Existing Legal Nonconforming Status.

1. Property Owner Responsibility. The property owner shall provide evidence to the satisfaction of the Community Development Director or City Planner to prove an Existing Nonconforming Structure or Use is "legal" and was lawfully established.
2. Community Development Director or City Planner Determination. The Community Development Director or City Planner determines what element of the existing structure or

existing use is nonconforming and whether an Existing Nonconforming Structure or Use was lawfully established.

- B. **Code Compliance of Projects.** Projects shall not make structures and uses more nonconforming (increase the size or degree of the specific identified nonconformity).
- C. **Determining the Safety of Structures.** The City Building Official determines whether a structure is safe for occupancy and use, according to building and safety regulations.
- D. **Appeal of Administrative Decisions.** City Planner and Community Development Director decisions may be appealed.

18.32.050 Nonconforming Structure Requirements.

- A. **Applicability of Other Review Procedures.** Section 17.16.050, Site Plan Permits and Minor Site Plan Permits, or Section 17.16.100, Architectural/Cultural Heritage Permits and Minor Architectural/Cultural Heritage Permits, may apply to projects that change Nonconforming Structures. CDPs may also be required for projects that change existing legal Nonconforming Structures. These permits ensure review of site plans and architecture through a discretionary process, as applicable.
- B. **Maintenance and Repairs.** Nonconforming structures may be maintained and repaired according to City and state codes, policies, and guidelines, provided the maintenance and repairs do not increase the size or degree of nonconformity, the maintenance or repair complies with the laws and regulations in effect when the structure was established, and the remaining portion of the structure complies with the laws and regulations in effect when the structure was established. Existing publicly-owned facilities that are legal, nonconforming, and coastal dependent uses, such as public access improvements, restrooms, and lifeguard facilities, on the bluff or beach area may be maintained, repaired and/or replaced as determined necessary by the City. Any proposed repair or replacement of existing public facilities shall be designed and sited to avoid the need for shoreline or bluff protection to the extent feasible.
- C. **Interior Alterations.** The non-structural interiors of Nonconforming Structures may be altered and do not contribute to the Major Remodel threshold calculations..
- D. **Minor Exterior Alterations.** Minor Exterior Alterations are permitted. Legal nonconforming structures may be added to and improved, provided that the addition or improvement does not increase the size or degree of the specific nonconformity and does not constitute a Major Remodel, as defined in Part 5 of this IP. F, or for development authorized under a Categorical Exclusion Order, the addition or improvement complies with the current policies and standards of the LCP and the remaining portion of the structure complies with the laws and regulations in effect when the structure was established. Examples of Minor Exterior Alterations include, but are not limited to, changing building materials, changing colors and finishes of materials, replacing wood/aluminum windows with vinyl windows, replacing doors and windows, and

modifying the color and type of guardrails. Any such exterior changes that are of a structural nature, would be counted towards the Major Remodel threshold

E. Exterior Wall Limitations. The structural frame of a Nonconforming Structure's exterior walls may be removed, replaced, or altered as follows:

1. **Nonconforming Status May Be Continued.** A Nonconforming Structure may continue to be nonconforming if a project removes or alters the structural frame in less than 50% of a structure's exterior walls.
2. **Nonconforming Status Shall Be Terminated.** Nonconforming Structures shall be made to comply with zoning requirements when the structural frame is removed or altered in 50% or greater of a structure's exterior walls. And, if required parking is contained within a detached garage or carport, parking spaces shall be made to comply with zoning requirements.
3. **Measuring Exterior Walls.**
 - a. **Units of Measurement.** Exterior walls are measured in square feet of surface area where major structural members are removed or altered, excluding infill of existing openings.
 - b. **Calculation.** Subsections E.1 and E.2 limit the size of a project that can maintain the nonconforming status of a structure based on a percentage of exterior walls that are removed or altered. This percentage is calculated by dividing the total surface area of exterior walls that are removed or altered by the total surface area of a structure's exterior walls. This fraction is multiplied by 100.
1. **Exceptions.** Exterior wall alterations may be excluded from measurement, if the Community Development Director or City Planner finds one or more of the following:
 - 1) Exterior walls must be altered to improve the safety (including seismic) of structures.
 - 2) The alterations improve the compatibility of the structure with the neighborhood.
 - 3) The alterations improve the architecture's compatibility with the City of San Clemente Design Guidelines.
 - 4) The alterations are to rehabilitate historic structure damage consistent with the Secretary of the Interior Standards for Historic Structures.
4. **Single-Family Dwellings Less Than 1,400 Square Feet.** Existing, legal nonconforming single-family dwellings with less than 1,400 square feet are exempt from Subsection E.2 with the approval of a CDP per Chapter 18.12, Coastal Development Permit Review Process. For approval, the Zoning Administrator must find that the proposed permits are necessary for the general appearance of a project to be in character with the neighborhood.

F. Roof Structure Limitations. The structural frame of a Nonconforming Structure's roof may be removed, replaced, or altered as follows, provided that the removal, replacement, or alteration

does not increase the size or degree of the nonconformity and does not constitute a Major Remodel, as defined in Part 5 of this IP, unless certain exceptions apply as defined herein:

1. **Roofs That Comply with Height Requirements.** Roofs of Nonconforming Structures may be partially or completely removed, replaced, or altered if their height complies with height requirements.
2. **Over-Height Roofs.** When a Nonconforming Structure has a roof that does not comply with height requirements, the roof's height shall be reduced to meet requirements when 50% or greater of a roof's structural frame is removed or altered.
3. **Measuring Roofs.**
 - a. **Units of Measurement.** Roofs are measured in square feet of surface area where major structural members in the roof's structural frame is removed or altered..
 - b. **Calculation.** Subsections F.1 and F.2 limit the size of a project that can maintain the nonconforming status of a structure based on a percentage of roof area that is removed or altered. This percentage is calculated by dividing the total surface area of roof area that is removed or altered by the total surface area of a structure's roof area. This fraction is multiplied by 100. For an example, refer to Figure 18-6.
 - c. **Exception.** Roof area that is altered may be excluded from measurement, if the Community Development Director or City Planner finds one or more of the following:
 - 1) The roof area must be altered improve the safety (including seismic) of structures.
 - 2) The alterations improve the compatibility of the structure with the neighborhood.
 - 3) The alterations improve the architecture's compatibility with the City of San Clemente Design Guidelines.
 - 4) The alterations are necessary to rehabilitate historic structure damage consistent with the Secretary of the Interior Standards for Historic Structures.

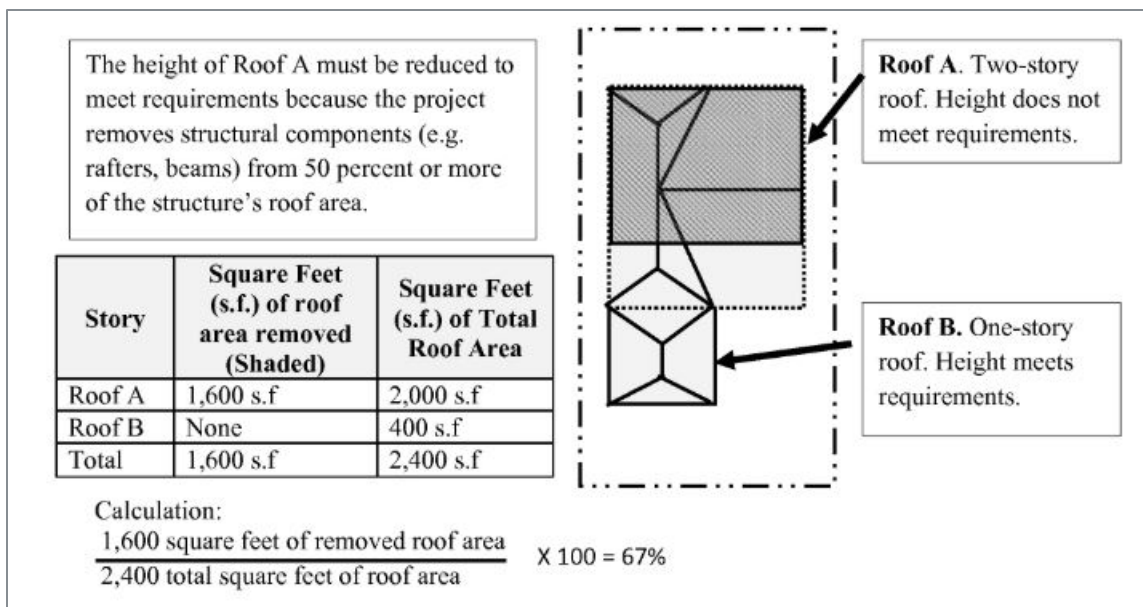


Figure 18 - 5 Roof Measurement Example

H. **Foundation Limitations.** The foundation of a Nonconforming Structure may be removed, replaced, or altered as follows, provided that the removal, replacement, or alteration does not increase the size or degree of the nonconformity and does not constitute a Major Remodel, as defined in Part 5 of this IP, unless certain exceptions apply as defined herein:

1. **Nonconforming Status May Be Continued.** A Nonconforming Structure may continue to be nonconforming if a project removes or alters the less than 50% of a structure's foundation.
2. **Nonconforming Status Shall Be Terminated.** Nonconforming Structures shall be made to comply with zoning requirements when 50% or greater of a structure's foundation is removed or altered. And, if required parking is contained within a detached garage or carport, parking spaces shall be made to comply with zoning requirements.
 - a. **Units of Measurement.** Foundations are measured in square feet of surface area where the foundation is removed or altered. The surface area of the foundation is measured in square feet where the foundation is removed or altered with the exceptions in Subsection H.2.c.
 - b. **Calculation.** Subsections H.1 and H.2 limit the size of a project that can maintain the nonconforming status of a structure based on a percentage of foundation area that is removed or altered. This percentage is calculated by dividing the total surface area of the foundation that is removed or altered by the total surface area of a structure's foundation. This fraction is multiplied by 100.
 - c. **Exception.** Foundation area that is altered may be excluded from measurement, if the Community Development Director or City Planner finds one or more of the following:

- 1) The foundation area must be altered improve the safety (including seismic) of structures.
- 2) The alterations are necessary to rehabilitate historic structure damage consistent with the Secretary of the Interior Standards for Historic Structures.

I. Nonconforming Accessory Structures. Projects involving nonconforming accessory structures shall comply with the following:

1. Nonconforming status may be continued.
 - a. Removal of less than 50 percent of structures removed. Nonconforming Accessory Structure (e.g., patio covers, decks, stairways, walls) may continue to be nonconforming when a project removes portions and the project's value is less than 50 percent of the accessory structure's Replacement Cost.
 - b. Expansion of Accessory Structures. Nonconforming Accessory Structure may be expanded and continue to be nonconforming. Expansions shall comply with zoning requirements.
2. Nonconforming Status Shall Be Terminated.
 - a. Removal of 50% or Greater of Structures. Nonconforming Accessory Structure shall lose its nonconforming status and be made to comply with zoning requirements if a project removes portions of the accessory structure and the project's value is 50 percent or greater of the accessory structure's Replacement Cost.
 - b. Accessory Structures Attached to Nonconforming Buildings. A Nonconforming Accessory Structure shall be made to comply with zoning requirements if it is attached to a Nonconforming Building that must be made conforming by this chapter.
 - c. To authorize repair and maintenance of existing legal, nonconforming accessory structures on a shoreline, bluff or canyon lot that do not meet the shoreline, bluff or canyon setback, a CDP shall be required. An assessment of the accessory structure must be made to determine if it is in danger from erosion, landslide, or another form of bluff or slope collapse. If it is determined by a licensed Geotechnical Engineer and/or the City that the accessory structure is in danger from erosion, landslide, or other form of bluff or slope collapse, the accessory structure shall be removed.
 - d. When a principal structure is removed. When a principal structure is removed, all nonconforming accessory developments and/or uses shall be removed. For development on the shoreline, canyon, and/or bluff sites, the project applicant must identify and remove all unpermitted and/or obsolete structures that are no longer being used, including but not limited to protective devices, fences, walkways, and stairways, that encroach into canyons or bluffs or shoreline or onto public property.

3. Determining project value and structure replacement cost. A project's value and accessory structure's replacement cost is based on the City's adopted fee schedule for building plan review and inspection, according to project valuations. For purposes of applying the City adopted fee schedule, a structure is considered a "wall" when it supports a roof and a "fence" is a freestanding structure.

J. Additions.

4. Additions of Less Than 50%. Nonconforming Buildings may be expanded less than 50% and continue to be nonconforming, if the addition complies with zoning requirements and a CDP is issued.
5. Addition of 50% or Greater. The following requirements apply when a Nonconforming Building is expanded by 50% or greater:
 - a. Nonconforming Status Shall Be Terminated. Nonconforming Buildings expanded by 50% or greater shall be made to conform to zoning requirements, except as follows:
 - 1) Exception for Single-Family Dwellings Less Than 1,400 Square Feet. Nonconforming single-family dwellings that are smaller than 1,400 square feet may continue to be nonconforming if they are expanded to a maximum of 2,100 square feet, provided that a CDP and Minor Architectural Permit or Minor Cultural Heritage Permit are issued.
 - 2) Substandard Parking in Detached Garages and Carports. If detached garages or carports provide required parking for primary buildings (e.g., dwelling), and the parking does not meet requirements (e.g., size, location, number of spaces), the parking shall be modified to meet requirements, except as follows:
 - Exception for Single-Family Dwellings Less Than 1,400 Square Feet. Nonconforming single-family dwellings that are smaller than 1,400 square feet may be expanded to a maximum of 2,100 square feet without modifying parking, provided that an MEP and CDP are approved. For approval, the Zoning Administrator must find that the proposed CDP and MEP are necessary for the general appearance of a project to be in character with the neighborhood. The general required findings shall also be met for the approval of an MEP per Section 17.16.090, Minor Exception Permits.
 - b. Measurement.
 - 1) Floor area measured. Floor area used to calculate the size of an addition, according to paragraph (b) below is based on the following:
 - For dwelling units, the living area is used to calculate the size of an addition.
 - For residential accessory buildings, floor area includes the interior area of an accessory building measured to the structural members of outermost walls. For

example, the floor area of an attached or detached residential garage is measured to the structural frame of the building.

- For nonresidential uses, gross floor area is used to calculate the size of an addition.
- 2) Calculation. Additions are regulated by percentages. The percentage of an Addition (or “percent added”) is calculated by dividing the square footage of an Addition’s floor area by the square footage of a building’s floor area before it is expanded. This fraction is then multiplied by 100. See Figure 18-8 for an explanation.
 - 3) Measurement of Multiple Projects. If a building has been expanded more than once, regulations are applied based on the total cumulative amount of floor area that is added to a building on or after August 2018 (LUP Certification date). For example, if a building is expanded by 10% in 2019 and expanded another 20% from the baseline square footage in 2020, then the building has been expanded by a total of 30% since 2019.

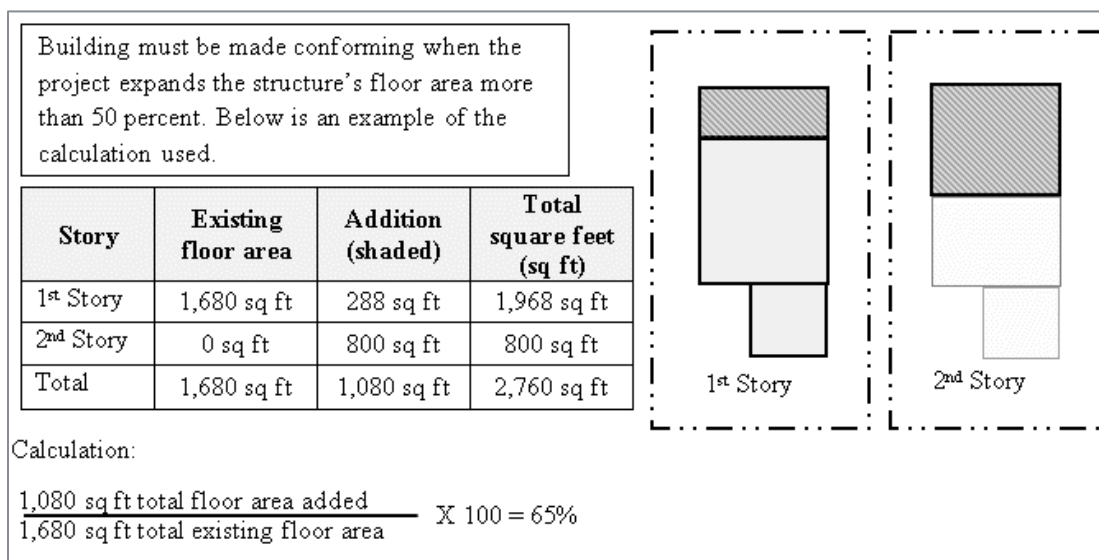


Figure 18 - 6 SF Addition Measurement Example

18.32.060 Nonconforming Use Restrictions.

A. **Change of Tenancy or Ownership.** Change of management, ownership, or tenancy of a Nonconforming Use shall not affect its nonconforming status provided the use is not expanded, as determined by the Community Development Director or City Planner.

B. **Discontinued Uses.**

1. Nonconforming Uses. Nonconforming Uses discontinued for more than 1 year (365 consecutive calendar days) shall be presumed to have been abandoned, with the option for rebuttal. Abandoned uses shall be converted to uses that meet zoning requirements.

2. **Nonconforming Alcoholic Beverage Sales.** Nonconforming alcoholic beverage sales shall be terminated if the Community Development Director or City Planner determines that any of the following criteria apply:
 - a. The sale of alcoholic beverages is discontinued for more than 90 consecutive calendar days.
 - b. The sale of alcoholic beverages is discontinued for more than 180 consecutive calendar days to complete repairs, alterations, or to replace structural damage, according to City-approved plans and permits.
 - c. The sale of alcoholic beverages is discontinued for any period of time as a result of a duly conducted abatement proceeding and suspension, a closure ordered by the City of San Clemente or the State of California Alcohol Beverage Control Board, or the order of any court.
3. **Burden to prove a Nonconforming Use may continue as follows:**
 - a. **Property Owner Responsibility.** Property owners, tenants, or their representatives shall have the burden to prove how many consecutive days a use has been discontinued and/or prove a use has not been abandoned.
 - b. **Community Development Director or City Planner Determination.** The Community Development Director or City Planner determines how much time has passed since a Nonconforming Use was discontinued.

C. Changes of Use.

1. **Change to a Conforming Use.** Once converted to a conforming use, a Nonconforming Use shall be not be reestablished.
2. **Change of Use When the Required Number of Parking Spaces Is Not Provided.** A Nonconforming Use may be changed to another use allowed by zoning regulations. When the required number of parking spaces is not provided, one of the following criteria must be met:
 - a. The proposed use is required to provide the same number or fewer parking spaces as the existing use.
 - b. The proposed use is required to provide more parking spaces than the existing use and parking is being added to meet the required increase. For example, if the existing use requires four spaces and the new use requires eight, four spaces must be added.
 - c. Parking spaces will be provided to fully comply with zoning regulations.
3. **Change from Prohibited Use to a Different Prohibited Use.** A CDP and CUP are required to replace a prohibited land use with another prohibited land use in the Coastal Zone. For approval, the following findings shall be met in addition to the generally required findings

for the approval of CDPs per Chapter 18.12, Coastal Development Permit Review Process, and CUPs per Section 17.16.060, Conditional Use Permits:

- a. The proposed use has less impacts upon the neighborhood than the use(s) being replaced, including, but not limited to, impacts upon parking, traffic, neighborhood aesthetics, noise levels, and residential density.
- b. The proposed Nonconforming Use more closely meets the intent of the IP (Title 18) and the Coastal Zone in which the Nonconforming Use is located than the use(s) being replaced.

D. Expansion of Nonconforming Uses.

1. Expansion of Permitted Uses with Nonconforming Parking. A land use may be expanded if the use is permitted but does not have the required number of parking spaces. To expand, off-street parking spaces shall be added that are equal to or greater than the number of spaces required for the addition. For example, if two parking spaces are required to add 400 square feet of medical office space, then two parking spaces or more shall be added.
2. Expansion of Prohibited Uses. A Nonconforming Use shall not be expanded if the use is prohibited. An expansion includes but is not limited to changes that:
 - a. Construct a new structure or increase the gross square footage of an existing structure to increase the floor space that is occupied by a Nonconforming Use.
 - b. Install new or expand existing equipment that increases the capacity, function, or output of a Nonconforming Use.
 - c. Increase the operating hours of a Nonconforming Use.
 - d. Increase the occupancy of a structure.
 - e. Increase the parking, noise, traffic, dust, water quality, or other adverse impacts of a Nonconforming Use.

E. Nonconforming Mobile Home and Mobile Home Park Uses. Nonconforming mobile home structures may be replaced, renovated, remodeled, expanded, or repaired. New mobile home accessory structures and utility improvements are permitted. Mobile home park common areas, roadways, and utility improvements may also be added, repaired, renovated, remodeled, expanded, or replaced. All mobile home and mobile home park improvements shall comply with state mobile home statutes, regulations and policies, including, without limitation mobile home Parks Act, California Health and Safety Code Section 18200 et seq.; Manufactured Housing Act, California Health and Safety Code Section 18000 et seq.; California Code of Regulations, Title 25, Section 1000 et seq.; as well as federal mobile home statutes including the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C. Section 5401 et seq. and applicable regulations. SCMC subsections 17.72.030.C.3.d and 17.72.060.E shall control as to mobile home parks and mobile homes.

F. Nonconforming Group Counseling Uses.

1. Any group-counseling use that is legal nonconforming as of March 1, 2016, is subject to an amortization period of 3 years.
2. The owner or operator of a legal nonconforming group-counseling use may apply for an extension of the amortization period by making a written request to the Community Development Director. Such request shall be made before the amortization period ends unless the Community Development Director determines that good cause is shown for late submission of the request.
3. Upon the conclusion of the amortization period, any legally established nonconforming use shall cease all business operations and all signs, advertising, and displays relating to said business shall be removed within 30 days.

G. Nonconforming Residential Uses.

1. Short-Term Lodging Units (STLUs) and Short-Term Apartment Rental (STARs).
 - a. Generally. Any residential use that was legally established and legally operating as of February 2, 2016 per the standards set forth in Section 18.20.160, Short-Term Lodging Units, (including any legitimate legal and appropriately licensed home occupation and any other legitimate and legal incidental and accessory commercial use) but that is categorized by the provisions of this title as a STLU or STAR and does not conform to the development standards of Subsections (E) and (F), is subject to an amortization period of 2 years, or until the sale or transfer of the property, whichever occurs first, as long as that STLU or STAR is operated according to the operational standards of Subsections (C) and (D) with a valid STLU operating license under Chapter 3.24 and in accordance with other local, state, and federal law.
 - b. Notwithstanding Subsection G(1)(a) above, the owner of an STLU outside of the RVL and RL zones may, if the owner is in good standing, extend the 2-year amortization period to 10 years by submitting a complete, written application to extend the amortization period on a form provided by the Director of Community Development within 30 days after the Director makes extension application forms available to the public. "In good standing" here means current on remittance of STLU Transient Occupancy Tax to the City and with no violation of the City's Municipal Code, including the Transient Occupancy Tax ordinance that was not cured within 30 days of the notice of violation. The Director's decision on amortization-extension applications is ministerial.
 - c. Any amortization extension granted under Subsection G(1)(b) above constitutes a use permit that is specific and personal to the STLU owner and does not run with the land, and it terminates upon any sale or transfer of the STLU property as defined in Subsection G(3) below.

2. **Change of Ownership.** A change of ownership for purposes of Subsections 18.32.060(G)(1) above includes, but is not limited to, the sale of at least 50% of the shares in any type of corporation, or a change in any of the principal officers in a corporation as determined by the City Manager or his or her designee. Notwithstanding the foregoing, if the permittee is a partnership and one or more of the partners withdraws, one or more of the remaining partners may acquire by purchase or otherwise the interest of the partner or partners who withdrew without effecting a change in ownership, and in such case the permittee is deemed to be the surviving partner(s).
3. **Amortization Extension.**
 - a. **Eligibility.** The owner of (i) a legal nonconforming STLU or STAR in a Residential Very Low (RVL) or Residential Low (RL) zone or (ii) a legal nonconforming boarding house in any residential zone may apply for an extension of the amortization period by making a written request to the Community Development Director. (Legal nonconforming STLUs and STARS in other residential zones are subject to a different amortization process under Subsection G(1)(b).)
 - b. **Timing.** Such request shall be made before the amortization period ends unless the Community Development Director determines that good cause is shown for late submission of the request.
 - c. **Hearing Officer.** A timely request for an extension of the amortization period shall be heard by a neutral third-party hearing officer within 30 days of receipt of the request. The party requesting the extension shall pay the costs of the hearing, including the cost of the hearing officer, and shall deposit funds sufficient to cover those costs when the written request for extension is submitted to the City.
 - d. **Criteria.** A request for an extension of the amortization period shall be issued only if the property owner demonstrates to the hearing officer's satisfaction that the specified amortization period is unreasonably short and that an extension is in fact necessary to avoid a constitutional taking. Factors may include, but are not limited to, the extent of the particular owner's investment that is unique to the nonconforming use and does not serve any conforming use of the property, the extent of the owner's investment that will not be recovered on sale of the property, the owner's investment-backed expectations in light of current and pending regulation at the time that the investment was made, replacement cost of improvements that might have been made that only serve the nonconforming use, and the length of time that the owner has had the benefit of the investment before the use became nonconforming.
 - e. **Burden.** The burden is on the owner to demonstrate that the general 2-year period is unreasonable in the owner's particular case.
4. The owner or operator of a legal nonconforming STLU or STAR may apply for a waiver of certain operating standards during the amortization period by making a written request to

the Community Development Director, accompanied by evidence demonstrating that enforcement of the standard or standards creates an exceptional hardship. The operating standard subject to possible waiver is limited to that found in Subsection 18.20.160(C)(11), Occupancy Limit.

5. Upon the conclusion of the amortization period, any legally established nonconforming STLU, STAR, or boarding house shall cease all business and lodging operations. This does not prevent the dwelling unit from being used as a long-term residential rental.
6. All STLUs and STARs, but not boarding houses, that are nonconforming at the end of the amortization period for no reason other than they do not meet the requirements specified in Subsections 17.28.292(E)(2), Zone Density, or (F), STAR Minimum Distancing, of this title, may remain a nonconforming use in compliance with the general standards for nonconforming uses specified in Subsections B through D of this section; however, any change of ownership, as described in Subsection G(3) of this section, shall immediately require that the use of the property as a STLU or STAR be terminated.

18.32.070 Deferred Repairs and Accident Damage of Nonconforming Structures and Uses.

- A. **Deferred Repair and Maintenance.** Structures, and the uses that occupy them, shall be required to conform with all City zoning requirements in Title 18 and Title 17 of the SCMC if a structure is damaged due to deferred repairs or deferred maintenance and the Community Development Director or City Planner finds either of the following:
 1. The damaged structure is a public nuisance and/or is unsafe for occupancy due to deferred repairs and/or maintenance.
 2. The cost of replacing structural damage is equal to or greater than the damaged structure's replacement cost.
- B. **Accident Damage.** Structures, and the uses that occupy them, may be repaired or replaced when structures are damaged or destroyed by an accident, as follows:
 1. **Exemption of Multifamily Dwellings.** Multifamily dwellings are exempted from requirements in this subsection, provided that a building permit is approved within 3 years (1,095 consecutive days) from the date of the accident that causes damage. Per California Government Code Section 65852.25, multifamily dwellings are "any structure designed for human habitation that is divided into two or more independent living quarters."
 2. **Nonconforming Single-Family Dwellings Located in Residential Zones.** Nonconforming single-family dwellings may be replaced if dwellings are located in residential coastal zoning districts. To replace a dwelling, a building permit shall be approved within 3 years (1,095 consecutive days) from the date of the accident that causes damage.

3. Nonconforming Structures Located in Non-Residential Zones. Nonconforming Structures may be replaced as follows when they are located in non-residential zones:
 - a. Structures Damaged by Less Than 50% of the Structure's Replacement Cost. Nonconforming structures may be replaced if the cost to replace or repair accident damage is less than 50% of the structure's replacement cost, immediately before the damage occurred. To replace a structure, a building permit shall be approved within 3 years (1,095 consecutive days) from the date of the accident that causes damage. The structure shall be occupied by a use that complies with zoning requirements.
 - b. Structures Damaged by 50% or Greater of the Structure's Replacement Cost. A CDP and CUP are required to replace Nonconforming Structures in the Coastal Zone if the cost to replace or repair accident damage is 50% or greater than the structure's replacement cost immediately before the damage occurred, unless exempt per Section 18.16.040(C)(6) Exempt Projects. To replace a structure, CDP and CUP applications shall be submitted within 2 years (730 consecutive days) from the date of the accident that causes damage. For permit approval, the following findings shall be made in addition to the general required findings per Chapter 18.12, Coastal Development Permit Review Process, and per Section 17.16.060, Conditional Use Permits:
 - 1) The proposed structure has less impact upon the neighborhood than the structure(s) being replaced, including, but not limited to, impacts upon parking, traffic, neighborhood aesthetics, noise levels, and residential density.
 - 2) The proposed Nonconforming Structure more closely meets the intent and development standards of the IP (Title 18) and the zone in which the Nonconforming structure is located than the structure(s) being replaced.
 - 3) The proposed structure is less detrimental to the public welfare and to surrounding properties than the structure(s) being replaced.
4. Structures Occupied by a Nonconforming Use. A Nonconforming Use in the Coastal Zone shall be terminated when a use occupies a structure that is damaged by an accident and the cost to replace or repair the accident damage is 50% or greater than the structure's replacement cost, immediately before the damage occurred. The structure shall be occupied by a use that complies with zoning requirements.
5. Time Extensions. The Community Development Director may grant one or more 90-day time extensions for the issuance of building permits, if he/she determines permits have been pursued in good faith and there has been a justifiable cause for the delays.
6. Progress of Construction. Construction work shall be completed within required time frames per Title 15 of the Municipal Code.
7. Estimating Replacement Cost.

- a. **Property Owner Responsibility.** Property owners or their representative shall submit a detailed written analysis of a structure's replacement cost.
- b. **Professional Analysis.** A qualified and experienced construction cost estimator shall estimate the cost to replace structures and other applicable site improvements, according to existing construction cost estimating indices, to the approval of the Community Development Director or City Planner.
- c. **Community Development Director or City Planner Determination.** The Community Development Director or City Planner has the sole discretion to determine a structure's replacement cost based upon substantial evidence. The City Planner may require a third-party review of a replacement cost analysis. If required, a third-party review shall be entirely paid for by the property owner or their representative.

PART 4 COASTAL ZONING DISTRICTS, ALLOWABLE LAND USES, AND STANDARDS

CHAPTER 18.36 - DEVELOPMENT AND LAND USE APPROVAL REQUIREMENTS

18.36.010 Purpose and Intent.

The purpose of this part of the IP is to provide the general requirements for the approval of proposed development and land use activities. Land use requirements for specific land uses are established by this Part 4 as well as Part 3 (General Coastal Development Standards) of this IP. Land use and development approval and administrative provisions are established by Part 2 (Coastal Development Permits) of this IP.

18.36.020 General Requirements for New Development.

No development (i.e., use of land, demolition, alteration, construction, expansion, reconstruction, or replacement of structures) shall be allowed unless the development complies with this Implementation Plan and the requirements of this Chapter.

- A. Allowable Use. The land use shall be identified by Chapter 18.40 (Residential Zones and Standards), 18.44 (Commercial Zones and Standards), 18.48 (Mixed-Use Zones and Standards), 18.52 (Open-Space Zones and Standards), 18.56 (Public Zones and Standards), or 18.XX (Overlay Districts and Standards) as being allowable in the zoning applied to a site.
- B. Coastal Development Permit Requirements. Coastal Development Permits (CDP) required by this IP shall be obtained before the proposed use is commenced or the development is constructed, and any activities associated with the use are commenced, or otherwise established or put into operation.
- C. Development Standards. Uses and/or structures shall comply with all applicable development standards of this part of the IP and the provisions of Part 3 (General Coastal Development Standards), and other adopted criteria, guidelines, and policies adopted by the City related to the use and development of land.
- D. Conditions of Approval. Uses and/or structures shall comply with all conditions imposed by a CDP and other regulatory approvals. Failure to comply with imposed conditions shall be grounds for an enforcement action in compliance with Chapter 18.12.160 (City Initiated Changes or Revocation of Approved Applications).
- E. Reasonable Accommodations. The review authority may grant reasonable accommodations (adjustments) to the City's coastal zoning and land use regulations, policies, and practices when needed to provide an individual with a disability an equal opportunity to use and enjoy a dwelling

in compliance with Federal and State accessibility and fair housing laws. A request for reasonable accommodation requiring a CDP may be approved or conditionally approved by the City if it is consistent with the certified Local Coastal Program and the California Coastal Act to the extent feasible, and there are no feasible alternatives for providing an accommodation at the dwelling that would provide greater consistency with the certified Local Coastal Program.

- F. Nonconforming Uses and Structures. Existing legal uses and structures that are determined to be nonconforming as to the requirements of this IP Plan shall be subject to the requirements and limitations of Chapter 18.32 (Coastal Nonconforming Structures and Uses).

18.36.030 Additional Permits and Approvals May be Required.

- A. Other Permits Required. An allowed land use or structure that is exempt from a CDP Permit, or has been granted a CDP, may still be required to obtain other permits from the City, or other agencies, before the use is commenced or the structure is constructed and any activities associated with the use are commenced, or otherwise established or put into operation. Nothing in this section shall eliminate the need to obtain any permits or approvals required by:
 - 1. Other provisions of the Municipal Code (e.g., conditional use permits, minor use permits, limited-term permits, site development review, zoning clearances, building permits, grading permits, other construction permits, live entertainment permit, or a business license or other City permits); or
 - 2. Orange County, a special district, or any regional, State, or Federal agency.
- B. Timing of Other Permits. No development (i.e., use of land demolition, alteration, construction, expansion, reconstruction or replacement of structures) shall be commenced until all necessary permits have been obtained.

CHAPTER 18.40 - RESIDENTIAL ZONES AND STANDARDS

18.40.010 Purpose and Intent.

The purposes of the individual residential zones and the manner in which they are applied are as follows:

- A. Residential, Very-Low (RVL) Density Zone. The RVL land use designation permits the development of very low-density, single family residential neighborhoods with single family dwellings. A maximum density of one dwelling unit per 20 net acres/lot is allowed in this zone.
- B. Residential, Low (RL) Density Zone. The RL land-use designation permits the development of low-density, single-family residential neighborhoods with single-family dwellings. A maximum density of 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 and duplex units. A maximum density of 10 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 residential or duplex development, including triplexes and other multifamily structures. A maximum density of 24 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 housing opportunities for high-density, multifamily residential development, the most intensive residential development allowed in the City. A maximum density of 36 dwelling units per net acre is allowed in this zone.

18.40.020 Residential Zone Allowed Uses.

- A. Permitted and Conditionally Permitted Uses. The uses identified in Table 18-14, Residential Zones Uses shall be the primary uses allowed to occur on a property. All uses except for those provided for in Section 17.28.210, Outdoor Display, Permanent, and Accessory; and Section 17.28.300, Temporary uses and structures, of this title shall be conducted within enclosed structures. The primary uses identified in Table 18-14, shall be permitted or conditionally permitted, as indicated:

Table 18 - 13 Permitted and Conditionally Permitted Uses

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

B. Prohibited Uses. The following uses are prohibited:

1. Uses that are listed in Table 18-14 but that are not identified as permitted or conditionally permitted “P” or “MC” or “C”.
2. Uses that are excluded from Table 18-14, unless they are found by the City to be similar to allowed uses.
3. Uses where a blank cell appears in Table 18-15.
4. As indicated in Table 18-15, the following uses are not permitted in any residential zone:
 - a. Marijuana Manufacturing.
 - b. Marijuana Testing Laboratory.
 - c. Marijuana Delivery.
 - d. Marijuana Dispensary.
5. The cultivation of industrial hemp, as defined in Section 11018.5 of the California Health and Safety Code, is not allowed in any residential zone to the fullest extent allowed by state law.

Table 18 - 14 Residential Zone Uses

Use	RVL	RL	RML	RM	RH	Note
1. Agricultural						
Animals, Commercial Grazing of Large Species	C					1
Apiaries (Bee Farming)	C					
Crop and Tree Farming	C					
Marijuana Cultivation						
Nurseries (Farming Only)	C					
2. Lodging						
Bed-and-Breakfast Inns:						1
a. 5 or Fewer Guest Rooms	C	C	MC	MC	MC	
b. 6 or More Guest Rooms	C	C	C	C	C	
Boarding House				C	C	7
STLU					O ²⁰	8, 9
STAR	O	O	O	O	O	8, 10
3. Public/Quasi-Public and Institutional						
Arboretums (Public/Private)	C					
Churches	C	C	C	C	C	
Congregate Care Facility			C	C	C	1
Convalescent Care			C	C	C	

Use	RVL	RL	RML	RM	RH	Note
Day Care Facilities, Children's:						
a. Small-Family Day Care Home	P	P	P	P	P	2
b. Large-Family Day Care Home	P	P	P	P	P	2
c. Day Care Center			C	C	C	1
Parking Lots		C	C	C	C	1
Parks	O		O	O	O	1
Preserves (Archaeological, Botanical, Geological, Wildlife)	C	C	C	C	C	
Public Utilities:						1
a. City-Initiated Project	O	O	O	O	O	
b. Projects Initiated by Outside Agencies						
i. Major Utilities	C	C	C	C	C	
ii. Minor Utilities	P	P	P	P	P	
Recreational/Uses (Public/Private, Nonprofit)	C	C	C	C	C	
Schools (Public/Private)	C	C	C	C	C	
4. Residential Uses						
Accessory Dwelling Units	P	P	P	P	P	4
Accessory Uses (Pools, Detached Garages, Tool and Garden Sheds, Gazebos, Patio Covers, Barbecues)	P	P	P	P	P	
a. Stables	C					
Guesthouses	C	P				
Home Occupation Permits	P	P	P	P	P	1
Mobile Homes						1
a. Units	C	C	C	C	C	
b. Subdivisions and Parks	C	C	C	C	C	
Multifamily Dwellings:						
a. 4 Units or Fewer			P	P	P	
b. 5 Units or More			C	C	C	
Senior Housing Projects			C	C	C	1
Single-Family Dwellings	C	P	P	P	P	
5. Unclassified Uses						
Accessory Buildings, Residential Detached, Over 15 Feet in Height:	C	C	C	C	C	5
a. All Others	P	P	P	P	P	
b. Accessory Buildings, Nonresidential	C	C	C	C	C	
Grading (Not Accompanying a Development Request):						6
a. Emergency	P	P	P	P	P	
b. Major	C	C	C	C	C	
c. Minor	P	P	P	P	P	

Use	RVL	RL	RML	RM	RH	Note
Marijuana Delivery						
Marijuana Dispensary						
Marijuana Manufacturer						

6. Refer to Chapter 17.28, Special Uses, for special provisions for the referenced land use.
7. Small-family and Large-family day care homes are permitted in a detached single-family dwelling, a townhouse, a dwelling unit within a dwelling, or a dwelling unit within a covered multifamily dwelling in which the underlying zoning allows for residential uses, or a legal non-conforming single family dwelling unit in non-residential zone. Small-family day care and Large-family daycare homes only shall operate in buildings that were lawfully constructed.
8. Refer also to [Section 18.60.030](#), Planned Residential District Overlay, of this title, for special provisions for planned residential developments.
9. Refer to Section 18.20.150, Accessory Dwelling Units (ADUs), of this title for special provisions for ADUs.
10. Refer to Section 18.20.050, Accessory Buildings and Structures, of this Title; and Section 17.24.040 of Title 17.
11. Refer to [Section 18.20.120](#), Grading, of this title, for special provisions for grading requests that are not accompanying development requests.
12. 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.
13. Refer to [Section 18.20.160](#), STLUs, of this title for special provisions for STLUs including STARS.
14. STLUs are only permitted on lots that are designated for STLUs on the City's current adopted "Short-Term Lodging Units (STLU) Allowed Areas" map available online www.san-clemente.org.
15. STARS are permitted in all zones where STLUs are permitted with an STLU zoning permit in accordance with Section 18.20.160. STARS that are located in residential zones where STLUs are not permitted require a STAR permit in accordance with [Section 18.20.160](#).

18.40.030 Residential Zone General Development Standards.

A. Table 18-16, Residential Zone Development Standards, lists the site development standards required for residential development projects.

Table 18 - 15 Residential Zone Development Standards²

Standards	RVL	RL	RML	RM	RH
Lot Area, Minimum	20 gross acres or legal parcel of record as of May 6, 1993, whichever is smaller ¹	6,000 s.f.	SFR: 6,000 s.f. Duplex: 9,000 s.f.	6,000 s.f.	None.
Lot Frontage, Minimum	<p>A. For Lots on Straight/Linear Portions of a Street. The minimum lot frontage is the required lot width of the zone.</p> <p>B. For Lots on Curved/Curvilinear Portions of a Street. The minimum lot frontage may be reduced from the required lot width of the zone through the discretionary review process, but in no case shall the lot width be reduced to less than 35 feet, except for flag lots approved through tentative map process.</p>				
Lot Width, Minimum	Determined through discretionary review process - C	60 ft.	SFR: 60 ft. Duplex: 70 ft.	60 ft.	60 ft.
Density, Maximum	1 Dwelling Unit/Lot	1 Dwelling Unit/ Lot	SFR: 1 Dwelling Unit/ Lot Duplex: 1 Dwelling Unit/ 4,500 s.f. of Lot Area	1 Dwelling Unit/ 1,800 s.f. of Lot Area ²	1 Dwelling Unit/ 1,200 s.f. of Lot Area
Front Yard Setback, Minimum ³					
To Primary Structure:	Determined through discretionary review process	20 ft.	20 ft.	15 ft.	10 ft.
To Street-Facing Garage or Carport: ^{4,5,9}	Determined through discretionary review process	20/18 ft.	20/18 ft.	20/18 ft.	20/18 ft.
Interior-Side Yard Setback, Minimum ⁶	Determined through the discretionary review process - C	10% of avg. lot width; or 6 ft., whichever is smaller	10% of avg. lot width; or 6 ft., whichever is smaller	5 ft.	5 ft.
Street-Side Yard Setback, Minimum ⁷		10 ft.	10 ft.	10 ft.	5 ft.
To Primary Structure:		10 ft.	10 ft.	10 ft.	5 ft.
To Side Street - Facing Garage or Carport ^{5, 10}	Determined through the discretionary review process	20/18 ft.	20/18 ft.	20/18 ft.	20/18 ft.

² Setbacks for coastal bluff lots and canyon lots are more restrictive. See also SCMC 18.20.060

Standards	RVL	RL	RML	RM	RH
Rear Yard Setback, Minimum ⁸		10 ft.	SFR: 10 ft. Duplex: 5 ft.	5 ft.	5 ft.
Lot Coverage, Maximum		50%	50%	55%	55%
Building Height, Maximum	30 ft; 2 stories	25 ft.	25 ft.	25 ft.	45 ft.
Parking	Refer to Chapter 18.24, Coastal Parking and Access Standards, for parking requirements for residential development.				
Landscaping	Refer to Chapter 18.28, Landscape Standards, for landscaping requirements for residential development.				
Coastal Bluff Lots and Canyon Lots	Refer to Chapter 18.20 for rear and front yard setbacks applicable to these lots.				

1. Refer to Section 18.40.040, Density Allowance for Lots with Less than 3,600 Square Feet of Lot Area, of this title, for special provisions for lots with less than 3,600 square feet of lot area.
2. Refer to Section 18.40.040, Front Setbacks, Special Provisions for Reduction, of this title, for special provisions for reduced front yard setback requirements for some lots. A minor adjustment to the required front yard setback is available.
3. Refer to Section 18.40.040(D), Garage Encroachment into the Front Yard Setback, of this title, for garage encroachment into the front yard setback for some lots.
4. The minimum setback for a street-facing garage or carport shall be 20 feet, when standard garage doors are provided, and 18 feet, when roll-up garage doors are provided. Also refer to Section 18.24.050(B), Parking Setbacks, for further details regarding these standards and for provisions for a shortened setback when roll-up garage doors are provided.
5. Refer to Section 18.40.040, Special Provisions for Dwelling Units with Front Entrances Located Along the Side Property Line, of this title, for side yard setback requirements when front entrance to dwelling unit is located on the side of the structure facing the side lot line. A minor adjustment to the required side yard setback is available.
6. A minor adjustment to the required side yard setback is available.
7. A minor adjustment to the required rear yard setback is available.
8. A minor adjustment to the required rear yard setback is available through the approval of a Minor Exception Permit, in accordance with Section 17.16.090, Minor Exception Permits, of Title 17.
9. Exceptions shall be granted when a reduced front yard setback is provided for in an overlay district's zoning regulations, such as numbered Special Residential Zones, where the garage setback may match the front yard setback.

10. Exceptions shall be granted in RL and RML Zones, where a street-side yard setback allows for less than an 18 or 20 feet setback and sufficient right-of-way exists from the property line to the curb so that vehicles in the driveway will not overhang into the street or onto the sidewalk, if a sidewalk exists.

B. Special Residential Zones (Numbered Overlays). The City of San Clemente has a number of residential tracts that were developed with their own unique development standards. These tracts have individual overlays which are numbered. The standards for these tracts are listed in Appendix E of this title; otherwise, the development standards of the underlying zone contained in Table 18-16, Residential Zone Development Standards, shall apply, except front street-facing garage setbacks which may match the front yard setback of the underlying overlay district.

18.40.040 Residential Zone Special Development Standards.

This section and Chapter 18.20 of Part 3, General Coastal Development Standards, of this title include a number of special provisions affecting residential properties. Unless otherwise indicated in the following or referenced sections, the following development standards shall apply to all residential zones described in this chapter.

Table 18 - 16 Special Development Standards for All Residential Zones

Standard	Section
Accessory Buildings	18.20.050
Density Allowance for Lots with Less than 3,600 Square Feet of Lot Area	Please refer to Subsection (A), Density Allowance for Lots with Less than Three Thousand Six Hundred Square Feet of Lot Area, below
Distance Between Primary Buildings, Minimum Required	Please refer to Subsection (B), Distance Between Primary Buildings, Minimum Required, below
Setbacks and Encroachments	18.20.060
Fences, Walls, and Hedges	18.20.070
Front Setback, Special Provisions for Reduction	Please refer to Subsection (C), Front Setback, Special Provisions for Reduction, below
Garage Encroachment into the Front Yard Setback	Please refer to Subsection (D), Garage Encroachment into the Front Yard Setback, below
Height Limitations	18.20.080
Height Limitations for Structures used primarily for religious worship	Please refer to Subsection (E), Height Limitations for Structures used primarily for religious worship, below
Lighting	18.20.090
Retaining Walls	18.20.070(F)
Skirt and Stem Walls	18.20.100
Special Provisions for Dwelling Units with Front Entrances Located Along the Side Property Line	Please refer to Subsection (F), Special Provisions for Dwelling Units with Front Entrances Located Along the Side Property Line, below
Substandard Lots	18.20.110
Through Lots for Rear Yard Setback	18.24.210

- A. Density Allowance for Lots with Less than 3,600 Square Feet of Lot Area. In the RM zone, when a lot has less than 3,600 square feet of lot area, a duplex will be permitted.
- B. Distance Between Primary Buildings, Minimum Required. Primary buildings shall be constructed so that a minimum of 10 feet between primary buildings is provided.
- C. Front Setback, Special Provisions for Reduction.
 - 1. Choice of Front Yard Setback. In residential zones where at least four lots in a block have been improved with primary buildings, the minimum required front yard setback shall be either:
 - a. The median front yard setback—the median of the measurements taken from the front property line to the nearest point of the primary building (the “point of setback”) on all improved lots within the block; or

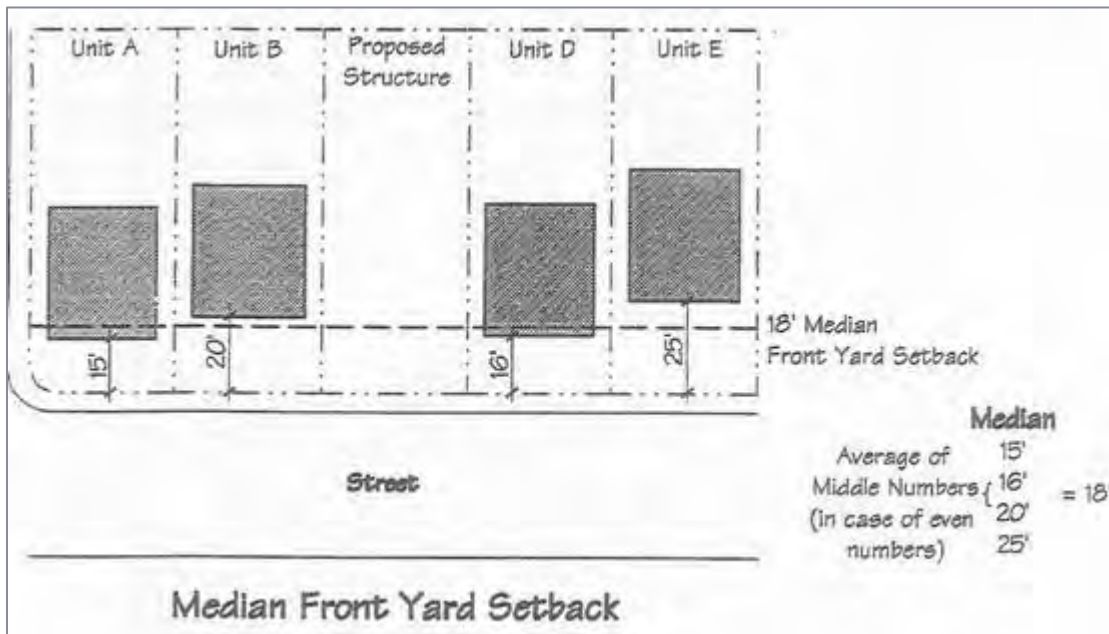


Figure 18 - 7 Median Front Yard Setback

- b. The minimum front yard setback required for the given zone. Subdivision 1 of this subsection, Choice of Front Yard Setback, shall not apply in any subdivision where staggered setbacks have been approved and established.
 - 2. Measurements That Cannot Be Included in Calculating the Median Front Yard Setback. For the purpose of this section, the following measurements shall not be included in the calculation of the median front yard setback:
 - a. Measurements to detached accessory buildings;
 - b. Measurements to attached in-the-bank garages benefiting from the provisions of Section 18.40.040(D), Garage Encroachment into the Front Yard Setbacks, of this title;

- c. Measurements on a through lot, unless the primary building on the through lot has its main entry on the street on which the front yard setback median is being measured;
 - d. Measurements to any structures on flag lots;
 - e. Measurements to any garages on RM and RH lots.
3. Additional Limits Upon the Median Front Yard Setback.
- a. String Line Limits. When both adjacent lots have been used in the calculation of the median front yard setback for a block, then no structure on a lot shall encroach beyond a string line drawn between the points of setback on the adjacent lots.

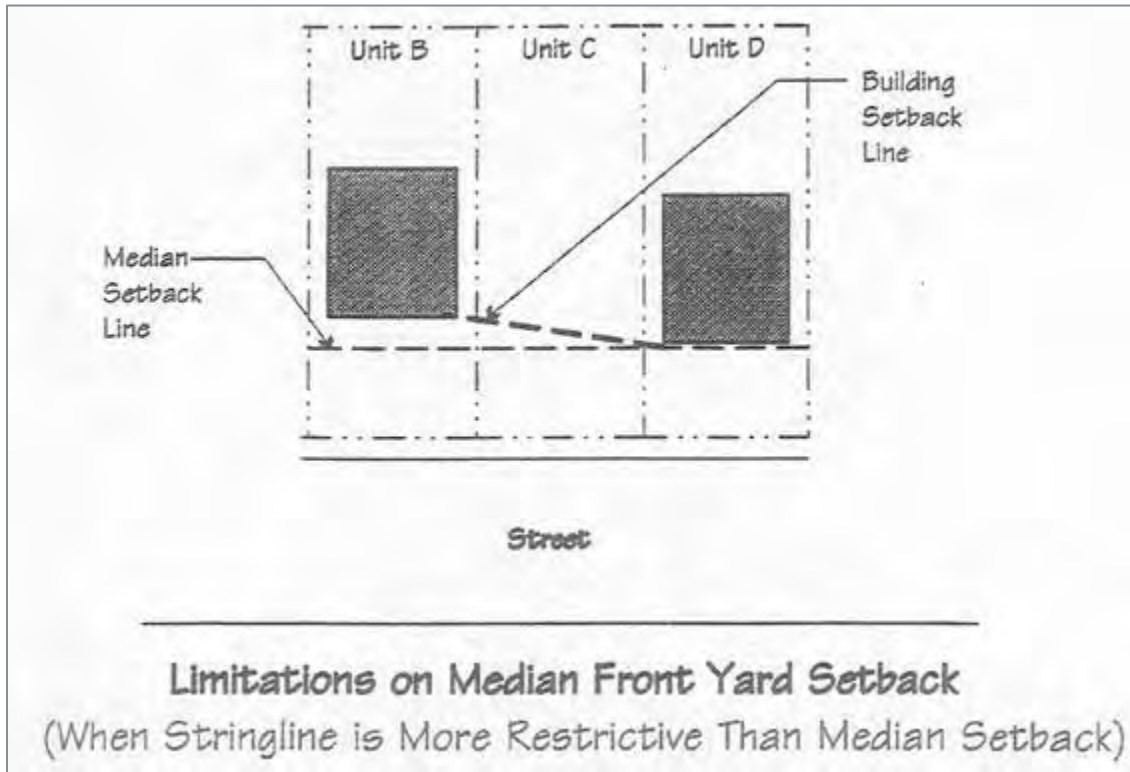


Figure 18 - 8 Limitations on Median Front Yard Setback

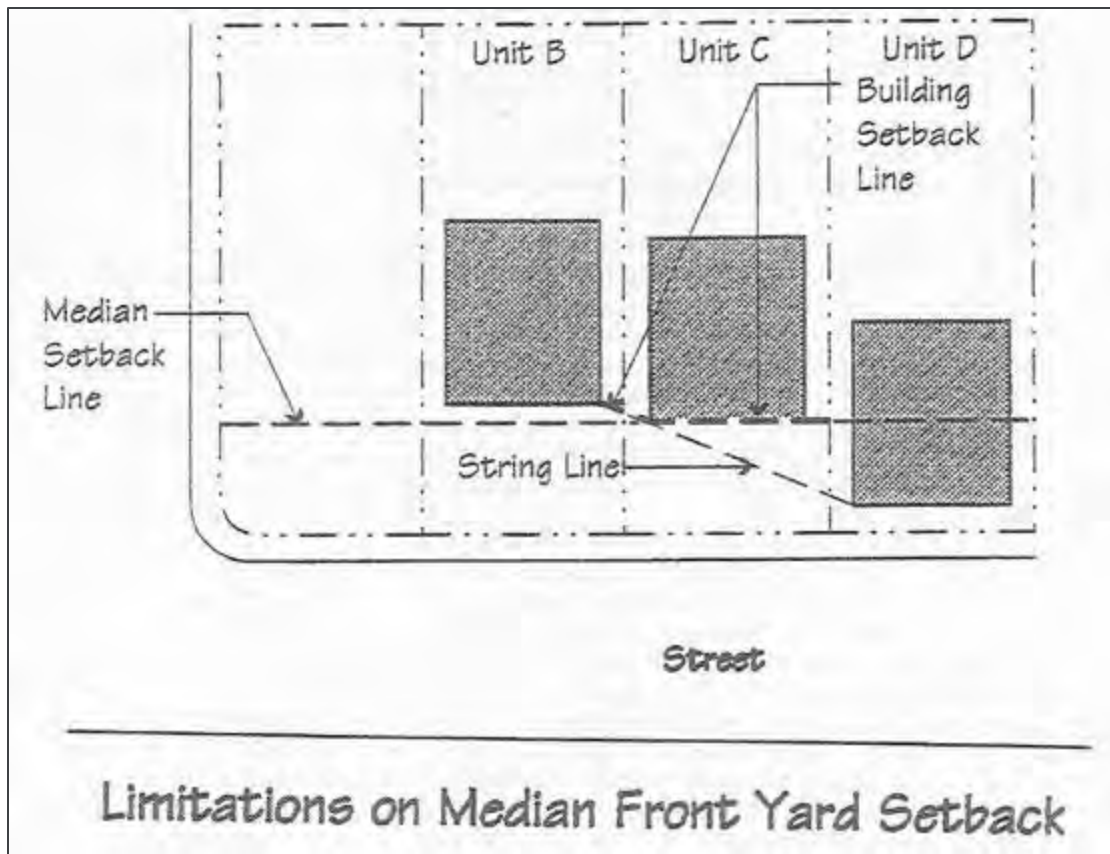


Figure 18 - 9 Limitations on Median Front Yard Setback

D. Garage Encroachment into the Front Yard Setback.

1. Purpose and Intent. Some residential lots within the City have a steep topography. On these lots, the requirement of the standard front yard setback for a garage could result in significant grading and/or fill. The purpose of allowing garages to encroach into the front yard setback on these lots is to reduce the need for mass grading or fill and allow structures to follow the natural topography of the site, either stepping up or down with the lot.
2. Review Requirements. Encroachment of new garages into the front setback, as provided for in this section, shall require the approval.
3. Encroachment. If the existing natural grade on the lot has a rise or fall in excess of 10 feet, as measured from the elevation at the established top of curb, attached garages may use the following setback and may be granted an exception to the required spacing between retaining walls in compliance with Section 18.020.070(E)(4).
 - a. A 15-foot front yard setback for the garage, when the 10-foot grade difference occurs within 35 feet of the front property line.

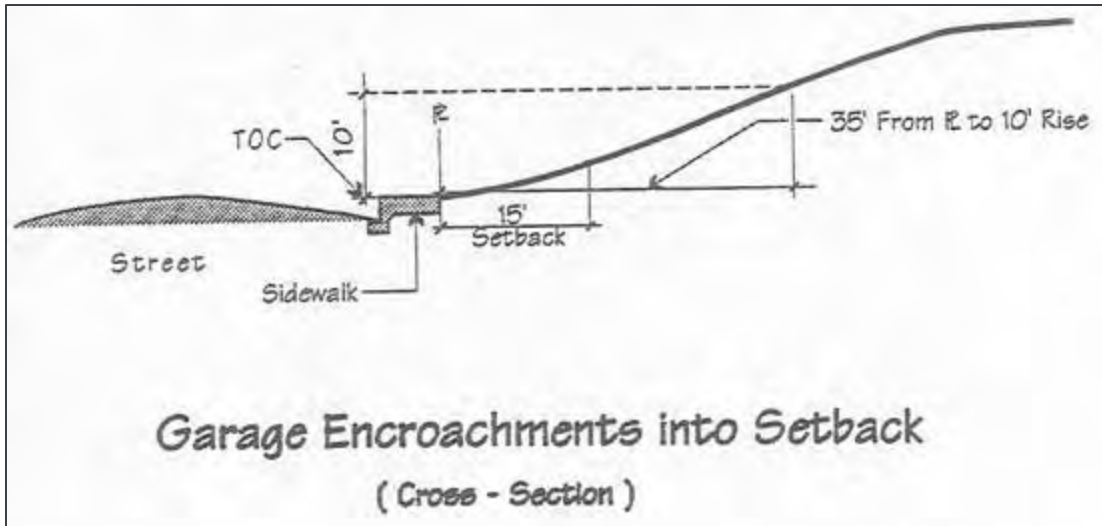


Figure 18 - 10 Garage Encroachments into Setback

- b. A 10-foot front yard setback for the garage, when the 10-foot grade difference occurs within 30 feet of the front property line.

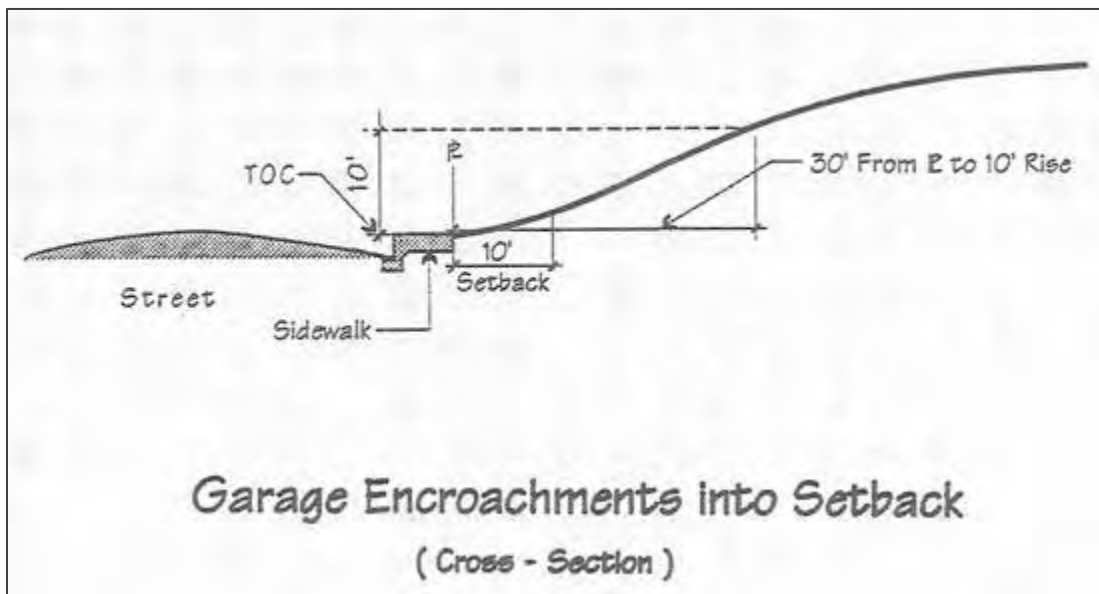


Figure 18 - 11 Garage Encroachments into Setback

- c. A five-foot front yard setback for the garage, when the 10-foot grade difference occurs within 25 feet of the front property line.

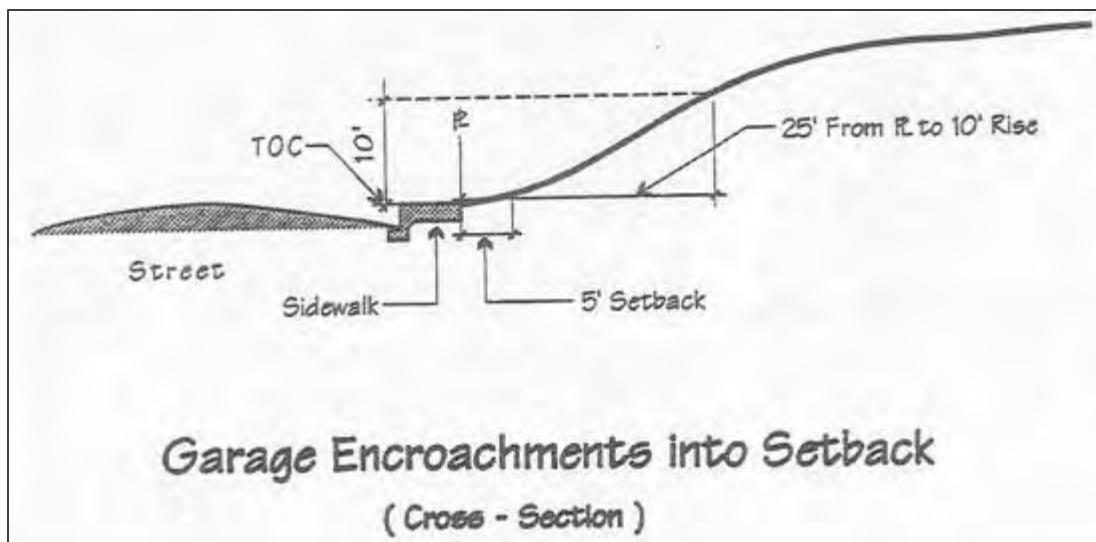


Figure 18 - 12 Garage Encroachments into Setback

- d. The limitations imposed by Subsection (E)(3)(a) through (c) of this section may be modified, when in the opinion of the decision-making authority for this permit, conditions justify such modifications.
4. Other Requirements. Garages that benefit from this exception must comply with the following requirements:
 - a. Maximum Height Limits.
 - 1) Flat-Roofed Garages. Flat-roofed garages shall not exceed 10 feet from the floor to top of roof, excluding open railings when required by the Uniform Building Code. The height of the railings shall not exceed the minimum necessary to comply with the Uniform Building Code.
 - 2) Other Roofs. Roofs with architectural interest, as determined through the Minor Exception Permit process, may be allowed to exceed 10 feet up to a height of 15 feet.
 - b. A certified topography map must be submitted when required by the grade. The topography map shall be prepared by a licensed land surveyor or registered civil engineer.
 - c. Roll-up doors shall be required for garages encroaching within the front yard setback.
5. Required Findings. Prior to approval for garage encroachment, the decision-making authority shall make all of the following findings, along with the general findings:
 - a. The encroachment complies with the standards of this section;

- b. The slope of the front of the lot is significant enough in both length and width that requirement of the standard front yard setback will result in significant grading and/or fill; and
 - c. The proposed project reduces the need for mass grading and/or fill and allows the structures on the site to follow the natural topography of the site.
- E. Special Provisions for Dwelling Units with Front Entrances Located Along the Side Property Line.
- 1. Applicability. This section shall apply to residential properties meeting both of the following criteria:
 - a. The front entrance to the dwelling unit is located on the side of the dwelling unit that faces the side property line; and
 - b. The dwelling unit is located in the RML, RM or RH zone.
 - 2. Standards.
 - a. The interior-side yard setback, as measured from the property line to the rear side of the front entrance of a dwelling unit, shall be a minimum of eight feet.
 - b. The minimum eight-foot interior-side yard setback is required for the story containing the front entrance. Stories above the story containing the front entrance are not subject to the side entrance requirement and Section 18.40.040, Residential Zone Development Standards. Stories below the story containing the front entrance must maintain the eight-foot interior-side yard setback for the portion of the story that includes the primary access to the front entrance.

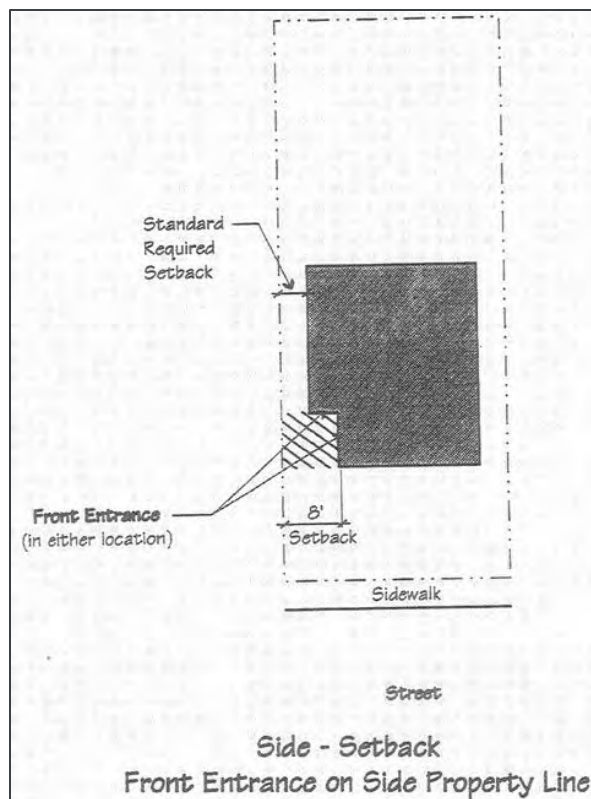


Figure 18 - 13 Side Setback, Front Entrance on Side Property Line

F. Height Limitations for Structures used primarily for religious worship.

1. Purpose and Intent. It is generally recognized that structures used primarily for religious worship are icons within the community that are characterized by tall structures with steeply pitched roofs. Structures used primarily for religious worship, which are typically taller than the height limits of the residential zone, can be a desirable addition to the architecture of a residential neighborhood and to the street scene. The purpose and intent of this section is to allow for structures used primarily for religious worship to exceed the maximum building height limits of the residential zone, while ensuring reasonable compatibility with adjacent and nearby land uses and addressing the potential negative impacts of these structures.
2. Applicability. This section shall apply to all structures used primarily for religious worship in Residential Zones.
3. Standards and Review Requirements. Structures used primarily for religious worship are permitted to exceed the height limits of the residential zone to a maximum height of 45 feet with the approval, and in accordance with the Required Findings listed below in Section (4).
4. Church steeples in residential zones may exceed the 45 feet Church height limitation in accordance with Table 18.16 Maximum Encroachments into Setbacks and Height Limits.

5. Required Findings. Prior to the approval to allow structures used primarily for religious worship to exceed the height limits of the residential zone up to a maximum of 45 feet, all of the following findings shall be made, along with the general findings:
- a. The structure(s) used primarily for religious worship is compatible with the surrounding land uses and will not create adverse impacts to surrounding uses; and
 - b. The height of the structures used primarily for religious worship shall have minimal impacts on public views as demonstrated in visual simulations prepared by the applicant; and
 - c. The increased building height adds to the architectural interest of the project; and
 - d. The increased building height emphasizes primary buildings and/or distinct places within the institution's site; and
 - e. The features of all structures on-site are reasonably compatible and consistent with the project site and the surrounding neighborhood.

CHAPTER 18.44 - COMMERCIAL ZONES AND STANDARDS

18.44.010 Purpose and Intent.

The LUP details the goals, objectives and policies for the City's commercial zones in the Coastal Zone, 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 LUP's vision for the commercial zones in the Coastal Zone 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.

San Clemente offers a full spectrum of retail, service, professional, office, medical, tourist-related, and entertainment uses at a range of intensities to meet the daily needs of the City's residents and employees and attract visitors to key destination areas. In addition to providing jobs, amenities and services, commercial uses generate tax revenues that are essential for maintaining the community's quality of life. Visitor-serving commercial uses have priority in commercial and mixed-use lots designated with the Visitor Serving Commercial District (VSCD) Overlay. Senior and affordable housing may also be permitted in the commercial land use designation.

- 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 three neighborhood commercial zones: NC 1.1, NC 1.2, and NC 1.3 in the Coastal Zone. The LUP 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 LCP Land Use Plan for the Neighborhood Commercial Zones are essentially the same as those prescribed by the General Plan for the Community Commercial Zones, which are described below.
- B. **Community Commercial (CC and CRC) Zones.** Community Commercial Zones are more intense than Neighborhood Commercial Zones. The LCP Land Use Plan allows for this additional intensity by allowing higher floor area ratio limits in the Community Commercial Zones. In the Coastal and Recreation Serving zone, the City will encourage visitor serving uses to be located on the ground floor of a structure, thereby facilitating pedestrian activity along sidewalks and throughout the area. There are three Community Commercial Zones: CC 2 and CC 3 and Coastal and Recreation Serving Commercial (CRC) Commercial Recreation in the Coastal Zone. The maximum floor area ratio limits for these districts range from 0.5 to 1.5. The LCP Land Use 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.
- C. **Regional Commercial (RC) Zone.** The Regional Commercial Zone is designed to allow regional commercial land uses general uses such as retail commercial; visitor-serving commercial; entertainment; dining; financial and professional offices; lodging, and senior housing. The site in the San Clemente Coastal Zone with this designation is limited to the existing

outlet shopping center located adjacent to the southbound lane of I-5. The site is large and can accommodate an intensity of development required for a regionally-oriented land use.

- D. Industrial (LI and HI) Zones.** A wide range of employment-generating land uses are provided within these areas, including manufacturing, research and development, offices, and in designated areas, automobile, truck, boat, RV and motorcycle sales and services. The allowable mix and intensity of uses within these areas provide significant job opportunities for residents and allows development to respond to changing market conditions and commercial space needs. The industrial areas also allow a range of compatible or complementary, non-industrial uses that benefit from the location and type of facilities, such as restaurants, religious facilities, specialized schools, and other public assembly uses.

Light Industrial (LI) uses are quiet, non-polluting operations wholly contained within a structure or screened from view. Typical uses include manufacture and assembly of apparel and garments; cabinets; canvas products; ceramics; cosmetics; cutlery; dental equipment; drugs and pharmaceuticals; electrical appliances, equipment, and supplies; food processing and production; furniture; glass products; hardware; medical equipment; musical instruments; optical goods; plastic products; precision instruments; scientific instruments; steel and sheet-metal products; and toys.

18.44.020 Permitted and Conditionally Permitted Commercial Land Uses.

- A. The land uses identified in Table 18-18 Permitted and Conditionally Permitted Uses, list uses which shall be the primary uses allowed to occur on a property. All uses except for those provided for in Sections [17.28.210](#), Outdoor Display Areas, and [17.28.300](#), Temporary Uses and Structures, shall be conducted within enclosed structures. The primary uses identified in Table 18-19, Commercial Zone Uses, shall be permitted or conditionally permitted as indicated:

Table 18 - 17 Permitted and Conditionally Permitted Uses

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

- B. Prohibited Uses. The following uses are prohibited:

1. Uses that are listed in Table 18-18 but that are not identified as either permitted — "P" — or conditionally-permitted — "MC" or "C"; and
2. Uses that are excluded from Table 18-18, unless they are found by the City to be similar to permitted or conditionally-permitted uses.

3. Uses where a blank cell appears in Table 18-18.
4. As indicated in Table 18-18, the following uses are not permitted in any commercial zone:
 - a. Marijuana Cultivation.
 - b. Marijuana Manufacturing.
 - c. Marijuana Testing Laboratory.
 - d. Marijuana Delivery.
 - e. Marijuana Dispensary.
5. The cultivation of industrial hemp, as defined in Section 11018.5 of the California Health and Safety Code, is not permitted in any commercial zone to the fullest extent allowed by state law.

Table 18 - 18 Commercial Zone Uses

Use	NC 1.1	NC 1.2	NC 1.3	NC 2	NC 3	CC 1	CC 2	CC 3	CC 4	RMF	NOTE: Priority shall be given to visitor-serving and recreational uses on sites within the Visitor Serving Commercial District (VSCD) Overlay.
1. Commercial											
Antiques (Retail Sales)	P	P	P	P		P	P	P	P		
Art Galleries	P	P	P	P		P	P	P	P		
Bakery Goods/Sales (No Wholesale Distributors)	P	P	P	P		P	P	P	P		
Bicycle Shops	P	P	P	P		P	P	P	P		
Bookstores	P	P	P	P		P	P	P	P		
Carpet Sales	MC	MC	P	P		P	P	P	P		
Ceramics (Retail Sales)	MC	MC	P	P		P	P	P	P		
Cleaners and Laundromats (No Linen Service)	P	P	P	P		P	P	P	P		
Clothing (Retail Sales)	P	P	P	P		P	P	P	P		
Confectionery Stores (Small Scale Production with Retail Sales)	P	P	P	P		P	P	P	P		
Convenience Stores	C	C	C	C		C	C	C	C		1
Drugstores/Pharmacies	P	P	P	P		P	P	P	P		
Electronics (Retail Sales and Repair)	P	P	P	P		P	P	P	P		
Fabric Stores	P	P	P	P		P	P	P	P		
Florists (Retail Sales)	P	P	P	P		P	P	P	P		
Floor Covering Stores	MC	MC	P	P		P	P	P	P		
Furniture Stores (Retail Sales)	MC	MC	P	P		P	P	P	P		
Glass/Mirror Sales	MC	MC	P	P		P	P	P	P		
Grocery/Food Stores (Not Convenience Stores)	P	P	P	P		P	P	P	P		
Gunsmith/Gun Shops			C	C		C	C	C	C		
Hardware Stores	P	P	P	P		P	P	P	P		
Home Appliance Stores (Retail Sales and Repair)	MC	MC	P	P		P	P	P	P		
Ice Cream Parlors (Retail Sales with Small Production)	P	P	P	P		P	P	P	P		
Interior Decorating Stores	MC	MC	P	P		P	P	P	P		
Janitorial Supplies			P	P		P	P	P	P		
Jewelry Stores	P	P	P	P		P	P	P	P		
Lawnmower Sales/Service	MC	MC	P	P		P	P	P	P		
Liquor Sales:											
a. Hard Alcohol	C	C	C	C		C	C	C	C		

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Use	NC 1.1	NC 1.2	NC 1.3	NC 2	NC 3	CC 1	CC 2	CC 3	CC 4	RMF	
b. Beer and Wine (Off-Site Consumption Only)	MC	MC	MC	MC		MC	MC	MC	MC		
Locksmith Shops	MC	MC	P	P		P	P	P	P		
Mail-Order Stores	MC	MC	P	P		P	P	P	P		
Marijuana Cultivation											
Marijuana Delivery											
Marijuana Dispensary											
Marijuana Manufacturer											
Marijuana Testing Laboratory											
Medical/X-Ray Equipment (Sales Only)			P	P		P	P	P	P		
Music Sales	P	P	P	P		P	P	P	P		
Newsstands (On Private Property)											
Nurseries (Indoor Garden Retail Sales)											
Nurseries (Outdoor Garden Retail Sales)											
Office Equipment/Supplies											
Paint/Wallpaper Sales											
Patio/Outdoor Furniture Sales											
Pawn Shops											
Pet Shops											
Pet Supply Stores											
Photographic Equipment Sales											
Pottery (Retail Sales with Small Production)											
Shoe Stores (Retail Sales and Repair)											
Smoke or Tobacco Shops			C				C	C	C		
Specialty Food Stores	P	P	P	P		P	P	P	P		
Sporting Goods (Retail Sales)	MC	MC	P	P		P	P	P	P		
Stationery Stores	P	P	P	P		P	P	P	P		
Surfboard (Custom Manufacturing)			C	C		C	C	C	C		
Swimming Pool Accessory Shops	MC	MC	P	P		P	P	P	P		
Tailors/Dressmakers	P	P	P	P		P	P	P	P		
2. Hospital Uses											
Ambulance Services							C	C	C	C	
Accessory Uses to Hospital (e.g., laboratories, medical offices, florists and parking lots).										P	1

NOTE: Priority shall be given to visitor-serving and recreational uses on sites within the Visitor Serving Commercial District (VSCD) Overlay.

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Use	NC 1.1	NC 1.2	NC 1.3	NC 2	NC 3	CC 1	CC 2	CC 3	CC 4	RMF	
Hospital											C
Specialty Hospital									C		
2. Lodging											
Bed and Breakfast Inns:											1
a. Five or Fewer Guest Rooms		P	P	P	P	P	P	P	P		
b. Six to 10 Guest Rooms		MC	MC	MC	MC	MC	MC	MC	MC		
c. Over 10 Guest Rooms		C	C	C	C	C	C	C	C		
Hotel and Ancillary Uses		C	C	C	C	C	C	C	C		
Motels			C	C	C	C	C	C	C		
Timeshares		C	C	C	C	C	C	C	C		
3. Professional Offices, Financial Institutions and Related Uses											
Ambulance Services (Office Only)	P	P	P	P	P	P	P	P	P		
Banks/Financial Institutions	P	P	P	P	P	P	P	P	P		
Banks/Financial Institutions with Drive-Through Facilities	C	C	C	C	C	P	P	P	P		
Newspaper Publication and Office		P	P	P	P	P	P	P	P		
Employment Agencies		P	P	P	P	P	P	P	P		
Offices, Medical	P	P	P	P	P	P	P	P	P		
Offices, Professional	P	P	P	P	P	P	P	P	P		
Offices, Veterinary/Animal Hospitals	MC	MC	P	P	P	P	P	P	P		
Secretarial Services	P	P	P	P	P	P	P	P	P		
Telemarketing Services		P	P	P	P	P	P	P	P		
Travel Agencies	MC	MC	P	P	P	P	P	P	P		
4. Personal Services											
Barber, beauty, nail, and tanning services	P	P	P	P	P	P	P	P	P		
Body Art Establishments											1
Body Piercing Studios	P	P	P	P	P	P	P	P	P		1
Tattoo Parlors	P	P	P	P	P	P	P	P	P		1
5. Public/Quasi Public and Institutional Uses											
Churches	C	C	C	C	C	C	C	C	C		
Clubs/Social Organizations	C	C	C	C	C	C	C	C	C		
Congregate Care Facilities		C	C	C	C	C	C	C	C		1
Convalescent Homes		C	C	C	C	C	C	C	C		
Day Care Facilities:											

NOTE: Priority shall be given to visitor-serving and recreational uses on sites within the Visitor Serving Commercial District (VSCD) Overlay.

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Use	NC 1.1	NC 1.2	NC 1.3	N C2	N C3	C C1	CC 2	CC 3	CC 4	RMF	
a. Small-Family Day Care Homes	P	P	P	P	P	P	P	P	P		2
b. Large-Family Day Care Homes	P	P	P	P	P	P	P	P	P		2
c. Day Care Centers	C	C	C	C	C	C	C	C	C		
Group Instruction	MC	MC	MC	MC	MC	MC	MC	MC	MC		
Group Counseling									C	C	3
Libraries	P	P	P	P	P	P	P	P	P		
Parking Lots	MC	MC	MC	MC	MC	MC	MC	MC	MC		1
Parking Structures	C	C	C	C	C	C	C	C	C		
Parks	O	O	O	O	O	O	O	O	O		1
Public Utilities:											1
a. City-Initiated Projects	O	O	O	O	O	O	O	O	O		
b. Projects Initiated by Outside Agencies:											
i. Major Utilities	C	C	C	C	C	C	C	C	C	C	
ii. Minor Utilities	P	P	P	P	P	P	P	P	P	P	
Schools, Public and Private	C	C	C	C	C	C	C	C	C		
Transportation Facilities			C	C	C	C	C	C	C		
6. Residential Uses											
Affordable Housing Projects		P	P	P	P						4
Senior Housing Projects		C	C	C	C	C	C	C	C		1
7. Restaurants and bars											
Bars, cocktail lounges (with or without dancing and/or entertainment)	C	C	C	C	C	C	C	C	C		
Microbreweries with limited production up to 5,000 barrels and tasting room	C	C	C	C	C	C	C	C	C	C	
Taprooms	C	C	C	C	C	C	C	C	C	C	
Restaurants:											
a. With drive-through			C	C	C	C	C	C	C		1
b. With no on-site consumption of liquor, no dancing, no entertainment	P	P	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	MC	MC		
ii. Outdoors with up to 16 outdoor seats or four tables	MC	MC	MC	MC	MC	MC	MC	MC	MC		
iii. Outdoors with more than 16 outdoor seats and/or four tables	MC	MC	MC	MC	MC	MC	MC	MC	MC		
d. With on-site sale of hard alcohol:											
i. Indoors	C	C	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	MC/C	MC/C		15, 6

NOTE: Priority shall be given to visitor-serving and recreational uses on sites within the Visitor Serving Commercial District (VSCD) Overlay.

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Use	NC 1.1	NC 1.2	NC 1.3	NC 2	NC 3	CC 1	CC 2	CC 3	CC 4	RMF	NOTE: Priority shall be given to visitor-serving and recreational uses on sites within the Visitor Serving Commercial District (VSCD) Overlay.
iii. Outdoors with more than outdoor 16 seats and/or four tables	C	C	C	C	C	C	C	C	C		5, 6
e. With dancing and/or entertainment that has:											
i. No amplified sound	MC	MC	MC	MC	MC	MC	MC	MC	MC		
ii. Amplified sound	C	C	C	C	C	C	C	C	C		
8. Unclassified Uses											
Accessory Buildings	C	C	C	C	C	C	C	C	C	C	10
Alcohol Beverage Sales Concurrent with Motor Vehicle Fuel-Convenience Store Sales	C	C	C	C	C	C	C	C	C		1
Amusement Centers	C	C	C	C	C	C	C	C	C		1
Animal Grooming Shops	MC	MC	MC	P	P	P	P	P	P		
Bowling Alleys			C	C	C	C	C	C	C		
Drive-Thru Facilities, When in Conjunction with a Use Permitted or Conditionally Permitted in this Zone			C	C	C	C	C	C	C		
Grading, Not Accompanying a Development Request:											7
a. Emergency	P	P	P	P	P	P	P	P	P	P	
b. Major	C	C	C	C	C	C	C	C	C	C	
c. Minor	P	P	P	P	P	P	P	P	P	P	
Health/Fitness/Sports Clubs and Facilities											
Massage			C	C	C	C	C	C	C		8
Accessory Massage	MC	MC	MC	MC	MC	MC	MC	MC	MC		8
Mortuaries			C	C	C	C	C	C	C		
Pool Halls			C	C	C	C	C	C	C		9
Recycling Facilities:											1
a. Reverse Vending Machines	P	P	P	P	P	P	P	P	P		
b. Small Collection	C	C	P	P	P	P	P	P	P		
c. Large Collection			C	C	C	C	C	C	C		
Theaters			C	C	C	C	C	C	C		
Urban Private Storage											
Wine Tasting (Only as an Accessory Use to establishments selling wine or wine related products as a primary use)	MC	MC	MC	MC	MC	MC	MC	MC	MC		
9. Vehicle-Related Repair, Sales and Service											
Car Washes			C	C	C	C	C	C	C		1
Service/Gas Station	C	C	C	C	C	C	C	C	C		1
Vehicle Parts Stores			P	P	P	P	P	P	P		

Use	NC 1.1	NC 1.2	NC 1.3	NC 2	NC 3	CC 1	CC 2	CC 3	CC 4	RMF	NOTE: Priority shall be given to visitor-serving and recreational uses on sites within the Visitor Serving Commercial District (VSCD) Overlay.
Vehicle Dealerships			C	C	C	C	C	C	C		1
Vehicle Sales [fewer than 10 vehicles on site]			MC	MC	MC	MC	MC	MC	MC		1
Vehicle Sales [10 or more vehicles on site]			C	C	C	C	C	C	C		1
Vehicle Rental [5 or fewer vehicles on site]			P	P	P	P	P	P	P		1
Vehicle Rental [6 or more vehicles on site]				MC	MC	MC	MC	MC	MC		1
Vehicle Service and Repair-Related			C	C	C	C	C	C	C		1

Footnotes:

1. Refer to Chapter 17.28, Special Uses, for special provisions for the referenced land use.
2. Small-family and large-family day care homes are permitted in a detached single-family dwelling, a townhouse, a dwelling unit within a dwelling, or a dwelling unit within a covered multifamily dwelling in which the underlying zoning allows for residential uses, or a legal non-conforming single family dwelling unit in a non-residential zone. Small-family and large-family day care homes only shall operate in buildings that were lawfully constructed..
3. A group-counseling use is conditionally permitted in an RMF 1 zone only if it is integrated into, and secondary in nature to, a Hospital facility. The group-counseling use must serve the primary use of the site as a general Hospital that serves the broader community.
4. Refer to Section 18.48.040, Affordable Housing Overlay Zone, for projects in Commercial and Mixed-Use Zones, of this title, for special provisions for Affordable Housing Projects.
5. When a restaurant has an approved CDP for the service of alcohol indoors and a CDP is required for the service of alcohol outdoors, then the applicant may request an amendment to the existing CDP to extend service outdoors. When a restaurant has an approved CDP for the service of alcohol indoors and a CDP is required for the service of alcohol outdoors, a CDP is the only application necessary (an amendment to the existing CDP shall not be necessary).
6. 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.
7. Refer to Section 18.20.120, Grading, of this title, for special provisions for grading requests that are not accompanying development requests.

8. Massage is subject to Section 5.28 of the City of San Clemente Municipal Code. Refer to Section 17.28.185, Massage Establishments, for special provisions for massage establishments and accessory massage establishments.
9. The provisions for amusement centers shall apply to pool halls. Please refer to Chapter 17.28, Special Uses, for special provisions for amusement centers.
10. Refer to Section 18.20.050, Accessory Buildings and Structures, of this Title; and Section 17.24.040 of Title 17.

18.44.030 Commercial Zone General Development Standards.

The following property development standards shall apply to all land, and permitted or conditionally permitted, buildings located within their respective commercial zones located within the City’s Coastal Zone.

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

- B. **General Development Standards.** Tables 18-19 and 18-20 list the site development standards required for projects located within commercial zones in the City’s Coastal Zone.

Table 18 - 19 Development Standards

Development Standards Applicable to Commercial Zones	
Lot Frontage, Minimum	Refer to Section 18.44.140, Lot Frontage Requirements, Minimum, of this title.
Landscape Setback for Parking Areas	Please refer to Section 18.24.050, Design Standards for Off-Street Parking Facilities, for landscaping setbacks for parking areas.
Setbacks from Residentially Zoned Property	Please refer to Section 18.20, Residentially Zoned Property, Development Adjacent to, for setbacks from residentially zoned property.
Parking	For parking requirements, please refer to Chapter 18.52, Parking and Access Standards, of this title.
Landscaping	Refer to Chapter 18.56, Landscaping Standards, of this title, for landscaping requirements.
Floor Area Ratio, Historic Structures	Please refer to Section 18.20, Increases in Floor Area Ratio, for increases in floor area ratio when historic structures are preserved on-site or relocated to appropriate zones
NC 1.1 Development Standards	
Standard	NC 1.1 Zone Requirement
Lot Area, Minimum	4,000 Square Feet
Lot Width, Minimum	40'-0"

Front Setback, Minimum	0'-0"
Interior Side Setback, Minimum	0'-0"
Street Side Setback, Minimum	0'-0"
Rear Setback Minimum	0'-0"
Lot Coverage, Maximum	50 percent of lot area
Floor Area Ratio	.35
Height Limitation	15'-0"; 1 Story
NC 1.2 Development Standards	
Standard	NC 1.2 Zone Requirement
Lot Area, Minimum	4,000 Square Feet
Lot Width, Minimum	40'-0"
Front Setback, Minimum	0'-0"
Interior Side Setback, Minimum	0'-0"
Street Side Setback, Minimum	0'-0"
Rear Setback Minimum	0'-0"
Lot Coverage, Maximum	50 percent of lot area
Floor Area Ratio	.35
Height Limitation	33'-0" Top of Roof; 26'-0" Plate; 2 Stories
NC 1.3 Development Standards	
Standard	NC 1.3 Zone Requirement
Lot Area, Minimum	4,000 Square Feet
Lot Width, Minimum	40'-0"
Front Setback, Minimum	0'-0"
Interior Side Setback, Minimum	0'-0"
Street Side Setback, Minimum	0'-0"
Rear Setback Minimum	0'-0"
Lot Coverage, Maximum	50 percent of lot area
Floor Area Ratio	.35
Height Limitation	45'-0" Top of Roof; 37'-0" Plate; 3 Stories
NC 2 Development Standards	
Standard	NC 2 Zone Requirement
Lot Area, Minimum	6,000 Square Feet
Lot Width, Minimum	60'-0"
Front Setback, Minimum	0'-0"
Interior Side Setback, Minimum	0'-0"
Street Side Setback, Minimum	0'-0"
Rear Setback Minimum	0'-0"
Lot Coverage, Maximum	60 percent of lot area

Floor Area Ratio	.50
Height Limitations	<p>Height is limited as follows:</p> <ol style="list-style-type: none"> 1. 33'-0" Top of Roof; 26'-0" Plate; 2 stories; and 2. For properties along South El Camino Real, projects shall be at the same elevation or lower than the Interstate-5 highway. The Interstate-5 highway elevation is measured where the center of southbound travel lanes intersects a straight line drawn through the midpoint of the rear property line and midpoint of the front property line. With the approval of a Conditional Use Permit, projects may exceed the Interstate-5 elevation, up to the height limits in Subsection 1 above, provided the review authority meets the general findings for a Conditional Use Permit [Section 17.16.060(F)] and specific finding below. <ol style="list-style-type: none"> a. The proposed project will not obstruct freeway ocean views.
CC 2 Development Standards	
Standard	CC 2 Zone Requirement
Lot Area, Minimum	6,000 Square Feet
Lot Width, Minimum	60'-0"
Front Setback, Minimum	0'-0"
Interior Side Setback, Minimum	0'-0"
Street Side Setback, Minimum	0'-0"
Rear Setback Minimum	0'-0"
Lot Coverage, Maximum	60 percent of lot area
Floor Area Ratio	0.50
Height Limitation	45'-0" Top of Roof; 37'-0" Plate; 3 Stories.
CC 3 Development Standards	
Standard	CC 3 Zone Requirement
Lot Area, Minimum	6,000 Square Feet
Lot Width, Minimum	60'-0"
Front Setback, Minimum	0'-0"
Interior Side Setback, Minimum	0'-0"
Street Side Setback, Minimum	0'-0"
Rear Setback Minimum	0'-0"
Lot Coverage, Maximum	80 percent of lot area
Floor Area Ratio	.70
Height Limitation	45'-0" Top of Roof; 37'-0" Plate; 3 Stories.
CC4 Development Standards	
Standard	CC4 Zone Requirement
Lot Area, Minimum	6,000 Square Feet
Lot Width, Minimum	60'-0"
Front Setback, Minimum	0'-0"
Interior Side Setback, Minimum	0'-0"
Street Side Setback, Minimum	0'-0"

Rear Setback Minimum	0'-0"
Lot Coverage, Maximum	60 percent of lot area;
Floor Area Ratio	0.50;
Height Limitation	45'-0" Top of Roof; 37'-0" Plate; 3 Stories.
RMF 1 Development Standards	
Standard	RMF 1 Zone Requirement
Lot Area, Minimum	6,000 Square Feet
Lot Width, Minimum	60'-0"
Front Setback, Minimum	0'-0"
Interior Side Setback, Minimum	0'-0"
Street Side Setback, Minimum	0'-0"
Rear Setback Minimum	0'-0"
Lot Coverage, Maximum	80 percent of lot area
Floor Area Ratio	2.0
Height Limitation	54'-0" Top of Roof; 45'-0" Plate; 4 Stories.

18.44.040 Commercial Zone Special Development Standards.

Chapter 18.20, General Coastal Development Standards, of this title includes a number of special or additional provisions affecting commercial properties. Unless otherwise indicated in the referenced sections, or in other City documents regulating commercial development, the development standards listed in Chapter 18.20, General Coastal Development Standards, of this title shall apply to all zones described in this chapter.

Table 18 - 20 Special Development Standards for All Commercial Zones

Standards	Sections
Accessory Buildings	Section 18.20.050
Building Equipment and Services and Their Screening	Section 18.20
Setbacks and Encroachments	Section 18.20.060
Fences, Walls, and Hedges	18.20.070
Height Limitations	18.20.080
Increase in Floor Area Ratios	Section 18.20
Lighting	Section 18.20.090
Off-Street Loading Area	Section 18.20
Relocation of Structures	Section 18.20
Residentially Zoned Properties, Development Adjacent To	Section 18.20
Retaining Walls	Section 18.20.070(F)
Skirt Walls	Section 18.20.100

Standards	Sections
Substandard Lots	Section 18.20.110
Through Lots, Rear Yard Setback For	Section 18.24.210

CHAPTER 18.48 - MIXED-USE ZONES AND STANDARDS

18.48.010 Purpose and Intent.

The LUP details the goals, objectives, and policies for the City's mixed-use zones in the Coastal Zone, including the establishment of active, pedestrian-oriented districts which enhance the quality of life and vitality of the City and reduce vehicle miles traveled (VMT) and Greenhouse Gas (GHG) emissions. It is the purpose of this chapter to implement the LUP's vision for distinct mixed-use zones in the Coastal Zone 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.

Mixed-use zoning, as it is applied in San Clemente, refers to the vertical or horizontal mixing of commercial and residential uses. The LUP provides for the development of single or combined parcels for mixed commercial and residential development. Vertically mixed structures typically incorporate retail, office, and/or parking on the lower floors and residential units above. Areas that allow a horizontal mix also allow stand-alone uses and provide greater flexibility as to where specific uses are located on a site. While the LUP does not mandate the development of mixed-use projects, it does permit these in key commercial areas.

Mixed-use zones create enhanced vitality and pedestrian activity in areas where residents have convenient access to retail, services, jobs and other amenities. They can also help reduce vehicle trips and associated air pollution, provide “built-in” customers for businesses, and encourage development of convenient and affordable housing opportunities, while providing visitor-serving uses to encourage tourism. Senior housing and STLU/STARs may also be permitted.

- A. **MU 1 Zone.** This zone provides for a mix of uses and development standards similar to those within the Downtown transition area, while excluding stand-alone residential development.
- B. **MU 2 Zone.** This zone provides 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.
- C. **MU 3.0 Zone.** The downtown area is defined in the San Clemente LCP Land Use Plan as the symbolic “core” of the City, maintaining its pedestrian-oriented village character. Commercial development—non-residential uses allowed in this zone such as community and tourist-serving retail commercial, entertainment, restaurants, offices, institutional and public uses—and residential uses accompanying commercial development are accommodated within this zone. Along with enhancing the pedestrian nature of downtown, the 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.

The location of uses and parking within projects is particularly important to the pedestrian orientation of this zone. 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. 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 visitors and residents and 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 LCP Land Use Plan, future development in this area is to be consistent in scale with the stories (2—3) and character of the prevailing Spanish Colonial Revival buildings.

- A. **MU 3.1 Zone.** This zoning category provides 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.
- B. **MU 3.2 Zone.** The intent of the MU 3.2 zone is to provide for commercial development and mixed-use development opportunity while respecting the scale of development on the neighboring residential areas.
- C. **MU 3.3 Zone.** 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.
- D. **MU 5 Zone.** The MU 5 zone 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.

18.48.020 Permitted and Conditionally Permitted Uses in Mixed-Use Zones.

A. Permitted and Conditionally Permitted Uses.

- 1. **General Requirements.** The uses identified in Table 18-23, Mixed-Use Zone Uses, shall be the primary uses allowed to occur on a property. The primary uses identified in Table 18-22 shall be permitted or conditionally permitted, as indicated.

Table 18 - 21 Permitted and Conditionally Permitted Uses

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

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 be permitted on the same floor as a residential use.
- b. Review of the Location of Pedestrian and Non-pedestrian Uses in the Visitor Serving Commercial District Overlay (-VSCD). Within the VCSD Overlay, the appropriateness of the location of non-pedestrian-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 18.48, Mixed-Use Zones and Standards, of this title.

Pedestrian-oriented uses facilitate a relatively high level of pedestrian activity. Examples of pedestrian-oriented uses include retail shops; restaurants; entertainment; commercial services such as banks, cleaners, electronic repair shops; offices such as optometrists with retail space and realtors; the common areas of lodging facilities such as lobbies, restaurants, and shops; public uses such as postal offices and parks; and other similar uses.

Non-pedestrian-oriented uses facilitate relatively little pedestrian activity. Examples of nonpedestrian-oriented uses include most professional offices, such as insurance agencies, secretarial services and telemarketing services; medical uses such as doctor's, dentist's and veterinary offices and optometrists without retail space; guest rooms in lodging facilities; and other similar uses. These uses are discouraged in pedestrian-oriented spaces but may be allowed in such spaces through the discretionary review processes indicated in Table 18-22, Permitted and Conditionally Permitted Uses within Mixed-Use Zones.

- c. Location of Residential Uses.
 - 1) MU 1, MU 2, MU 3.0, and MU 3.2 zones. Residential uses shall be limited to floors above street level in MU 1, MU 2, and MU 3.0 zones. In the MU 3.2 zone, residential uses shall be limited to floors above street level where floor area is located within 25 feet of South El Camino Real. Lobbies, entryways, and other non-habitable space for residential uses shall be allowed on the street level.
 - 2) MU 3.1 and MU 3.3 zones. Residential uses may be on the ground level in MU 3.1 and MU 3.3 zones.
 - 3) MU 5 zone. For residential uses in the MU 5 zone, please refer to Section 18.48.020, Permitted and Conditionally Permitted Uses in Mixed-Use Zones.
- d. The Use of Non-residential Space. Non-residential spaces shall contain uses that serve clients and patrons that will visit the site. These spaces may not be merely used for

storage for other businesses or for adjacent residential uses or be used in the same manner as home occupancy businesses.

B. Prohibited Uses. The following uses are prohibited:

1. Uses that are excluded from Table 18-23, unless they are found by the City to be similar to permitted or conditionally-permitted uses.
2. Uses where a blank cell appears in Table 18-23.
3. As indicated in Table 18-23, the following uses are not permitted in any mixed-use zone:
 - a. Marijuana Manufacturing.
 - b. Marijuana Testing Laboratory.
 - c. Marijuana Delivery.
 - d. Marijuana Dispensary.
4. The cultivation of Industrial hemp, as defined in Section 11018.5 of the California Health and Safety Code, is not permitted in any mixed-use zone to the fullest extent allowed by state law.

Table 18 - 22 Mixed-Use Zone Uses

Use	MU 1	MU 2	MU 3.0	MU 3.1	MU 3.2	MU 3.3	MU 5	NOTE: Priority shall be given to visitor-serving and recreational uses on sites within the Visitor Serving Commercial District (VSCD) Overlay
1. Commercial Uses								
Antiques	P	P	P	P	P	P	P	
Art Galleries	P	P	P	P	P	P	P	
Bakery Goods/Sales (No Wholesale Distributors)	P	P	P	P	P	P	P	
Barber Shops	P	P	P	P	P	P	P	
Bicycle Shops	P	P	P	P	P	P	P	
Bookstores	P	P	P	P	P	P	P	
Ceramics (Retail Sales)	P	P	P	P	P	P	P	
Cleaners and Laundromats (No Linen Service)	P	P	P	P	P	P	P	
Clothing Stores	P	P	P	P	P	P	P	
Confectionery Stores (Small Scale Production with Retail Sales)	P	P	P	P	P	P	P	
Convenience Stores	C	C	C	C	C	C	C	1
Drugstores/Pharmacies	P	P	P	P	P	P	P	
Electronics (Retail Sales and Repair)	P	P	P	P	P	P	P	
Fabric Stores	P	P	P	P	P	P	P	
Floor Covering Stores	P	P	P	P	P	P	P	
Florists (Retail Sales)	P	P	P	P	P	P	P	
Furniture Stores (Retail Sales)	P	P	P	P	P	P	P	
Grocery/Food Stores (Not Convenience Stores)	P	P	P	P	P	P	P	
Gunsmith/Gun Shops	C	C	C	C	C	C	C	
Hair Salons	P	P	P	P	P	P	P	
Hardware Stores	P	P	P	P	P	P	P	
Home Appliance Stores (Retail Sales and Repair)	P	P	P	P	P	P	P	
Ice Cream Parlors (Retail Sales with Small Production)	P	P	P	P	P	P	P	
Interior Decorating Stores	P	P	P	P	P	P	P	
Jewelry Stores	P	P	P	P	P	P	P	
Liquor Sales:								
a. Hard Alcohol	C	C	C	C	C	C	C	
b. Beer and Wine (Off-Site Consumption Only)	MC	MC	MC	MC	MC	MC	MC	
Locksmith Shops	P	P	P	P	P	P	P	
Mail-Order Stores	P	P	P	P	P	P	P	

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Use	MU 1	MU 2	MU 3.0	MU 3.1	MU 3.2	MU 3.3	MU 5	NOTE: Priority shall be given to visitor-serving and recreational uses on sites within the Visitor Serving Commercial District (VSCD) Overlay
Marijuana Cultivation								
Marijuana Delivery								
Marijuana Dispensary								
Marijuana Manufacturer								
Marijuana Testing Laboratory								
Medical/X-Ray Equipment (Sales Only)					P		P	
Medical Marijuana Dispensaries								
Music Sales	P	P	P	P	P	P	P	
Newsstands (On Private Property)	P	P	P	P	P	P	P	
Nurseries (Indoor Garden Retail Sales)	P	P	P	P	P	P	P	
Nurseries (Outdoor Garden Retail Sales)	C	C	C	C	C	C	C	
Office Equipment/Supplies	P	P	P	P	P	P	P	
Paint/Wallpaper Sales	P	P	P	P	P	P	P	
Patio/Outdoor Furniture Sales	P	P	P	P	P	P	P	
Pawn Shops	C	C	C	C	C	C	C	
Pet Shops	MC	MC	MC	MC	MC	MC	MC	
Pet Supply Stores	P	P	P	P	P	P	P	
Photographic Equipment Sales	P	P	P	P	P	P	P	
Pottery (Retail Sales with Small Production)	P	P	P	P	P	P	P	
Shoe Stores (Retail Sales and Repair)	P	P	P	P	P	P	P	
Smoke or Tobacco Shops								
Specialty Food Stores	P	P	P	P	P	P	P	
Sporting Goods (Retail Sales)	P	P	P	P	P	P	P	
Stationery Stores	P	P	P	P	P	P	P	
Swimming Pool Accessory Shops	P	P	P	P	P	P	P	
Tailors/Dressmakers	P	P	P	P	P	P	P	
2. Lodging								
Bed and Breakfast Inns:								1
a. Five or Fewer Guest Rooms	O	P	O	P	P	P	P	
b. Six to 10 Guest Rooms	O	MC	O	MC	MC	MC	MC	
c. Over 10 Guest Rooms	C	C	C	C	C	C	C	
Boarding House							C	14
STLU	O	O	O	O		O	O	15

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Use	MU 1	MU 2	MU 3.0	MU 3.1	MU 3.2	MU 3.3	MU 5	NOTE: Priority shall be given to visitor-serving and recreational uses on sites within the Visitor Serving Commercial District (VSCD) Overlay
STAR	O	O	O	O		O	O	15
Hotel and Ancillary Uses	C	C	C	C	C	C	C	
Motels					C		C	
Timeshares	C	C	C	C	C	C	C	
3. Professional Offices, Financial Institutions and Related Uses								
Ambulance Services (Office Only)	O	P	O	P	P	P	P	2
Banks/Financial Institutions	P	P	P	P	P	P	P	
Employment Agencies	O	P	O	P	P	P	P	2
Offices, Medical:								
a. Optometrists with Retail Space	P	P	P	P	P	P	P	
b. Optometrists without Retail Space	O	P	O	P	P	P	P	2
c. Other Offices	O	P	O	P	P	P	P	2
Offices, Professional and/or General:								
a. Realtors	P	P	P	P	P	P	P	
b. Other Offices	O	P	O	P	P	P	P	2
Offices, Veterinary/Animal Hospitals	C	C	C	C	C	C	C	
Secretarial Services	O	P	O	P	P	P	P	2
Telemarketing Services	O	P	O	P	P	P	P	2
Travel Agencies	P	P	P	P	P	P	P	
4. Public/Quasi Public and Institutional Uses								
Churches	C	C	C	C	C	C	C	
Clubs/Social Organizations	C	C	C	C	C	C	C	
Congregate Care Facilities	C	C	C	C	C	C	C	1
Convalescent Homes							C	
Day Care Facilities:								
a. Small Day Care Homes	P	P	P	P	P	P	P	3
b. Large Day Care Homes	P	P	P	P	P	P	P	3
c. Day Care Centers	C	C	C	C	C	C	C	1
Group Instruction	MC	MC	MC	MC	MC	MC	MC	2
Group Counseling								
Libraries	P	P	P	P	P	P	P	
Parking Lots	MC	MC	MC	MC	MC	MC	MC	1
Parking Structures	C	C	C	C	C	C	C	

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Use	MU 1	MU 2	MU 3.0	MU 3.1	MU 3.2	MU 3.3	MU 5	NOTE: Priority shall be given to visitor-serving and recreational uses on sites within the Visitor Serving Commercial District (VSCD) Overlay
Parks	O	O	O	O	O	O	O	1
Public Utilities								1
a. City-Initiated Projects	O	O	O	O	O	O	O	
b. Projects Initiated by Outside Agencies:								
i. Major Utilities	C	C	C	C	C	C	C	
ii. Minor Utilities	P	P	P	P	P	P	P	
Schools, Public and Private 1-12 Individuals	MC	MC	MC	MC	MC	MC	MC	
Greater than 12 Individuals	C	C	C	C	C	C	C	
Transportation Facilities	C	C	C	C	C	C	C	
5. Residential Uses								
Affordable Housing Projects				P			P	4
Manufactured Homes							MC	
Mobile Homes:							C	1
a. Units							C	
b. Subdivisions and Parks								
Residential Units	P	P	P	P	P	P	P	6
Senior Housing Projects	C	C	C	C	C	C	C	1
Stand Alone Residential				P		P	P	6
6. Restaurants and bars								
Bars, cocktail lounges (with or without dancing and/or entertainment)	C	C	C	C	C	C	C	
Microbreweries with limited production up to 5,000 barrels and tasting room	C	C	C	C	C	C	C	
Taprooms	C	C	C	C	C	C	C	
Restaurants								
a. With drive-through							C	1
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:								7, 8, 9
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	

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Use	MU 1	MU 2	MU 3.0	MU 3.1	MU 3.2	MU 3.3	MU 5	NOTE: Priority shall be given to visitor-serving and recreational uses on sites within the Visitor Serving Commercial District (VSCD) Overlay
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	
7. Unclassified Uses								
Accessory Buildings, Residential								10
a. Detached, Over 15 Feet in Height							C	
b. All Others							P	
Accessory Buildings, Nonresidential	C	C	C	C	C	C	C	10
Alcohol Beverage Sales Concurrent with Motor Vehicle Fuel-Convenience Store Sales							C	1
Amusement Centers								1
Animal Grooming Shops							MC	
Bowling Alleys							C	
Drive-Thru Facilities, When in Conjunction with a Use Permitted or Conditionally Permitted in this Zone							C	1
Grading, Not Accompanying a Development Request:								11
a. Emergency	P	P	P	P	P	P	P	
b. Major	C	C	C	C	C	C	C	
c. Minor	P	P	P	P	P	P	P	
Health/Fitness/Sports Clubs and Facilities	C	C	C	C	C	C	C	
Massage								12
Accessory Massage	MC	MC	MC	MC	MC	MC	MC	12
Mortuaries							C	
Pool Halls	C	C	C	C	C	C	C	13
Recycling Facilities: Reverse Vending Machines	MC	MC	MC	MC	MC	MC	MC	1
Theaters	C	C	C	C	C	C	C	
Urban Private Storage	C	C	C	C	C	C		1
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	
8. Vehicle-Related Repair, Sales and Service								
Car Washes							C	1
Vehicle Parts/Accessories Sales with no on-site installation services	P	P	P	P	P	P	P	1

Footnotes:

1. Refer to Chapter 17.28, Special Uses, for special provisions for the referenced land use.
2. Refer to Section 18.60.080 Visitor Serving Commercial District (VCSD) Overlay. 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. A Minor Conditional Use Permit is required to allow this use in pedestrian-oriented space.
3. Small-family and large-family day care homes are permitted in a detached single-family dwelling, a townhouse, a dwelling unit within a dwelling, or a dwelling unit within a covered multifamily dwelling in which the underlying zoning allows for residential uses, or a legal non-conforming single family dwelling unit in a non-residential zone. Small-family and large-family day care homes only shall operate in buildings that were lawfully constructed.
4. Affordable housing projects are a permitted use on properties in the Affordable Housing Overlay, pursuant to Section 18.60.040. Also, for projects in the MU 5 zone, refer to Section 18.48.20 for other applicable residential use restrictions.
5. Refer to Section 18.48.030, Planned Residential District Overlay.
6. Refer to Section 18.48.020 for residential uses restrictions by zoning district.
7. 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.
8. 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).
9. 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.
10. Refer to Section 18.20.050, Accessory Buildings and Structures, of this Title; and Section 17.24.040 of Title 17.
11. Refer to Section 18.20.120, Grading.
12. Massage is subject to Section 5.28 of the City of San Clemente Municipal Code. Refer to Section 17.28.185, Massage Establishments, 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.

13. The provisions for amusement centers shall apply to pool halls. Refer to Chapter 17.28, Special Uses, for special provisions for amusement centers..
14. 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.
15. Refer to Section 18.20.160, Short-Term Lodging Units, of this title for special provisions for STLUs and STARs.

18.48.030 Mixed-Use General Development Standards.

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

A. **The Creation of New Lots.** The creation of new lots within mixed-use zones following the date of adoption of this title shall conform to the minimum dimensions for lots established within this zone, except in the case of condominium lots or individual lots within a shopping center, in which case minimum dimensions shall be applied to the boundaries around the entire center. Parcels created within shopping centers are exempt from the site development standards stated herein, as they relate to minimum site areas, and minimum lot width and depth, as long as the following conditions are met:

1. A conceptual development plan for the entire center has been developed and approved pursuant to the provisions of this title;
2. Easements for reciprocal access, parking and maintenance are recorded in a form approved by the City Attorney, and maintained; and
3. All applicable setbacks adjacent to the exterior boundaries of the shopping center or mixed-use development are met.

B. **General Development Standards.** Table 18-24, Mixed-Use Zone Development Standards, lists the site development standards required for mixed-use development projects.

Table 18 - 23 Development Standards Applicable to All Mixed-Use Zones

Lot Frontage, Minimum	Refer to Section 18.48, Lot Frontage Requirements, Minimum, of this title.
Landscape Setback for Parking Areas	Please refer to Section 18.24.050, Design Standards for Off-Street Parking Facilities , for landscaping setbacks for parking areas.
Setbacks from Residentially Zoned Property	Please refer to Section 18.20 Residentially Zoned Property, Development Adjacent to, for setbacks from residentially zoned property.
Parking	For parking requirements, please refer to Chapter 18.24, Coastal Parking and Site Access Standards, of this title.
Landscaping	Refer to Chapter 18.28, Landscaping Standards, of this title, for landscaping requirements.

Table 18 - 24 MU 1 Development Standards

Standard	MU 1 Zone Requirement
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

Standard	MU 1 Zone Requirement
	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"
Lot Coverage, Maximum	100 percent of lot area
Commercial/Mixed Use Floor	Commercial projects: 1.0 FAR
Area Ratio, Maximum	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)
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. "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."

Table 18 - 25 MU 2 Development Standards

Standard	MU 2 Zone Requirement
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.
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. 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	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."

Table 18 - 26 MU 3.0 Development Standards

Standard	MU 3.0 Zone Requirement
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.
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 Location Requirement	Habitable residential space shall be located on the second story or higher.
Residential Development Location Requirement	Habitable residential space shall be located on the second story or higher.
Floor Area Ratio, Maximum	Commercial projects: 1.0 Mixed use projects: 2.0. 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". * 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.

Table 18 - 27 MU 3.1 Development Standards

Standard	MU 3.1 Zone Requirement
Lot Area, Minimum	6,000 Square Feet
Lot Width, Minimum	60'-0"
Residential Density, Minimum/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.
Front Setback, Minimum	0'-0"
Interior Side Setback, Minimum	0'-0"
Street Side Setback, Minimum	0'-0"
Rear Setback Minimum	0'-0"

Standard	MU 3.1 Zone Requirement
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."

Table 18 - 28 MU 3.2 Development Standards

Standard	MU 3.2 Zone Requirement
Lot Area, Minimum	6,000 Square Feet
Lot Width, Minimum	60'-0"
Residential Density, Maximum	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
Floor Area Ratio, Maximum	Commercial projects: 1.00; Mixed use projects: 1.50.
Floor Area Ratio, Minimum/Maximum Required as Commercial Within Mixed Use Projects	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 projects 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 limitations shall be applied to projects:

Standard	MU 3.2 Zone Requirement										
	<ol style="list-style-type: none"> 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 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"> a. The proposed height increase will: <ol style="list-style-type: none"> i. minimize obstructions of ocean views from the freeway; or 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. 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. 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: <ol style="list-style-type: none"> 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. 										
<p>Story Limitation, El Camino Real Frontage</p>	<p>The following additional standard shall be applied to limit development facing South El Camino Real to two stories. Projects shall be limited to two stories above street level within 25 feet inward of the front property line.</p>										
<p>Provision of Enclosed Residential Storage</p>	<p>Each dwelling unit shall be provided with an enclosed storage space for the personal and private use of each residence in accordance with the following table:</p> <table border="1" data-bbox="716 1192 1235 1352"> <thead> <tr> <th>Bedrooms</th> <th>Enclosed Storage (cubic feet cf.)</th> </tr> </thead> <tbody> <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> </tbody> </table> <p>Design Requirements:</p> <ol style="list-style-type: none"> 1. Enclosed storage spaces may contain no dimension smaller than two feet and may not be divided into more than two locations. 2. At least 70 percent of the required space must be contiguous with the unit or required parking area it serves. 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. 4. The configuration of the storage space shall allow for all portions of it to be easily reattached. 5. 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. 	Bedrooms	Enclosed Storage (cubic feet cf.)	Studio/One	150 cf.	Two	200 cf.	Three	250 cf.	Four or More	300 cf.
Bedrooms	Enclosed Storage (cubic feet cf.)										
Studio/One	150 cf.										
Two	200 cf.										
Three	250 cf.										
Four or More	300 cf.										

Standard	MU 3.2 Zone Requirement
	6. 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.
Parking Credit for Increase in Minimum Commercial Floor Area Ratio	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.
Open Residential Parking Spaces	Each residential unit's required parking spaces shall be open within the project's garage

Table 18 - 29 MU 3.3 Development Standards

Standard	MU 3.3 Zone Requirement
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.
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
Floor Area Ratio, Minimum/Maximum Required as Commercial Within Mixed Use Projects	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 for sites with sloping topography: 3 Stories with a maximum plate height of 37'-0" and a maximum Top of Roof height of 45'-0".

Standard	MU 3.3 Zone Requirement
Parking (adjacent to Downtown Core per Figure 18-4)	<p>In the MU 3.3 Zone, parking is to be located behind buildings (or to the side of buildings when parking behind buildings is not feasible). See Section 18.24 for the Downtown Parking Study Area calculations. The calculation for parking for the Downtown Parking Study Area shall be made as follows:</p> <ol style="list-style-type: none"> 1. The number of off-street parking spaces which shall be provided for an alteration of use or addition of square footage shall be the net increase ¹ in parking spaces required for the project as a result of the alteration or addition of square footage. ² 2. Waivers of the parking requirements may be approved by the City per Section 18.24.130(A), Waivers of Parking Requirements, The Downtown Parking Study Area.

Table 18 - 30 MU 5 Development Standards

Standard	MU 5 Zone Requirement
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 Commercial or mixed-use projects: 1.00-2.00 FAR
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 18.48.020, Residential Use Restrictions for MU 5
Commercial Floor Area Ratio, Maximum	0.35
Height Limitation	2 Stories with a maximum Top of Roof height of 30'-0"

18.48.040 Mixed-Use Zone Special Development Standards.

A. This section and Chapter 18.20, General Coastal Development Standards, of this title, includes a number of special provisions affecting mixed-use properties. Unless otherwise indicated in the referenced sections, or in other City documents regulating mixed-use development, the development standards listed in Chapter 18.20, General Coastal Development Standards, of this title shall apply to all zones described in this chapter.

Table 18 - 31 Special Development Standards for All Mixed-Use Zones

Standards	Sections
Accessory Buildings	Section 18.20.150
Density Allowance for Lots with Less than 3,600 Square Feet of Lot Area (Residential Lots Only)	Section 18.40.040, Density Allowance for Lots with Less than 3,600 Square Feet of Lot Area (residential lots only)
Distance Between Primary Buildings, Minimum Required	Section 18.x, Distance Between Primary Buildings, Minimum Required
Setbacks and Encroachments	Section 18.20.060
Fences, Walls, and Hedges	Section 18.20.070
Front Setback, Special Provisions for Reduction (Residential Lots Only)	Section 18.40.040
Garage Encroachment into the Front Yard Setback (Residential Lots Only)	Section 18.40.040(D)
Height Limitations	Section 18.20.080
Increase in Floor Area Ratios	Section 18.20
Lighting	Section 18.20.090
Off-Street Loading Area	Section 18.20
Relocation of Structures	Section 18.20
Residential/Nonresidential Use Restrictions for MU 3.0-VCSD	Please refer to Section 18.x Visitor Serving Commercial District Overlay.
Residentially Zoned Properties, Development Adjacent to	Section 17.24.170
Retaining Walls	Section 18.20.070(F)
Skirt Walls	Section 18.20.100
Special Provisions for Dwelling Units with Front Entrances Located Along the Side Property Line (Residential Lots Only)	Section 18.40.040
Substandard Lots	Section 18.20.110
Through Lots, Rear Yard Setback For	Section 18.20
Unit Size, Minimum	Please refer to subsection (B), Unit Size, Minimum

1. **Miscellaneous Parking Requirements for Existing Development Being Converted to a Mixed-Use Project on Lots 6,000 Square Feet or Smaller.** When a commercial or residential project legally existing prior to May 16, 2001, is being converted to a mixed-use project, then the requirements for covered parking, parking location, parking space size and parking-related landscaping found in this chapter may be reduced if all of the following findings can be made in addition to the other findings required for exceptions for mixed-use projects on small lots and the general findings for Conditional Use Permits (see Title 17.16.060).
 - a. No square footage is being added to the project;

- b. There is no net increase in the number of parking spaces required for the project, as defined in Table 18-23, Mixed-use Zone Development Standards, footnote 9. The requirement for covered parking spaces is waived for no more than two parking spaces;
 - c. The conversion improves the quality of the project and the neighborhood;
 - d. The conversion complies with all policies and regulations established for the land use designation, as defined in the City's LCP Land Use Plan, the purpose and intent established for the zone, as defined in the IP, and compliance with the guidelines, as defined in the Design Guidelines of the City; and
 - e. Except for the parking requirements being waived, the project meets the intent of the Design Guidelines of the City and all appropriate appendices, as they relate to parking.
2. Required Findings for Exceptions. Prior to approving a Conditional Use Permit for exceptions allowed in this section, all of the following findings must be made along with the general findings required for the approval of a Conditional Use Permit:
 - a. Because of the limited size of the lot, the exception(s) is (are) reasonably necessary to accommodate development that fulfills the purpose and intent of the zone and relevant overlay zones;
 - b. The project meets the intent of the Design Guidelines of the City and all appropriate addendums as it relates to projects in this zone including that the project does not have any adverse impacts on coastal resources or coastal access.
- B. Exceptions to the Minimum Floor Area Requirements for the Commercial Portion of Mixed-Use Projects for Buildings on the City's Designated Historic Structure List in Mixed-Use Zones.**
1. Exceptions. Structures on the City's Designated Historic Structures List and located in mixed-use Zones may be excepted from the minimum floor area requirements for the commercial portion of mixed-use projects through a Conditional Use Permit, in accordance with Section 17.16.060, Conditional Use Permits.
 2. Required Findings for Exceptions. Prior to approving a Conditional Use Permit for an exception to the minimum commercial floor area for mixed-use projects allowed in this section, all of the following findings must be made along with the general findings required for the approval of a Conditional Use Permit:
 3. The project contains commercial floor area that meets the intent of the zone;
 - a. The exception is necessary to maintain the historical integrity of the structure;
 - b. The project meets the intent of the City's Urban Design Guidelines, as it relates to projects in this zone
 - c. The project does not have any adverse impacts on coastal resources or coastal access.

C. Exceptions to the Development Standards for Mixed Use 3.2 Zone on Lots of 8,000 Square feet or Smaller.

1. Exceptions. Development of mixed-use projects on lots of 8,000 square feet or smaller shall comply with the standards of Mixed-Use zones, with the following exceptions that may be granted through a Conditional Use Permit, in accordance with Section 17.16.060:
 - a. Minimum Commercial Floor Area for Mixed-Use Projects. The minimum commercial floor area requirement for mixed-use projects may be reduced from .35 to .15 when the following criteria apply:
 - 1) The project site is 8,000 square feet or smaller in size.
 - 2) The maximum floor area of the mixed-use project has been limited to 1.2 or smaller.
2. Required Findings for Exceptions. Prior to approving a Conditional Use Permit for exceptions allowed in this section, all of the following findings must be made along with the general findings required for the approval of a Conditional Use Permit:
 - a. Because of the limited size of the lot, the exception(s) is (are) reasonably necessary to accommodate development that fulfills the purpose and intent of the zone and relevant overlay zones;
 - b. The project meets the intent of the Design Guidelines of the City and all appropriate addendums as it relates to projects in this zone.

CHAPTER 18.52 - OPEN SPACE ZONES AND STANDARDS

18.52.010 Purpose and Intent.

The LCP Land Use Plan details the goals, objectives and policies for the City's open-space zones, including the preservation and enhancement of an extensive network of parks, passive open spaces, and recreational facilities for the use of San Clemente residents and visitors. It is the purpose of this chapter to implement the LCP Land Use Plan's vision for the open-space zones through development regulations that allow for a range of passive and active open-space opportunities, the preservation of environmental and aesthetic resources including topographical features, and protection of life and property from environmental hazards.

- A. **Open-Space (OS 1) Zone.** The OS 1 land-use designation addresses publicly owned and dedicated parklands, passive open space areas, beaches, active recreational facilities, parking and golf courses, habitat protection areas. This zone is intended to preserve publicly owned open space including parks, recreational uses, and ancillary facilities, permitting a range of activities from passive recreational uses such as hiking to more intensive, active recreational uses requiring indoor or outdoor recreational facilities.
- B. **Open Space (OS S2) Zone.** The OS S2 land-use designation addresses privately owned parklands, beach parcels, recreational facilities, passive open space areas; habitat protection areas and golf courses. This zone is intended to preserve privately owned open space, while allowing for passive recreational activities, encouraging increasing public access, and preserving the unique character of San Clemente's coastal resources.

18.52.020 Open Space Zone Uses.

- A. **Permitted and Conditionally Permitted Uses.** The uses identified in Table 18-34, Open-Space Zone Uses, shall be the primary uses allowed to occur on a property. The primary uses identified in Table 18-33 shall be permitted or conditionally permitted as indicated:

Table 18 - 32 Permitted and Conditionally Permitted Uses

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

- B. **Prohibited Uses.** The following uses are prohibited:

1. Uses that are excluded from Table 18-33, unless they are found by the City to be similar to permitted or conditionally-permitted uses.

2. Uses where a blank cell appears in Table 18-34.
3. The following uses are not permitted in any Open Space Zone:
 - a. Marijuana Cultivation.
 - b. Marijuana Manufacturing.
 - c. Marijuana Testing Laboratory.
 - d. Marijuana Delivery.
 - e. Marijuana Dispensary.
4. The cultivation of industrial hemp, as defined in Section 11018.5 of the California Health and Safety Code, is not permitted in any open-space zone to the fullest extent allowed by state law.

Table 18 - 33 Open-Space Zone Uses Permitted and Conditionally Permitted Uses

Use	OS 1	OS 2	NOTE
Animals, Commercial Grazing of Large Species			1
Apiaries (Bee Raising)			
Crop and Tree Farming			
Marijuana Cultivation			
Nurseries, Farming Only			
Business Concessions in Conjunction with Approved Recreational Uses			
Clubhouses (Private) in Conjunction with Recreational Uses			
Marijuana Delivery			
Marijuana Dispensary			
Marijuana Manufacturer			
Marijuana Testing Laboratory			
Private or Rental Cabanas w/o Kitchens (Not Suitable for Dwelling; Serving Only as Temporary Shelters and Dressing Rooms)			
Recreational Rental Concessions in Conjunction with Previously Approved Recreational Uses	C	C	
Tourist Information Offices	C	C	
Amphitheatres, Open Air (Not Including Drive-Ins)	C		
Arboretums, Public or Private	C		
Aquariums	C	C	
Athletic Fields	C		
Boardwalks		C	
Community Recreation Center (Public)	C	C	
Dance Pavilions (Open Air, Public)	C		

Use	OS 1	OS 2	NOTE
Golf Courses (Public/Private) and Ancillary Facilities Such as Clubhouses, Restaurants and Bars			
Golf Driving Ranges: Free-Standing in Association with Golf Courses			
Observatories or Planetariums	C		
Open Space (Undeveloped)	P	P	
Parking Lots in Conjunction with Recreational Uses ³	C	C	
Parks)	O	3
Preserves: (Archeological, Botanical, Geological, Historical, Wildlife):			
a. No Physical Change	P	P	
b. With Physical Change	C	C	
Public Beaches		P	
Public Piers, Revetments, Break-Waters, Groins, Harbor Channels, Sea Walls, Cliff Retaining Walls		C	
Public Safety Facilities (Including Police, Fire and Marine Safety)	MC	MC	
Public Utilities:			1
a. City-Initiated Project	O	O	
b. Projects Initiated by Outside Agencies			
i. Major	C	C	
ii. Minor	P	P	
Railroad Facilities:			
a. Establishment of New Tracks and Appurtenant Railroad Facilities		C	
b. Maintenance of Tracks and Appurtenant Railroad Facilities		P	
Riding Academies/Public Stables for Boarding Horses on Site (Minimum five+ Acres)	C		
Trails: (Riding, Hiking, Bicycle, No Motorized Vehicles)	C	C	
Caretaker's Unit and Related Offices			
Accessory Buildings	C	C	5
Baseball Batting/Pitching Ranges (Outdoor)		C	
Grading (Not Accompanying a Development Request)	P	P	4
a. Emergency	C	C	
b. Major	P	P	
c. Minor	C		
Shooting Ranges, Outdoor			

Footnotes:

1. Refer to Chapter 17.28, Special Uses, for special provisions for the referenced land use.

2. New golf courses in the OSC zone require approval of a Site Plan Permit, in accordance with Section 17.16.050, Site Plan Permits and Minor Site Plan Permits, of this title.
3. Please refer to Section 17.28.230, Public Park Facilities, for other review requirements for public park facilities. Passive and active facilities require different types of review.
4. Refer to Section 18.20.120, Grading, of this title, for special provisions for grading requests that are not accompanying development requests.
5. Refer to Section 18.20.050, Accessory Buildings and Structures, of this Title; and Section 17.24.040 of Title 17.

18.52.030 Open Space Zone General Development Standards and Guidelines

The following property development standards and guidelines shall apply to all land and permitted or conditionally permitted buildings and uses located within their respective open-space zones.

- A. **General Development Standards.** Table 18-35, Open-Space Zone Development Standards lists site development standards for open-space zones.

Table 18 - 34 Open-Space Zone Development Standards

Standards	OS 1 and OS 2
Lot Area, Minimum	Determined through the discretionary review process, as required in Table 18-34 Open Space Zone Uses Permitted and Conditionally Permitted Uses. Refer to the development guidelines for open-space zones in Section 18.52.030(B), Development Guidelines, of this title. Please refer to Section 17.24.170, Residentially Zoned Property, Development Adjacent To, of this title, for setbacks from nonresidential building from residentially zoned property. Refer to Section 18.x, Landscaping, of this title, for landscaping setbacks for parking areas.
Lot Width, Minimum	
Front Yard Setback, Minimum	
Interior-Side Yard Setback, Minimum	
Street-Side Yard Setback, Minimum	
Rear Yard Setback, Minimum	
Lot Coverage, Maximum	
Floor Area Ratio, Maximum	
Building Height, Maximum	
Landscaping	
Parking	
Open Space Easement Boundaries	

- B. **Development Guidelines.** Because the majority of development standards for the open-space zones will be determined through the site plan review process, the following development guidelines are provided to be used in the discretionary process, along with applicable guidelines found in the City's Design Guidelines.

1. In the OS 1 and OS 2 zones, development shall:
 - a. Maintain public view corridors to the beach and ocean and other environmental resources;
 - b. Avoid impacts to ESHA and topographical features;
 - c. Provide for safe, enhanced public access;
 - d. Maintain the sense of open space essential to the character of the area;
 - e. Be restricted to one story, providing for additional height if the function of the use requires additional height.

18.52.040 Open Space Zone Special Development Standards.

Chapter 18.20, General Coastal Development Standards, of this title includes a number of special provisions affecting open-space properties. Unless otherwise indicated in the referenced sections, or in other City documents regulating open-space zones, the development standards listed in Chapter 18.20, General Coastal Development Standards, of this title, shall apply to all zones described in this chapter.

Table 18 - 35 Special Development Standards for All Open-Space Zones

Standards	Sections
Accessory Buildings	Section 18.20.050
Building Equipment and Services and Their Screening	Section 17.24.050
Setbacks and Encroachments	Section 18.20.060
Fences, Walls, and Hedges	Section 18.20.070
Height Limitations	Section 18.20.080
Lighting	Section 18.20.090
Off-Street Loading Area	Section 17.24.150
Relocation of Structures	Section 17.24.160
Residentially Zoned Properties, Development Adjacent To	Section 17.24.170
Retaining Walls	Section 18.20.070(F)
Skirt Walls	Section 18.20.100
Substandard Lots	Section 18.20.110
Through Lots, Rear Yard Setback for	Section 17.24.110

CHAPTER 18.56 - PUBLIC ZONES AND STANDARDS

18.56.010 Purpose and Intent.

It is the purpose of this chapter to implement the Implementation Plan's vision for the Public (P) Zone 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. **Public (P) Zone.** The P land-use designation is intended to provide for a broad range of public facilities on public lands. This zone allows for a 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.

18.56.020 Public Zone Uses Permitted and Conditionally Permitted.

- A. Permitted and Conditionally Permitted Uses. The uses identified in Table 18-36, Permitted and Conditionally Permitted Uses Within Public Zones, shall be the primary uses allowed to occur on a property.

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

- B. Prohibited Land Uses. The following uses are prohibited:

1. Uses listed but are not identified as either permitted—"P"—or conditionally permitted—"MC or C";
2. Uses that are excluded from Table 18-37, unless they are found by the City to be similar to allowed uses.
3. Uses where a blank cell appears in Table 18-37.

Table 18 - 36 Permitted and Conditionally Permitted Uses Within Public Zones

Use	P	CVC	INST	Note
Public/Quasi Public and Institutional Uses				
Amphitheater	C			
Cultural Facilities	C			
Day Care Centers, in Conjunction with Public Offices				
Small-Family Day Care Home	P	P		2
Large-Family Day Care Home	P	P		2
Day Care Center	C	C		1
Government Offices and Related Facilities	C	C		
Libraries (Public)				
Museums (Public)				
Open Space (Undeveloped)	P	P		
Parking Lots				1
Parking Structures				1
Parks				1
Parks (Undeveloped)	P	P		
Public Art	C	C		
Public Safety Facilities (Including Police, Fire and Marine Safety)	C	C		
Public Utilities				1
City-Initiated Projects	O	O		
Projects Initiated by Outside Agencies				
Major Utilities	C	C		1
Minor Utilities	P	P		1
Reservoirs (Public)				
Schools (Public)				
Transportation Facilities (For Transfer Between Foot or Car and Buses)				
Accessory Buildings	C	C		4
Recycling Facilities, Small				1
Grading (Not Accompanying a Development Request)				1
Emergency	P	P	P	
Major	C	C	C	
Minor	P	P	P	

Footnotes:

1. Refer to Chapter 17.28, Special Uses, for special provisions for the referenced land use.

2. Small-family and large-family day care homes are permitted in a detached single-family dwelling, a townhouse, a dwelling unit within a dwelling, or a dwelling unit within a covered multifamily dwelling in which the underlying zoning allows for residential uses, or a legal non-conforming single family dwelling unit in a non-residential zone. Small-family and large-family day care homes only shall operate in buildings that were lawfully constructed.
3. Refer to Section 18.20.120, Grading, of this title, for special provisions for grading requests that are not accompanying development requests.
4. Refer to Section 18.20.050, Accessory Buildings and Structures, of this Title; and Section 17.24.040 of Title 17.

18.56.030 Public Zone General Development Standards and Guidelines.

- A. The uses identified in Table 18-38, Public Zone Uses, shall be the primary uses allowed to occur on a property.
- B. Table 18-38, Public Zone Development Standards, lists the site development standards required for projects in public zones.

Table 18 - 37 Public Zone Development Standards

Standard	CVC	P	INST
Lot Area, Minimum	N/A	Determined through discretionary review. Refer to Subsection (C), Development Guidelines, of this Section, for guidelines for development in the public zones. Please refer to Section 17.24.170, Residentially Zoned Property, Development Adjacent To, for setbacks from residentially zoned property. Please refer to Section 18.24.050, Design Standards for Off-Street Parking Facilities, for landscaping setbacks for parking areas.	For development standards for the Institutional Zone found in the Marblehead Master Plan area, please refer to the Master Plan. Please refer to Section 17.24.170, Residentially Zoned Property, Development Adjacent To, for setbacks from residentially zoned property.
Lot Width, Minimum	N/A		
Front Yard Setback, Minimum ¹	20 ft.; Please refer to Section 18.24.050, Design Standards for Off-Street Parking Facilities, for landscaping setbacks for parking areas.		
Interior-Side Yard Setback, Minimum ²	5 ft.; Please refer to Section 17.24.170, Residentially Zoned Property, Development Adjacent To, for setbacks from residentially zoned property.		
Street-Side Yard Setback, Minimum ³	10 ft.; Please refer to Section 18.24.050, Design Standards for Off-Street Parking Facilities, for landscaping setbacks for parking areas.		
Rear Yard Setback, Minimum ⁴	10 ft.; Please refer to Section 17.24.170, Residentially Zoned Property, Development Adjacent To, for setbacks from residentially zoned property.		
Lot Coverage, Maximum	40%		

Standard	CVC	P	INST
Floor Area Ratio, Maximum	0.35		
Building Height, Maximum	TOR: 33 ft.; PL: 26 ft.; and 2 stories Height is measured from the highest existing pad, with development "stepping down" the site to conform to the topography.		
Landscaping	For general landscaping standards, please refer to Chapter 18.28, Landscape Standards, of this title. Specific landscaping requirements for an individual site shall be determined as part of the discretionary review required for a proposed project.		
Parking	Refer to Chapter 18.24, Coastal Parking and Site Access Standards, of this title, for parking requirements.		

C. Development Guidelines. As the sites given the CVC and P designations are located adjacent to other zones, with their own unique standards, the following development guidelines are provided for these zones. Refer also to the City's Design Guidelines. In the P zone, development shall:

1. Maintain public view corridors to the beach and ocean and other environmental resources;
2. Avoid impacts to sensitive habitat areas and topographical features;
3. Provide for safe, enhanced public access to City facilities;
4. Be compatible in scale, mass, character and architecture with the zone, district or neighborhood in which it is located;
5. Be particularly sensitive to physical and visual separation between structures on adjacent residentially owned property and publicly owned property;
6. Avoid the appearance of uninterrupted vertical walls, incorporating setbacks, modulations, and other architectural elements in building elevations located along the slope.

18.56.040 Public Zone Special Development Standards.

This section and Chapter 18.20, General Coastal Development Standards, of this title include a number of special provisions affecting residential properties. Unless otherwise indicated in the following or referenced sections, or in other City documents regulating residential development, the following development standards shall apply to all public zones described in this chapter.

Table 18 - 38 Public Zone Special Development Standards

Standard	Section
Accessory Buildings	18.20.050
Setbacks and Encroachments	18.20.060
Fences, Walls, and Hedges	18.20.070
Height Limitations	18.20.080
Lighting	18.20.090
Retaining Walls	18.20.070(F)
Skirt and Stem Walls	18.20.100
Substandard Lots	18.20.110
Through Lots for Rear Yard Setback	17.24.210
Trip Reduction Measures for Projects with Greater than 100 Employees	17.24.220

CHAPTER 18.60 - OVERLAY DISTRICTS AND STANDARDS

18.60.010 Purpose and Intent.

The IP establishes a number of overlay designations for the City which are depicted in IP Part 6, Maps and Figures. These designations are to be used along with underlying zoning and land-use designations, such as residential, commercial, mixed-use, and open-space designations, also established in the IP.

Overlay districts signify that an area or site has been identified to have distinct characteristics, requiring special development standards or guidelines beyond those for the underlying zoning designation. The Implementation Plan details the goals, objectives and policies for areas with the overlay designations, which are meant to be used along with the goals, objectives and policies for the underlying zoning designation for an area. This chapter implements the overlay districts through development regulations and guidelines. The goals for each of the overlay districts is provided with a description of the district, in the following section.

18.60.020 Architectural (-A) District Overlay.

- A. **Purpose and Intent.** The purpose of the Architectural (-A) Overlay 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 follows:
1. To maintain and enhance the unique “Spanish-Village-by-the-Sea” character of specific areas of the City;
 2. To maintain a high quality of design consistent with the City's history;
 3. To require that new and renovated buildings 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;
 4. 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;
 5. To provide for the development of commercial and mixed-use (integrating commercial with residential) districts characterized by a high level of pedestrian activity;
 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 -A Overlay as shown within IP Part 6, Maps and Figures.

- 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.
- E. **Architectural Review Criteria.** 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 Structures. The architectural character for all new buildings shall reflect a pedestrian orientation and have Spanish Colonial Revival architecture unless other architecture is required by subsection E above. New and historic structures are required to comply with all

relevant sections of the City's Design Guidelines, as well as the development standards for the underlying zoning designation.

3. **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 the required architectural style per subsection E above. It may not always be practical, with minor changes, to convert a contemporary building into a true form of the required 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 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 and/or to provide pedestrian-oriented elements.
 - b. In cases where only minor modifications are proposed, the goals shall be the following:
 - 1) To improve the architectural quality of the building, consistent with the architectural style required by this section;
 - 2) To include design elements that are in character with the required architectural style, where practical;
 - 3) To include as many pedestrian-oriented elements, such as courtyards, paseos, outdoor eating areas, landscaping, interesting architectural details, etc., as is practical.
 - 4) 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 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, projects shall have the required architectural style per subsection E and pedestrian-orientation 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 section 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

18.60.030 Planned Residential District (-PRD) Overlay.

- A. Purpose and Intent. The purpose of the Planned Residential District (-PRD) Overlay is to provide flexible regulations in order to foster innovation, variety, amenities, and a sensitivity to the natural topography in residential development. The intent is to allow development to deviate from conventional residential standards to achieve higher quality rather than increased density.
- B. Applicability. The provisions in this section apply to all areas with the Planned Residential District (-PRD) designation.
- C. Permitted and Conditionally Permitted Uses. The uses allowed in a Planned Residential District shall be limited to those uses allowed in the underlying zoning designation.
- D. Development Standards.
 - 1. General Development Standards. Table 18-40, Planned Residential District Standards, lists the site development standards required for planned residential development projects. Additional common amenities such as, but not limited to, an increase in common open space, clustering of dwelling units and a general conservation in the amount of land utilized for development may be required through the Site Plan Permit process.

Table 18 - 39 Planned Residential District Standards

Standard	Requirements
Lot Area, Minimum	To be determined through the Site Plan Permit process.
Lot Frontage, Minimum	20 feet upon a public or private street or pedestrian access way.
Lot Width, Minimum	24 feet for lots with residential structures.
Density, Maximum	The number of dwelling units permitted for a PRD project, in its entirety, shall not exceed the total number of dwelling units permitted by the underlying zone or zones, as calculated for the entire PRD project area.
Front Yard Setback, Minimum	There shall be a minimum average front yard setback of 10 feet for any building. The front yard setback shall be measured from the curb line of private streets and from the property line for dedicated streets.

Standard	Requirements
Side Yard Setback, Minimum	0 feet; however, each development plan will be reviewed through the Site Plan Permit process to ensure that adequate provisions are made for light and air and free pedestrian movement. When the side yard of a dwelling abuts property, which is not part of the planned residential project, a 15-foot side yard shall be provided.
Rear Yard Setback, Minimum	0 feet; however, when the rear of a dwelling unit abuts property which is not part of the planned residential project, a 15-foot rear yard shall be provided. Exception: When the rear of a dwelling unit is adjacent to common open space accessible to the unit, a rear yard need not be provided.
Lot Coverage, Maximum	To be determined through the site plan permit process.
Building Height, Maximum	The building height limits of the underlying zone may be modified to allow greater flexibility within the development. Consideration shall be given to building heights in relation to adjacent property and building interrelationship within the development.
Parking	<ol style="list-style-type: none"> 1. All residential units shall provide 2 covered parking spaces. 2. Guest parking (uncovered) shall be provided at the ratio of 1 space per 5 unit and shall be spaced for easy use by the units for which intended. 3. Tandem parking shall not count toward the number of parking spaces required for PRD's. 4. Where off-street parking areas are situated such that they are visible from any street, an earthen berm, wall, or combination wall/berm three (3) feet in height shall be erected within the landscape area required for the parking area to adequately screen said parking areas.
Fences, Walls and Hedges	Refer to Section 18.20.070, Fences, Walls and Hedges, for requirements regarding fences, hedges and walls, with the following exception allowed: A maximum 6 foot high wall or fence may be placed within any front yard setback provided such wall or fence is set back 5 feet from the right-of-way line of dedicated streets or 10 feet from the curb line of private streets.
Open Space, Minimum	<ol style="list-style-type: none"> 1. A minimum of 40% of the total development acreage, exclusive of all streets, dedicated or private, shall be required for open space. 2. Open space shall not include streets (public or private), dwellings, garages or carports; but shall include landscaped utility easements, golf courses, landscaped recreation parks and related recreational facilities, swimming pools, pedestrian walkways and driveways, visitors' parking areas, arbors or shade structures when used by the public.

2. **Special Planned Residential Developments (Numbered PRD Overlays).** An index listing the planned residential projects which deviate from the standards of Table 18-40, Planned Residential District Standards, is contained in Appendix XX of this title.

E. **Local Coastal Program Amendment Required.** Adoption of a new or Amendment to an existing Planned Residential District (-PRD) shall require an amendment to the Local Coastal Program approved by the Coastal Commission.

1. **General Requirements.** The -PRD Overlay may be requested for land complying with both the following provisions:
 - a. The land is zoned RL, RML, RM and RH;
 - b. The project site has a minimum area of five acres.

2. Required Findings. Prior to the approval of a zoning amendment to add the -PRD designation to a property, the following findings shall be made, along with the general findings required for a zoning amendment:
 - a. The development's density is consistent with the existing zoning for the property;
 - b. The uses and design of the development are compatible with adjacent uses and properties;
 - c. The development minimizes impacts to existing topographical conditions.
 - d. The development would not result in adverse impacts to coastal resources and coastal access.

18.60.040 Affordable Housing (-AH) District Overlay.

- A. Purpose and Intent. The purpose of this section is to provide for the development of new? affordable rental and for sale housing in commercial and mixed-use zones. The intent is to facilitate the development of affordable housing, as defined in Section 18.84.040 of the IP, enable the City to meet its housing goals, and ensure compatibility with surrounding land by establishing an overlay district and standards.
- B. Applicability. This section applies to properties in the Affordable Housing (-AH) Overlay. Properties are identified on the Zoning Map by a “AH” label after the base zone. For example, NC 2 (AH).
- C. Project Qualification. A “Qualified Affordable Housing Development” shall mean a multiple family rental housing project consisting of studio, one-, two-, three-, and/or four-bedroom units, which meets the following requirements:
 1. The housing units on site shall provide a minimum of 51 percent of the housing units for households earning no greater than 50 percent of Orange County Median Income by household size, and a maximum of 49 percent of the units may be market rate rental units or sold as market rate condominiums.
 2. The affordable portion of the project must be sold as condominiums to a 501(c)3 non-profit housing development organization. The non-profit organization must rent out the enforceably restricted affordable units to households earning no greater than 50 percent of median income.
 3. The development shall provide a residential density of not less than 20 dwelling units per acre, up to the maximum number of units allowed by the residential zoning standards identified in this section item (D) below.
 4. Market rate condominiums must be regulated by a legal homeowner’s association for the maintenance of the units.

- D. Review Requirements. Affordable housing projects are an allowed use in the [AH] Overlay. Refer to use tables in Sections 18.44.020, Commercial Zone Uses, and 18.48.020, Mixed-Use Zone Uses. Affordable housing projects in commercial and mixed-use zones require a CDP. Depending on the project, other discretionary processes may also apply.
- E. Minimum Standards. Affordable housing projects shall conform to applicable development standards for that zone, with the exception of incentives, concessions and density bonuses as required by Government Code § 65915, and the following:
1. Neighborhood Commercial Zones. Affordable housing projects located in Neighborhood Commercial zones shall conform to the same development standards that apply to RM zoning districts (Residential Medium Density).
 2. Mixed-Use Zones (MU 3.1, MU 3.2). Affordable housing projects located in the MU 3.1 and MU 3.2 zones shall conform to development standards for mixed-use projects.
- F. Affordable Housing Agreement. In addition to subsection D. above, the following shall apply to all qualified affordable housing projects proposed within the [AH] Overlay:
1. A qualified affordable housing project shall have a legally binding agreement between the applicant and the City shall be required to be executed and be recorded against the property on which the Qualified Affordable Housing Development is to be constructed to ensure that the requirements of this chapter are satisfied. The Affordable Housing Agreement shall be recorded against the Development Site prior to issuance of building permits for the Qualified Affordable Housing Development. The Affordable Housing Agreement shall be binding on all future owners and successors in interest.
 2. The Affordable Housing Agreement shall include, but not be limited to, the following:
 - a. Term—A term of a minimum of 30 years or greater, depending upon whether non-City funding sources require a longer affordability term. Where other public financing has longer terms, the longest term of affordability shall prevail.
 - b. Property Management—A requirement that the owner shall provide for professional property management of the development including the owner's policies and procedures for renting, managing; maintaining and operating the affordable units. Property management shall also monitor the use of parking spaces within the development to assure that the parking spaces are provided, maintained and used in accordance with the terms of the Affordable Housing Agreement;
 - c. Occupancy—A requirement that the occupancy of each unit in the development shall be limited so that it does not exceed more than two persons per bedroom plus one additional person;
 - d. Priority of San Clemente residents—The obligation of the owner to provide first priority to people who live or work in the City to rent the qualified affordable units to the extent

- the project is funded with San Clemente Developer's In-lieu fees or other housing funds, as permitted by law.
- e. Definitions of household income—Means those persons and families whose household income does not exceed the qualifying limits for extremely low, very low and low income families as established and amended from time to time by the Secretary of Housing and Urban Development and defined in Section 5.603(b) of [Title 24](#) of the Code of Federal Regulations and Section 50106 of the California Health and Safety Code. In the event the federal standards are discontinued, the City shall use the definitions set by the California Department of Housing.

18.60.050 Mixed-Use (-MU) District Overlay.

- A. Purpose and Intent. The purpose of this section is to allow mixed use development in the Light Industrial (-LI) designated area of North Beach. The intent of the overlay is to provide an incentive to the property owners to develop projects that are compatible with the commercial and mixed uses in the area and contribute to the pedestrian/visitor-serving activity in the area.
- B. Applicability. The provisions in this section apply to development within the -MU Overlay.
- C. Allowed Uses. Allowed uses within the -MU Overlay are the same uses as those allowed within the underlying base zones. Please refer to the use tables in Chapters 18.40, Residential Zones and Standards, through 18.56, Public Zones and Standards, of this title.
- D. Development Standards.
 - 1. 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.
 - 2. Floor Area Ratio (FAR), Maximum: Commercial projects: 1.00; Mixed use projects: 2.00.
 - 3. Height Limitations: For commercial projects: 2 Stories with a maximum Plate Line (PL) height of 26'-0" and a maximum Top of Roof (TOR) height of 33'-0". For mixed-use projects with lots greater than 12,000 square feet: 3 Stories with a maximum PL height of 37'-0" and a maximum TOR height of 45'-0". Exception with Conditional Use Permit: 3 stories with a maximum PL height of 37'-0" and a maximum TOR height of 45'-0".

18.60.060 Professional Business (-PB) District Overlay.

- A. Purpose and Intent. The purpose of this section is to provide additional office capacity and institutional uses (e.g., small university, college or trade school) if a Master Plan is approved.
- B. Applicability. The provisions in this section apply to development within the -MU Overlay.
- C. Allowed Uses. Allowed uses within the -PB Overlay are the same uses as those allowed within the underlying base zones. Please refer to the use tables in Chapters 18.40, Residential Zones and Standards, through 18.56, Public Zones and Standards, of this title.

- D. Development Standards. Projects shall comply with all property development standards of the zone in which they are located, except the maximum Floor Area Ratio (FAR) is 0.75.

18.60.070 Visitor-Serving Commercial District (-VSCD) Overlay.

- A. Purpose and Intent. The purpose of this section is to signify core commercial and mixed-use districts in which the City will protect existing, and new require pedestrian/visitor-serving 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. The City created this overlay to protect existing coastal visitor-serving commercial, recreational, dining, and lodging uses and provide new areas for such uses to be prioritized. 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/visitor serving uses in the overlay fluctuates and, as such, provides this discretionary review process for the approval of non-pedestrian/visitor serving uses in pedestrian spaces. This overlay is exclusively in the coastal zone.
- B. Applicability. The provisions in this section apply to pedestrian/visitor-serving uses within the – VSCD Overlay, including the development of new visitor accommodations or the expansion, reduction, redevelopment, demolition, conversion, closure, or cessation of existing visitor accommodations.
- C. Considerations. The review authority shall consider the following as part of the discretionary review process for the use:
1. The development’s impact to existing visitor-serving commercial and recreational uses, and ability to provide new, visitor-serving commercial and/or recreation opportunities, as these have priority over private residential or general commercial development;
 2. Appropriateness of the location of uses, as defined below.
 - a. Pedestrian-oriented uses. Pedestrian-oriented uses facilitate a relatively high level of pedestrian activity. Examples of pedestrian-oriented uses include retail shops; restaurants; entertainment; commercial services such as banks, cleaners, electronic repair shops; offices such as optometrists with retail space and realtors; the common areas of lodging facilities such as lobbies, restaurants, and shops; public uses such as postal offices and parks; and other similar uses.
 - b. Nonpedestrian-oriented uses. Nonpedestrian-oriented uses facilitate relatively little pedestrian activity. Examples of nonpedestrian-oriented uses include most professional offices, such as insurance agencies, secretarial services and telemarketing services; medical uses such as doctor's, dentist's and veterinary offices and optometrists without retail space; guest rooms in lodging facilities; and other similar uses.
 - c. Pedestrian-oriented space shall be commercial space on the street level of a project which meets either of the following criteria:

- 1) Individual commercial space with a wall which is contiguous with the front property line; or
- 2) Individual commercial space with an entrance located within 15 feet of the front property line.
- 3) include floor space at street-level within 40 feet and contiguous to the public right-of-way.

d. Required Findings.

- 1) The use sufficiently generates pedestrian activity to be appropriate in a pedestrian-oriented space; or
 - 2) Current market conditions make it reasonably necessary to allow a use that does not generate significant pedestrian activity in order for the subject space to remain occupied.
3. The development's ability to protect, encourage, or provide low cost visitor-serving and recreational facilities on the project site or in the immediately adjacent area; and
 4. The range of room types and room rates Citywide.

D. Protection of Low-Cost Visitor Accommodations.

1. Low, Moderate, and High Cost Visitor Accommodations Defined. For purposes of this subsection, visitor accommodations shall be defined as low, moderate, or high cost as follows:
 - a. Low Cost. The average daily room rate of all economy hotels and motels in the City that have room rates that are below the Statewide average daily room rate or lower. Economy hotels and motels are AAA-rated one or two diamond hotels, or equivalent.
 - b. Moderate Cost. The average daily room rate is between low cost and high cost.
 - c. High Cost. The average daily room rate is one hundred twenty (120) percent of the Statewide average daily room rate or greater.
 - d. For purposes of this section, room rate shall include the equivalent rental rate for campgrounds, recreational vehicle parks, hostels, and similar visitor accommodations.
2. Feasibility Analysis Required. An analysis of the feasibility of providing lower cost visitor accommodations shall be required for any application involving the expansion, reduction, redevelopment, demolition, conversion, closure, or cessation of any project involving visitor accommodations, with the exception of projects that involve the development of short-term lodging. If the proposed rates are not lower cost, the feasibility study shall explain why providing lower cost accommodations as part of the project is not feasible. This explanation shall address: the land value; development costs; a breakdown of the estimated annual revenues (including average daily rate and occupancy rates); a breakdown of the estimated

operating costs; and any other information necessary to address the feasibility of providing lower cost accommodations on site.

The feasibility analysis shall be prepared at the applicant's expense.

3. **Impact Analysis Required.** An analysis of a development's impact on the availability of lower cost visitor accommodations in the City shall be required for any application involving the expansion, reduction, redevelopment, demolition, conversion, closure, or cessation of any project involving visitor accommodations, with the exception of short-term lodging; or new or Limited Use Overnight Visitor Accommodations (LUOVA) such as timeshares, fractional ownership and condominium-hotels.
 - a. The impact analysis shall be prepared at the applicant's expense.
 - b. An impact is defined as the proposed development resulting in the decrease in the available supply of existing lower cost visitor accommodations, or failing to provide a range of affordability, including at least twenty-five (25) percent of the rooms as low cost accommodations, or failing to use land suitable for lower cost accommodations for that purpose, with the exception of short-term lodging.
4. **Mitigation.** If the review authority determines that the development will impact existing lower cost visitor-serving accommodations, or provide only high or moderate cost visitor accommodations or LUOVA, then mitigation commensurate with the impact shall be provided by one of more of the following:
 - a. Replacement of low cost rooms lost shall be provided at a one-to-one ratio either on site or a suitable off-site location within the City;
 - b. Payment of an in-lieu fee commensurate with the impact shall be required;
 - c. Programmatic components that provide low cost overnight accommodations, where priority shall be given to providing lower cost overnight accommodations to organized youth programs; or
 - d. Other form of mitigation addressing cost of stay.

The review authority may authorize deviations from development standards that provide economic incentives to the development to maintain affordability.

5. **In-Lieu Fee Program.** Specific detailed information regarding calculation and use of any required in-lieu fees as part of a mitigation program shall be included as a condition of approval of the CDP for the visitor accommodations.
6. **Rate Control and Income Eligibility Requirements Prohibited.** In no event shall a development as mitigation be required:
 - a. To provide overnight room rental be fixed at an amount certain; or

- b. To establish any method for the identification of low- or moderate-income persons for the purpose of determining eligibility for overnight room rentals in any such facilities.
7. Protection of Short-Term Lodging and Vacation Rentals. Most short-term lodging units meet the low cost definition when maximum occupancy is taken into account. Short-term lodgings can accommodate more people than a typical hotel room. They also provide full-sized, equipped kitchens allowing families or larger groups to reduce the overall cost of a visit by allowing them to prepare meals as an alternative to dining out. The City shall continue to permit short-term lodgings as a means of providing lower cost overnight visitor accommodations while continuing to prevent conditions leading to increased demand for City services and adverse impacts in residential areas and coastal resources as specified in Section 18.20.160 - Short Term Lodging Units.
- E. Conversion to LUOVA Prohibited. The conversion of any hotel or motel unit or similar visitor accommodation for which a certificate of occupancy has been issued on or before the effective date of LCP certification to a LUOVA shall be prohibited, unless mitigation or in-lieu fees are provided.
- F. New LUOVA Development Prohibited. New LUOVA development in the –VSCD Overlay is prohibited.

18.60.080 Medical Office Overlay (MO).

- 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.

18.60.090 North Beach Parking Overlay (NBP).

- A. **Purpose and Intent.** The purpose of the “-NBP” Overlay designation is to improve parking availability and efficiency in the North Beach area by creating parking standards for the commercially zoned parcels which are responsive to this unique area, and to protect the residents by not impacting parking in the residential area. The intent of the North Beach Parking Overlay is to address parking for the district as a whole.

B. Applicability. The provisions in this section apply to all areas (Commercial and Residential Parking Benefits Districts) within the North Beach Parking (-NBP) Overlay District designation. Please refer to figure 17.56.080A for a map of the areas in the City that are included in this Overlay District as shown in IP Part 6, Maps and Figures.

C. Development Standards.

1. The number of off-street parking spaces required for commercial lands uses located within the North Beach Parking Overlay District which join the Commercial Parking Benefit District by: (1) opening onsite parking up to the public; and (2) agree to implement and comply with the City's Parking Management Strategies as such strategies shall be adopted from time to time shall be as listed in Table 18-41, Commercial Parking Benefit District Parking Standards. Table 18-42, Parking Standards for Development prescribes the number of off-street parking spaces for commercial uses in the North Beach Parking Overlay District that do not participate in the Commercial Parking Benefits District. Unless otherwise indicated, the parking requirements are for square feet of gross floor area occupied by the use, and in the case of nonresidential uses, includes the parking required for customers and employees. Parking standards for uses not specified in Table 18-41 and Table 18-42, shall be provided in accordance with the requirements set forth in Section 17.64.050 of the Zoning Code.

Table 18 - 40 Commercial Parking Benefit District Parking Standards

Use	Number of Parking Spaces Required
Restaurant	1 space per 5 seats (For outdoor seating the first 16 seats are exempt. Additional seats must meet parking requirement, no additional waivers allowed)
Take-Out (yogurt and ice cream stores, coffee shops (non-sit down), and other similar uses)	1 space per 140 square feet of customer service area
Retail	1 space per 425 square feet
Office	1 space per 400 square feet
Theater	1 space per 6 seats
Residential	2 spaces per unit

Table 18 - 41 Parking Standards for Development that does not participate in the Commercial Parking Benefits District

Use	Number of Parking Spaces Required
Restaurant	1 space per 4 seats (For outdoor seating no seats are exempt)
Take-Out (yogurt and ice cream stores, coffee shops (non-sit down), and other similar uses)	1 space per 35 square feet of customer service area, plus 1 space per 200 square feet of all other gross square feet
Retail	1 space per 300 square feet
Office	1 space per 300 square feet
Theater	1 space per 4 seats
Residential	2 spaces per unit, plus 1 space per 3 units

2. **Historic Preservation Parking Waivers.** Historic Structures included on the City's Designated Historic Structures and Landmarks List or on the State of California Register of Historical Resources which are located within the North Beach Parking Overlay District shall be eligible to receive parking waivers per Section 17.64.125(B), and shall be evaluated on a case by case basis through the entitlement process.
3. **Neighborhood Electric Vehicles.** Parking for Neighborhood Electric Vehicles (NEV), as defined in Vehicle Code Section 385.5, may be applied toward the total required parking at a maximum of four percent and not more than eight spaces of the required number of parking spaces for a project through the approval of a Site Plan Permit. Additional NEV spaces can be provided however those spaces will not apply to the required parking. NEV spaces shall be located in areas of parking lots that cannot accommodate a standard parking space, unless the required number of standard spaces has been satisfied.
4. **Offsite Parking.** Required onsite parking can be satisfied by locating parking offsite but within the North Beach Parking Overlay District with the approval of a Conditional Use Permit and execution of an offsite parking agreement approved by the City. Required residential parking must be located onsite. The offsite parking agreement shall comply with the following restrictions:
 - a. The agreement shall restrict the use of the land on which the offsite parking is located for the duration of the use for which that parking is provided;
 - b. The agreement shall be executed by the owner of the property on which the parking is located. Only the property owner may enter into these agreements; and
 - c. The agreement shall be submitted for the review and approval of the City Attorney; and
 - d. Following its approval, the agreement shall be recorded by the applicant and a copy furnished to the Community Development Department when applying for a permit, for inclusion in any related discretionary application files and the Building Division address files.

5. Parking Management Program (Commercial and Residential Parking Benefits District). All required parking for commercial and/or office uses shall be accessible and available as public parking spaces subject to a uniform City parking management program. The City of San Clemente will establish a parking management program for the both Commercial and Residential Parking Benefits Districts in the North Beach Parking Overlay District, which will identify the parking fees that shall be charged by location. The parking management program shall also address enforcement. All residential parking shall remain private. The following Parking Management Strategies have been identified by the City Council for implementation in North Beach:
 - a. “Park Once”;
 - b. Distance Based Parking Pricing;
 - c. Multi-space Parking Pay Stations;
 - d. Way finding signage;
 - e. Loading Zones;
 - f. In-Lieu fees;
 - g. Pedestrian and Bicycle Improvements;
 - h. Preferential Parking for carpools/Vanpools/EVs/Golf Carts;
 - i. Ridesharing Programs;
 - j. OCTA Universal Pass Programs;
 - k. Shuttle Circulator.

CHAPTER 18.64 - HABITAT PROTECTION

18.64.010 Purpose and Intent.

The purpose and intent of this section is to provide development standards to protect and maintain the biological resources and environmentally sensitive habitats in the San Clemente Coastal Zone against any significant disruption of habitat values consistent with the Local Coastal Program (LCP) Land Use Plan (LUP). As such, development shall conform to all applicable policies in the LUP Marine and Land Resources (Chapter 4 of the LCP LUP) and the additional requirements in this Chapter.

Natural habitats within the City's Coastal Zone are primarily located in the coastal canyons and bluff areas, as well as in the marine environment. San Clemente is committed to restoring, preserving and enhancing marine resources, wetlands and environmentally sensitive habitat areas (ESHA), including dune, riparian, and other natural habitats in the Coastal Zone.

18.64.020 Applicability.

The requirements in this section shall apply to CDP applications in areas that contain or are adjacent to ESHA, wetlands, riparian habitats, bluffs, coastal sand dune habitats and coastal canyons. The requirements in this section shall also apply to areas that contain resources with the potential to qualify as ESHA including those areas mapped in LUP Figures 4-2-A through 4-2-D as "Potential Habitat Study Areas." "See Section 18.64.040, Environmentally Sensitive Habitat Areas, of the Implementation Plan (IP) for the definition of ESHA.

18.64.030 Biological Resources Assessment / Study.

- A. Development projects in or adjacent to "Potential Habitat Study Areas" or areas of potential ESHA require site specific biological resource surveys to determine if ESHA exists, evaluation of potential impacts, and appropriate buffers. The applicant shall submit a biological resources survey prepared by a qualified biologist with CDP applications for development sites that:
1. Contain or are located within 100 feet of a natural/native habitat area where there is substantial evidence of the presence of a wetland or ESHA; or within 100 feet of a "Potential Habitat Study Area" indicated on LUP Figures 4-2-A through 4-2-D unless it is clear that the site is already disturbed/urban or contains only non-native or ornamental species and this can be confirmed by the City Planner.
 2. Contain rare plants or animals; coastal scrub communities; coastal canyons and bluffs/coastal bluff scrub; native grasslands; stream and associated riparian habitat; southern foredunes and back dune scrub; monarch butterfly aggregation sites, including autumnal and winter roost sites and related habitat areas; and wetlands, including vernal pools and emergent wetlands.

B. The Biological Resources Study shall:

1. Identify the presence or potential for wetlands, ESHA, and sensitive plants, animals, and/or vegetation communities on the development site.
2. Include a review of historical biology reports, a California Department of Fish and Wildlife (CDFW) California Natural Diversity Database (CNDDDB) query for the development site and a minimum of 100 feet beyond, resource maps, aerial photographs, site inspection, and the LCP's biological resource maps in Figure 4-2-A through 4-2-D. Maps can be used as a resource for identification of biological resource areas; however, absence of mapping cannot alone be considered absence of resource, and local site conditions must be examined at the time of the CDP preparation using the best available science.

18.64.040 Environmentally Sensitive Habitat Areas.

A. ESHA Report. If the biological resources study indicates the presence or potential for ESHA or wildlife species (rare plants, animals, or vegetation communities) on the site or within 100 feet of any portion of the proposed development, an ESHA Report shall be required, conducted by a qualified biologist, shall be required. The City may require independent peer review of an ESHA Report prepared by an applicant, at the applicant's expense.

1. At a minimum, the ESHA Report shall include the following:
 - a. Date of site visit(s), description of study and survey methods, and description of the biological resources observed on the site and in the surrounding area;
 - b. Results of protocol level surveys for rare species identified as potentially occurring based on the biological resources study, including the presence of plants, animals, and vegetation communities that are not listed under state or federal law, but for which there is other compelling evidence of rarity, such as designation as Globally 1-3 (G1, G2, G3) ranked and State ranked 1-3 (S1, S2, S3) in the CDFW CNDDDB, and 1B or 2 species by the California Native Plant Society;
 - c. A vegetation community map of the development site and 100 feet beyond.
 - d. A map identifying the location of, any special-status species, including all species included within United States Fish and Wildlife Service Endangered Species lists and programs, California Department of Fish and Wildlife (CDFW) California Natural Diversity Database (CNDDDB), and the California Native Plant Society Inventory of Rare and Endangered Plants on the site;
 - e. List of dominant plant species on the parcel, including location, species, girth, height, and condition of any protected native trees;
 - f. Description of natural features, plant communities, wildlife habitats, and special environmental features of the site or region, and assessment of special-status natural communities; wetlands, coastal streams, and wildlife movement corridors found on the

site or potentially affected by the project, and the degree of habitat integrity and connectivity to other natural areas;

- g. If an area is recommended as an ESHA, ESHA buffers shall be included of a sufficient size to ensure the biological integrity and preservation of the habitat they are designed to protect. Terrestrial ESHA shall have a minimum buffer width of 100 feet wherever possible.
 - 1) Exceptions: Smaller ESHA buffers may be allowed where it can be demonstrated that the proposed narrower buffer would be amply protective of the biological integrity of the ESHA given the site-specific characteristics of the resource and of the type and intensity of disturbance.
- h. Recommended mitigation, minimization, or avoidance measures to compensate for potential impacts to ESHA, including a description of alternative designs for the proposed project (if any are proposed), how alternative designs relate to the biological resources on the site, and how alternative design impacts compare to those of the proposed project. If deemed to be necessary for state and/or federal regulatory compliance, a recommendation for further biological surveys shall be completed.
- i. A Construction Mitigation and Monitoring Plan shall be required for all development projects that, according to the biological resources study, have the potential to result in potentially significant adverse impacts to biological resources during construction. Based upon site-specific resources, the Construction Mitigation and Monitoring Plan may require the following: preconstruction biological surveys; biological monitors; preconstruction worker education; limitations on staging and stockpile areas; appropriate buffers and temporary protective barriers; seasonal restrictions; and any other requirement determined to be necessary by the City to protect biological resources.

B. ESHA Buffer. Development within ESHA buffers³ shall comply with the following:

1. Fuel modification zones shall be maintained outside of ESHA buffers to the maximum extent feasible.
2. Invasive plant species shall be prohibited.
3. New development allowed within buffer areas includes typical residential amenities such as those that currently exist and include but are not limited to existing residences, accessory and ancillary structures, patios, awnings, decks, landscaping, hardscaping, fencing, swimming pools, spas and similar backyard amenities provided there is no direct adverse impact to ESHA..

³ Per LUP Policy RES-54, a 100-foot buffer shall be provided around all ESHA, except where establishment of such a buffer is prevented by existing development. In those circumstances, the largest feasible buffer will be established.

4. Fencing or other such barriers shall be prohibited within ESHA buffers with exception of a perimeter fence, when such as fence/barrier would be more protective of the ESHA and visual landscape than the absence of a fence or barrier. Fencing shall be visually unobtrusive/permeable, potentially elevated slightly above grade to allow wildlife movement, and limited to a maximum of 6 feet in height as measured from existing grade. Fencing shall not impact free movement of sand, free passage of native plant seed, and shall support continued wildlife movement to the maximum extent feasible. Unauthorized structures that impact, or encroach into, and adversely affect an ESHA buffer shall be removed.

A. Development Lighting Adjacent to ESHA Buffer. Development lighting adjacent to an ESHA shall minimize impacts to wildlife.

1. All outdoor lighting fixtures shall be designed, shielded, aimed, located, and maintained to so glare and light trespass does not shine into direct lighting away from ESHA and ESHA buffers and to minimize glare, sky glow, and light trespass.
2. Buildings shall be designed to minimize light trespass from interior lighting.
3. All lighting shall utilize the best available “dark sky” practices, including the use of the best dark sky light bulb types (LED, LPS, HPS), lights with the lowest intensity and color temperature possible for safety purposes., and that utilize wavelengths that are the most environmentally protective of organisms active at night, dawn and dusk.

C. Development in ESHA or ESHA Buffer.

1. Limited public access improvements, interpretive signage designed to provide information about the value and protection of the resources, minor educational interpretive and research activities, and habitat restoration may be considered resource-dependent uses.
2. Unauthorized structures that adversely impact or encroach into an ESHA shall be removed.
3. 3. Public access in ESHA shall be limited to low-intensity recreational, scientific or educational uses such as trails, nature study and observation, education programs in which collecting is restricted, and photography and hiking. Access in such areas shall be controlled and confined to existing designated trails and paths. No access shall be approved that results in significant disruption of habitat.

D. Required Findings. No development shall be allowed in an ESHA or ESHA buffer area unless the following findings are made as part of a takings analysis:

1. The resource as identified will not be directly or significantly degraded or disrupted by the proposed development and the development will be compatible with the continuance of the resource.
2. There is no feasible less environmentally damaging alternative.

3. All feasible mitigation measures capable of reducing or eliminating project-related impacts have been incorporated into the project.
4. Allowance of such uses will not cause significant disruption of habitat values.

18.64.050 ESHA Mitigation and Monitoring.

A. ESHA Mitigation. The City shall require mitigation in the form of habitat creation or substantial restoration for allowable impacts to ESHA and other sensitive resources that cannot be avoided through the implementation of siting and design alternatives. Priority shall be given to in-kind and on-site mitigation. Off-site mitigation measures shall only be approved by the City when it is not feasible to fully mitigate impacts on-site. Mitigation shall not substitute for implementation of a feasible project alternative that would avoid impacts to ESHA.

1. Habitat Mitigation and Monitoring Plan. Development that would result in direct impacts to ESHA or significant biological resources shall include a Mitigation and Monitoring Plan as a condition of approval or as a mitigation measure in a Mitigation Monitoring and Reporting Program. Habitat Mitigation and Monitoring programs shall last for a minimum of 5 years to best ensure success criteria are met. Mitigation programs shall include the following components:
 - a. Specific mitigation goals and objectives for the habitat creation or restoration.
 - b. Creation or restoration design plans/exhibits.
 - c. Plant palettes for the respective habitat (s) to be created or restored.
 - d. Monitoring plan designs that include the sampling techniques to be utilized (e.g. quadrats, transects) and statistical analyses proposed to assess mitigation success.
 - e. Success criteria based on reference site(s) or peer reviewed literature for measuring the success of the mitigation.
 - f. Plans for adaptive management if mitigation trajectory appears to be falling short of final success criteria.
 - g. Plans for annual reporting and a final report at the end of 5 years.
 - h. Provisions for acquiring title or other property interest to the mitigation site.
 - i. Provisions for the dedication of the restored or created habitat or wetland and associated buffer areas to a public agency or nonprofit entity acceptable to the reviewing authority, or permanent restriction of their use to open space purposes through a conservation easement.
2. ESHA Mitigation Ratios. Apply the mitigation ratios included in Table 18-43 for allowable impacts to upland vegetation. The ratios represent the acreage of the area to be restored/created to the acreage impacted.

3. Credit may be given in the form of reduced mitigation ratios if habitat creation occurs before impacts occur.
 4. Offsite mitigation bank credits are allowed to be purchased in lieu-of habitat creation at CDFW-approved mitigation banks.
- B. Mitigation Ratios. Table 18-43, ESHA Mitigation Ratios, provides required mitigation ratios of acreage restored/created to acreage impacted.

Table 18 - 42 ESHA Mitigation Ratios

Habitat	Ratio
Scrub	
Coastal sage scrub	3:1
Lemonade berry scrub	3:1
Quailbush scrub	3:1
Maritime succulent scrub	3:1
California buckwheat scrub	3:1
Native grassland	
Giant wild rye grassland	3:1
Native grassland	3:1
Needlegrass grassland	3:1
Chaparral	
Southern mixed chaparral	3:1
Mature Native Trees	
Mature native trees in natural habitat areas ⁴	2:1
Mature native trees in highly developed areas ⁴	1:1
Riparian areas	
Arroyo willow thickets	3:1
Ephemeral streams	3:1
Other riparian areas	3:1
Wetlands	
Vernal pools	4:1
Seasonal wetlands (other than vernal pools)	4:1
Freshwater marsh	4:1
Saltwater marsh	4:1
Eelgrass	4:1
Riparian wetlands	4:1

⁴ Unless a greater mitigation ratio is required by other regulations.

- C. **Timing.** Any off-site mitigation site shall be purchased and legally restricted and/or dedicated before issuance of a grading permit. Habitat mitigation and monitoring plans shall be reviewed and approved by a qualified professional prior to accepting sites for mitigation. To the maximum extent feasible, restoration/mitigation should occur simultaneously with construction of the approved development.
- D. **In-Lieu Fee for Wetland Impacts.** An in-lieu fee may be paid to a CDFW-approved mitigation land bank to mitigate wetland impacts.
- E. **Easements and Dedications.** Where on-site or off-site preservation of an ESHA, wetland, stream, or mitigation area and buffers to each are required as a condition of approval of a CDP or other authorization, a guarantee of protection through direct dedication, offer to dedicate, or conservation easement shall be required. The protection guarantee shall identify the precise location and area to be set aside for preservation along with evidence of the legal ability over that area to restrict that area and/or convey a property interest in that area.
1. **Timing.** Prior to the approval of a CDP, the method and form of the protection guarantee shall be approved by City Attorney. The protection guarantee shall be recorded in the office of the County Recorder prior to the issuance of any development permits.
 2. **Management and Funding.** A management plan and funding plan shall be required to ensure appropriate management of the habitat area in perpetuity.
 3. **Method of Protection Guarantee.** A method of access guarantee shall be chosen according to the following criteria:
 - a. **Deed Restriction.** A deed restriction shall be used only where an owner, association or corporation agrees to assume responsibility for maintenance of and liability for the habitat area, subject to approval by the reviewing authority.
 - b. **Grant of Fee Interest or Easement.** A grant of fee interest or easement shall be used when a public agency or private organization approved by the reviewing authority is willing to assume ownership, maintenance and liability for the habitat.
 - c. **Offer of Dedication.** An offer of dedication shall be used when no public agency, private organization or individual is willing to accept fee interest or easement for habitat maintenance and liability. These offers shall not be accepted until maintenance responsibility and liability is established.
 4. **Inventory.** The City shall develop and maintain an inventory of open space deed restrictions, conservation easements, dedications of lands or easements and offers to dedicate to ensure such areas are known to the public and are protected through the CDP process. See also 18.80.

18.64.060 Wetlands and Other Water Areas.

- A. Development within Wetland Buffer. No development shall occur within the 100-foot buffer,⁵. The buffer shall be maintained exclusively with native vegetation to serve as transitional habitat.
- B. Wetland Delineation. When the biological resources survey indicates the presence or potential for wetland species or indicators, CDP applications shall include a recently prepared (less than one year old) biological study of the site, prepared by a qualified biologist, including a formal wetland delineation of all potential wetland areas on the project site. The recommended wetland delineation and the appropriate buffers shall be submitted to the review authority.
1. Wetland delineations shall be conducted according to the protocols developed by the U.S. Army Corps of Engineers and California Code of Regulations Section 13577(b).
 2. Feasible mitigation measures shall be required to minimize adverse environmental effects of diking, filling, or dredging of open coastal waters, wetlands, and streams and where there is no feasible less environmentally damaging alternative.
- C. Dredged Material Disposal. Dredged material disposal is prohibited in wetlands unless appropriate jurisdictional permits are acquired. All dumping of spoils (dirt, garbage, refuse, etc.) into riparian corridors and other drainage courses is prohibited unless the material has been determined to be suitable for beach nourishment.
- D. Marine Habitat. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.
1. Remove excessive kelp, above the semi-lunar high tide line/wrack line, during the summer season, May 15th through September 15th, to provide maximum sandy beach space for public use while protecting grunion-spawning grounds, below the semi-lunar high tide line;
 2. Allow kelp to remain on the beach during the winter season, September 16th through May 14th;
 3. At any time, remove excessive kelp in cases of extreme kelp build-up, at the direction of the City Manager or designee.
 4. Permits for dredging and other activities that substantially modify the substrate of kelp forest communities shall be reviewed by the Marine Resources Region of the California Department of Fish and Wildlife. Documentation of that review must be submitted to the Planning Division before the application may be considered complete. This documentation must state that the division has reviewed the proposal and must relate recommendations for

⁵ Per LUP Policy RES-45, Wetland Buffer, a wetland buffer may be reduced only where it can be demonstrated that (1) the required buffer width is not possible due to site-specific constraints, and (2) the proposed narrower buffer would be sufficiently protective of the biological integrity of the wetland to avoid significant adverse impacts to the wetland given the site-specific characteristics of the resource, and the type and intensity of disturbance.

mitigation procedures determined necessary to maintain the integrity of the impacted resource.

- a. Marine resources shall be maintained, enhanced, and, where feasible, restored.
 - b. Special protection shall be provided to marine resource areas and species of special biological or economic significance.
- E. Concentration of recreational development or recreational activities near accessible tidepool communities shall not be permitted.
- F. Exceptions. Only resource-dependent uses, including nature education and research, hunting, fishing and aquaculture, shall be allowed within wetlands and other water areas. Findings must be made with appropriate supporting data that such uses will not cause significant disruption of habitat values.
- G. Wetland Mitigation. Feasible mitigation measures shall be implemented to minimize the potential for adverse environmental effects of diking, filling, or dredging of open coastal waters, wetlands, and streams where there is no feasible less environmentally damaging alternative.
1. Where the diking, filling, or dredging of wetlands is permitted in accordance all applicable LCP policies, mitigation measures shall include, at a minimum, creation or substantial restoration of in-kind wetlands or purchase of mitigation credits in a CDFW-approved mitigation bank. As shown in Table 18-43, ESHA Mitigation Ratios, adverse impacts will be mitigated at a ratio of 4:1 for all wetlands. Mitigation for riparian areas shall be 3:1. Vernal pools shall be mitigated at a 4:1 ratio.
 2. Lower mitigation ratios may be allowed for mitigation completed in advance of the project impacts. A ratio of 1:1 may be allowed if prior to the allowable wetland impact, the mitigation is empirically demonstrated to meet performance criteria that establish that the created or restored wetland is functionally equivalent or superior to un-impacted natural reference wetlands.
 3. The mitigation shall occur on-site wherever possible. Where not possible, mitigation should occur in the most proximal location available. If an appropriate mitigation site is available, the applicant shall submit a detailed plan that includes provisions for dedication of the restored or created wetland and buffer to a public agency, or permanent restriction of use of the mitigation site to open space purposes through a conservation easement.

CHAPTER 18.68 - COASTAL HAZARDS AND RESILIENCE

18.68.010 Purpose and Intent.

The Coastal Hazards and Resilience chapter is established to protect public health and safety by reducing, mitigating, and adapting to hazards associated with fire, geologic and soil conditions, earthquakes, flooding and sea level rise that could affect development in the Coastal Zone. In order to protect life, property, and coastal resources from coastal hazards, and to maintain consistency with the LCP LUP, development shall conform to all applicable LUP Hazards and Shoreline/Bluff/Canyon Development (Chapter 5 of the LCP LUP) policies and the following requirements.

18.68.020 Applicability.

This chapter shall apply to all CDP applications for development located on or fronting on the shoreline, coastal bluffs, coastal canyons, or vulnerable to the hazards identified in LUP Chapter 5. Sea level rise should be considered in the review of a CDP when the project is in an area that is reasonably expected to be impacted by sea level rise over the lifetime of the new development, including but not limited to areas on low-lying land, on protected or unprotected or actively eroding coastal bluffs, or in proximity to the Pacific Ocean.

18.68.030 Identification of Hazards Area.

- A. As part of the CDP application, the applicant shall submit an initial site assessment screening to determine whether the site may be subject to coastal hazards over its lifetime, based on the City's Sea-Level Rise Vulnerability Assessment and other best available science at the time of application, (minimum of 75 years unless otherwise specified). The screening shall include a summary of CDPs issued or applied for at the subject site, technical reports, resource maps, aerial photographs, and the results of a site inspection. Maps can be used as a resource for identification of coastal hazard areas; however, absence of mapping cannot alone be considered absence of hazard, and local site conditions must be examined at the time of coastal permit application using the best available science. The applicant may use the maps available in the City's Sea-Level Rise Vulnerability Assessment, Coastal Storm Modeling System 3.0 (CoSMoS) developed by the USGS, OPC 2018 or other maps using the best available science at the time of application.
- B. Any development proposed in areas similar to the hazards mentioned below and which are identified on a site during the development process shall comply with the provisions of this chapter.
 1. Hazards include but are not limited to:
 - a. Earthquakes (ground-shaking);
 - b. Fault zones (fault rupture)
 - c. Liquefaction;
 - d. Earthquake-induced landslides;
 - e. Slope instability;

- f. Landslide, rock fall, or debris flow, and hillside areas that have the potential to slide, fail, or collapse;
- g. Long-term cliff, bluff and slope erosion;
- h. Tsunami
- i. Surge and wave activity during storms;
- j. Tidal flooding or inundation due to future sea level rise,
- k. Storm (runoff or fluvial) flooding,
- l. Elevated groundwater levels;
- m. Saltwater intrusion into an aquifer or groundwater;
- n. Wildfire

18.68.040 Application Requirements.

CDP applications applicable to this section (See Section 18.68.020 Applicability) shall demonstrate how the proposed development is sited to avoid the need for existing and future shoreline or bluff protective devices and to avoid or minimize risks from geologic, coastal, and fire hazards as may be exacerbated by sea level rise over the life of the proposed development.

- A. Expiration of Bluff and Shoreline Protective Devices. CDPs that authorize expansion, alteration, and/or repair of existing bluff or shoreline protective devices or new bluff or shoreline protective devices shall, through conditions of approval, limit authorization of such devices to the life of the primary structure requiring protection, which authorization shall expire when the primary structure requiring protection is: 1) Redeveloped such that one or more Major Remodel thresholds have been exceeded 2) is no longer present, or 3) no longer requires a protective device, whichever occurs first. The property owner shall apply for a CDP to remove the authorized bluff or shoreline protective device within six months of a determination by the City (or Coastal Commission on appeal) that the device is no longer authorized to protect the structure it was designed to protect because the structure is no longer present, is redeveloped, or no longer requires protection. The removal of the bluff or shoreline protective devices for which authorization has expired shall be required prior to the commencement of construction of any new development on the site.
- B. Coastal Hazards Report. A Coastal Hazards Report shall be submitted to the City as part of the CDP application. A Coastal Hazards Report is required for all new shoreline and coastal bluff development or redevelopment that could be threatened by coastal hazards such as inundation, flooding, wave run-up and overtopping, erosion, etc. including an analysis of the changes to these hazards due to sea level rise within the anticipated life (no less than 75 years) of the structure assuming no reliance upon existing or future shoreline protective devices. An initial site

assessment shall indicate whether or not the proposed development may be subject to coastal hazards. See Section 18.68.050 for Coastal Hazard Report required content.

18.68.050 Coastal Hazards Report

The applicant shall address, but shall not limit any evaluation to, the hazard areas described in Section 18.68.040, above.

The Coastal Hazards Report shall comply with the following:

- A. Be prepared by a qualified geologist/engineer/scientist using the best available science;
- B. Document the regional and local geologic setting, including topography, natural landforms, soil/rock types, thickness of soil or depth to bedrock, and other relevant properties such as erosion potential.
- C. Identify the potential impacts of erosion, including episodic and long-term erosion and provide an estimated average annual shoreline erosion rate for the project site.
- D. Evaluate the potential for flooding, inundation, storm waves, wave runup, high seas, tidal scour, and tsunamis, at the project site, including in relation to sea level rise, over the life of the development.
- E. Identify any known off-site hazards that could adversely affect the site and any effect that the proposed development may have on off-site property;
- F. For development proposed on a coastal bluff, include an analysis of bluff stability; a quantitative slope stability analysis that shows either that the bluff currently possesses a factor of safety against sliding of at least 1.5 under static conditions, and 1.1 under seismic (pseudostatic conditions); or the distance from the bluff edge needed to achieve these factors of safety; and demonstrate that development will be sited such that it maintains a factor of safety against sliding of at least 1.5 under static conditions and 1.1 under seismic (pseudostatic) conditions for its economic life (generally 75 years). This generally means that the setback necessary to achieve a factor of safety of 1.5 (static) and 1.1 (pseudostatic) today must be added to the expected amount of bluff erosion over the anticipated economic life of the development (generally 75 years).
- G. Provide long-term average annual erosion rates, based on photogrammetric analysis, LiDAR data, and peer reviewed studies and reports, etc., quantified in distance per year (e.g., 6 inches per year). The long-term average annual erosion rate should be broken down separately for any differing geologic units (e.g., erosion for the upper bluff terrace deposits may differ from erosion for a harder lower bluff substrate) to the extent that these long-term rates differ. The report should include the following analyses where applicable:
 1. Episodic or rapid erosion, based on recent observations from the project site or nearby areas of comparable geology

2. Ground and surface water conditions and variations, including hydrologic changes caused by the development (e.g., introduction of irrigation water to the groundwater system, and alterations in surface drainage).
 3. Expectations for the near-term (3 to 5 years) changes to the site, considering current erosion and related conditions (including wave and storm conditions).
 4. Expectations for longer-term changes, including the effects of sea level rise.
 5. Effect of the proposed development (including siting and design of structures, landscaping, drainage, and grading) and impacts of construction activity on the stability of the site and the adjacent area.
- H. For applications seeking authorization for the expansion, alteration, and/or repair of existing bluff or shoreline protective devices or new bluff or shoreline protective devices, a wave uprush study shall be prepared by a licensed civil engineer with expertise in coastal processes, describing the device's design wave height, maximum expected wave height, frequency of overtopping, and normal and maximum tidal ranges. The conditions that shall be considered in the wave uprush study are:
1. a seasonally eroded beach combined with long-term (75 years) erosion;
 2. high tide conditions, combined with long-term (75 years) projections for sea level rise;
 3. Storm waves from a 100-year event or a storm that compares to the 1982/83 El Niño event. The study shall also document the effect of the device on adjoining property, the potential/effect of scouring at the device's base, and design life/maintenance provisions.
- I. If, based on the Coastal Hazards Report, the new proposed development cannot fully minimize hazards risks by being sited to avoid all geologic and coastal hazards for the anticipated life of the development without reliance upon existing or future shoreline protection, the applicant may prepare a study should that discusses possible adaptation responses to the hazards to reduce risk as feasible and mitigate impacts to coastal resources. The study shall recommend any mitigation measures or modifications to the project that are needed to ensure that the project is consistent with all applicable policies in this Chapter. At a minimum, the analysis study shall include:
1. An alternatives analysis including avoiding proposed development; other stabilization methods including site drainage controls and native plant revegetation, relocation of any threatened structures, including an analysis of any technical feasibility questions and an estimate of expected costs to be borne by the property owner to relocate onsite; partial removal of threatened elements, with a clear analysis and estimate of how this would be accomplished.
 2. Expectations on the degree of protection for each alternative must be provided, including an estimate of the number of years of stability provided to the structure or development being protected (absent additional protection or other measures) associated with each option.

3. A combination of different alternatives should be considered when appropriate, for example, the use of vegetation, surface water controls and periodic beach nourishment where applicable and appropriate / relevant. .
 4. Identification of potential mitigation measures to address coastal resource impacts in each case.
- J. If the Coastal Hazards Report indicates that a structure which is eligible for shoreline protection is vulnerable to impacts from coastal hazards and sea level rise, the CDP application may include shoreline protection strategies. In addition to the policies set forth in the LUP, any CDP application for a bluff, canyon or shoreline protective device shall comply with the following:
1. Provide information about any coastal hazard risks to the existing structure that is warranting the proposed project (i.e., identification of the problem). The analysis shall include supporting geotechnical information including, where applicable and relevant, normal and maximum tidal surges, wave conditions (including maximum expected wave height), storm conditions, the effects of future sea level rise within the expected lifetime of the project based on the best available climate science, erosion rates with/without the device, and other applicable coastal processes at this location and the larger area.
 2. Include an alternatives analysis of potential options that could be used to achieve the project goals while maximizing the value of the shoreline (e.g., aesthetic, recreational/access, habitat). These alternatives may include (but are not limited to) the use of “soft” protective strategies such as beach nourishment or stabilization using vegetation, use of “hard” structures such as a retaining wall, and a “no action” option. The descriptions of these alternatives shall include expected lifespans, reasons why they may or may not be feasible (e.g., engineering, site-specific wave and shoreline conditions, economics, etc.), and information about the potential environmental impacts of the feasible alternatives.
 3. If applicable, include visual simulations of the proposed project (and all identified alternatives) from public vantage points, including but not limited to N. El Camino Real, E. Avenida Pico, and the San Clemente Pedestrian Beach Trail.
 4. If applicable, prepare a sand supply and public access impact analysis that describes the following over a minimum 20-year period:
 - a. The loss of any existing public trails or accessways.
 - b. The loss of the public beach area (footprint) on which a device would be physically located;
 - c. The theoretical loss of public beach area that would have resulted when the back-beach or bluff location is fixed on an eroding shoreline;
 - d. The amount of material that would have entered the sand supply system if the back-beach or bluff were to erode naturally.

5. Demonstrate the device is designed to be compatible with the surrounding vegetation and natural landforms to the maximum extent feasible.
6. A mitigation plan shall be prepared to identify potential public access improvements within the vicinity of the proposed shoreline protective device that are commensurate with the sand supply and public access impacts identified in the impact analysis described above. Such improvements may include new or restored vertical or lateral beach accessways, long-term beach nourishment programs, or other public access and recreation improvements. The mitigation plan shall require installation of any public access improvements within 6 months of construction of the shoreline protective device.
7. Include a Maintenance and Monitoring Plan that shall include ongoing monitoring of the shoreline protective device and related improvements and describe any anticipated future maintenance requirements.
 - a. The Maintenance and Monitoring Plan must acknowledge and agree on behalf of the Applicant and all successors and assigns that it is Applicant's responsibility to: maintain the approved protective device and any required mitigation in a structurally sound manner and in their approved states, including that the color, texture and undulations of the surfaces shall be maintained throughout the life of the device;
 - b. Retrieve any failing portion of the permitted device or related improvements that might otherwise substantially impair the aesthetic qualities of the area; and
 - c. Annually or more often inspect the development for signs of failure or displaced structural components.
 - d. Remove the protective device upon expiration of its authorization, pursuant to Section 18.68.040(A) unless the device is reauthorized.
- K. Where there is a dispute over the adequacy of the Hazards Report, a third-party review by a registered geologist or registered engineering geologist or scientist may be required. The review shall be conducted by the City at the applicant's expense.

18.68.060 Development in Hazardous Areas.

- A. Construction best management practices (BMPs) for Bluff/Canyon/Shoreline Development. Development on the bluffs/canyon/shoreline, including the construction of a bluff/canyon/shoreline protective devices, shall include measures to ensure that:
 1. No stockpiling of dirt or construction materials shall occur on the beach;
 2. All grading shall be properly covered, and sandbags and/or ditches shall be used to prevent runoff and siltation, as determined by the City Engineer;
 3. Measures to control erosion shall be implemented at the end of each day's work;

4. No machinery shall be allowed in the intertidal zone at any time to the maximum extent feasible, and at no time allowed in areas known to contain ESHA;
 5. All construction debris shall be properly collected and removed from the beach; and
 6. Shotcrete/concrete or other material shall be contained through the use of tarps or similar barriers that completely enclose the application area and that prevent the contact of shotcrete/concrete or other material with beach sands and/or coastal waters.
 7. Construction equipment including machinery and staging areas shall not occupy or impede coastal access, including but not limited to accessways, public parking, coastal trail ways, or lateral beach access to the maximum extent feasible.
- B. Bluff Top/Coastal Canyon Lot Drainage and Erosion. New development and redevelopment on a bluff top or coastal canyon lot shall provide adequate drainage and erosion control facilities that convey site drainage in a non-erosive manner away from the bluff/canyon edge to minimize hazards, site instability, and erosion. Drainage devices extending over or down the bluff face will not be permitted if the property can be drained away from the bluff face. Drainpipes will be allowed only where no other less environmentally damaging drain system is feasible, and the drainpipes are designed and placed to minimize impacts to the bluff face, toe, and beach.
- C. Stabilization of Landslides. In the event that remediation or stabilization of landslides that affect existing structures or that threaten public health or safety is required, multiple remediation or stabilization techniques shall be analyzed to determine the least environmentally damaging alternative. Maximum mitigation shall be incorporated into the project in order to fully mitigate adverse impacts to coastal resources and to preclude the need for future mitigation.
- D. Fire Safety and Fuel Modification. CDP applications for new development or for structures that exceed the “Major Redevelopment” threshold shall demonstrate that the development meets all applicable fire safety standards:
1. Use fire-resistive, native plant species from the Orange County Fire Authority Fuel Modification Zones Plant List in any fuel modification zones abutting sensitive habitats.
 2. Prohibit invasive plant species in fuel modification zones abutting sensitive habitats.
- E. Tsunami Risk. Require overnight visitor-serving facilities in susceptible areas to provide tsunami information and evacuation plans.
- F. Dredged Material Disposal. Dredged material disposal for beach nourishment purposes shall:
1. Not harm or destroy a species or habitat that is rare, endangered, or essential to the natural biological functioning of the tidal, subtidal, and sand dune habitat.
 2. Not significantly reduce consumptive (e.g., fishing, aquaculture and hunting) or nonconsumptive (e.g., water quality and research opportunity) values of the ocean ecosystem.

3. Be compatible with grain size of the local beach where it is proposed to be placed and be tested to ensure material is clean and meets all regional, State and federal standards.
4. Be planned and carried out to limit turbidity and to avoid significant disruption to marine and wildlife habitats and water circulation.
5. Be transported for such purposes to appropriate beaches or into suitable longshore current systems.

CHAPTER 18.72 - STORMWATER RUNOFF CONTROL AND WATER QUALITY PROTECTION

18.72.010 Purpose and Intent.

This chapter regulates development within the coastal zone in accordance with the policies of the City's Local Coastal Program and the California Coastal Act and implements the LCP water quality and hydrology policies. The purpose of the LCP, as implemented in this chapter, is to protect, and, where feasible, restore, water quality, coastal waters (including streams and wetlands), and marine resources in the City's Coastal Zone in order to safeguard the environment and human health while maintaining consistency with the Local Coastal Program Land Use Plan's Marine and Land Resources and Water Quality policies, the Clean Water Act, and state law. This chapter implements the LCP water quality policies, together with State Water Resources Control Board and California Regional Water Quality Control Board water quality protections currently in effect, and with successive updates in the future.

This chapter establishes minimum requirements for stormwater runoff management, including source control requirements to prevent and reduce pollution of coastal waters, and requirements for development and redevelopment projects. The purpose of this chapter is also to help in the improvement of water quality and to comply with the federal control requirements of pollutants to stormwater runoff within the city. This chapter is intended to provide a robust program for protecting and, where feasible, improving coastal water quality. Where there is a conflict between requirements of the LCP and other applicable standards in effect, such as NPDES Storm Water permits, the requirements that are most protective of coastal resources shall be applied.

18.72.020 Definitions.

For purposes of this chapter, the following words and phrases have the meanings ascribed to them by this section. Words and phrases not ascribed a meaning by this section have the meanings ascribed by the regulations implementing the National Pollutant Discharge Elimination System, Clean Water Act Section 402, and Division 7 of the California Water Code, as amended, if defined therein, and if not, to the definitions in any applicable permit or order issued by the California Regional Water Quality Control Board, San Diego Region (Regional Board) Order No. R9-2013-0001, amended by Order No. R9-2015-0001 NPDES No. CAS0109266, or as may be amended in the future.

18.72.030 Applicability and Overview

All development in the Coastal Zone that has the potential for adverse water quality or hydrologic (i.e., due to changes in runoff flows) impacts to coastal waters shall require a management plan for the protection of water quality, coastal waters and marine resources, generally referred to here as a Water Quality Protection Plan. In most cases, projects shall require both a construction-phase plan and a post-development plan. Construction-phase and post-development plans for water quality and hydrologic protection shall include the following requirements, and be required for projects as indicated in Table 18-44:

- A. **Construction-Phase Plan.** A construction-phase plan may be a pollution control plan, a construction BMP plan, and/or an erosion and sediment control plan and shall describe the temporary Best Management Practices (BMPs) that will be implemented to minimize erosion and sedimentation during construction, and to minimize mobilization and transport of construction chemicals and materials in runoff to coastal waters. The plan shall meet the requirements set forth in this chapter, Section 13.40, and the requirements of the Drainage Area Management Plan (DAMP) and Jurisdictional Runoff Management Program (JRMP).
- B. **Post-Development Plan.** The Post-Development Plan shall describe the runoff management site design strategies (i.e., LID BMPs), pollutant source control BMPs, and other measures the development will implement to protect coastal waters after the development is completed.

In addition to the above Water Quality Protection Plans, if a project has been deemed a Priority Development Project (PDP) by the Regional Water Quality Control Board (RWQCB) Municipal Separate Storm Sewer (MS4) Permit, the project shall submit a post-development water quality protection plan, also known as a Water Quality Management Plan (WQMP). A WQMP is required for development projects that have a greater potential for adverse water quality and hydrologic impacts due to the development size, type of land use, and/or proximity to coastal waters. A WQMP does not describe construction-phase stormwater management approaches. As indicated in Table 18-44, not all development projects require a WQMP (some may require Non-Priority Project (NPP) checklists and Low Impact Development (LID) BMPs).

Additional to the above plan requirements, all development shall comply with San Clemente Municipal Code (SCMC) Section 13.40 Stormwater Runoff Control (or as may be amended), shall obtain and submit evidence of coverage under the California Construction General Permit [NPDES General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities (Order 2009-0009-DWQ - As amended by 2010-0014-DWQ and 2012-0006-DWQ)], and any future amendments, if applicable.

Table 18 - 43 Water Quality Protection Requirements

Project Type	Construction-Phase Plan	Post-Development Plan	Water Quality Management Plan	California Construction General Permit Evidence of Coverage
All Development	X			X, if applicable
Coastal Development Permit	X	X		X, if applicable
Priority Development Projects	X	X	X	X, if applicable

18.72.040 Submittal Requirements – Water Quality Protection Plans.

A. All projects shall submit:

1. A Stormwater Quality Assessment Form available on the City of San Clemente’s website.
2. Location Map drawn to scale, showing the location of the development, and the distance from the development to the nearest coastal waters, ESAs, ESHAs and other natural hydrologic features.
3. Existing site plan that illustrates and describes the following existing project site conditions:
 - a. General site topography and drainage, including natural hydrologic features that may provide stormwater infiltration, treatment, storage, or conveyance (such as groundwater recharge areas, stream corridors, floodplains, and wetlands), and any existing structural stormwater conveyances or BMPs.
 - b. Location of nearby Coastal Waters and Environmentally Sensitive Habitat Areas (ESHA) within 100 feet of the project site, indicating whether site runoff drains to these areas.
 - c. Whether runoff discharges to receiving waters listed for water quality impairment on the most recent Clean Water Act Section 303(d) list, or to an ESA or Area of Special Biological Significance (ASBS).
 - d. Existing structures, impervious surface areas, permeable pavements, utilities, and vegetated areas. An accompanying table shall quantify the extent of such areas.
 - e. Any previous land use on the site with a potential for a historic source of contamination, and any known soil, sediment, or water contamination.

B. Construction-Phase Water Quality Protection Plans shall meet the requirements of Section 13.40, in the project plans or as a standalone document. Construction-Phase Plans shall be consistent with the measures and standards for water quality protection requirements in Table 18-45 and shall include:

1. A map delineating the construction site, construction phasing boundaries, and the location of all temporary construction-phase BMPs (such as silt fences, inlet protection, and sediment basins).
2. A description of the BMPs to be implemented to meet all standards listed in Table 18-45 below.
3. A construction phasing schedule, if applicable to the project, with a description and timeline of significant land disturbance activities.
4. A description and schedule for the installation, inspection, operation, and maintenance of all construction-phase BMPs, and any staff training on BMPs, as needed to ensure that the CDP’s water quality and hydrologic protection requirements are met.

5. A map showing contours and areas of the parcel with slopes of 0%-10%, 10%-25%, and over 25%.
 6. A to-scale grading plan delineating existing contours, proposed finished contours, areas of cut-and-fill, and areas of vegetation clearance or disturbance during construction, with the plan being of sufficient scale and contour interval to clearly delineate the proposed grading.
- C. Post-Development Water Quality Protection Plans shall meet the requirements of Section 13.40, in the project plans or as a standalone document and include Low Impact Development (LID) BMPs. LID BMPs are intended to collectively minimize directly connected impervious areas, limit loss of existing infiltration capacity, and protect areas that provide important water quality benefits necessary to maintain riparian and aquatic biota, and/or are particularly susceptible to erosion and sediment loss. LID BMPs should be designed as outlined in the City's JRMP. Post-Development Plans shall be consistent with the measures and standards for water quality protection requirements in Table 18-45 and shall include details that demonstrate consistency with the following requirements:
1. LID approach to stormwater management that preserves to the greatest extent feasible the natural hydrologic functions of the site and minimize adverse post-development changes in the site's runoff flow regime.
 2. Minimize adverse post-development changes in the site's stormwater flow regime through the use of structural LID BMPs (such as a bioretention system) to mitigate any unavoidable changes in runoff flows.
- D. Water Quality Management Plans (WQMPs). A WQMP describes the post-construction BMPs that will be implemented and maintained throughout the life of a project. This term is used in the Technical Guidance Document (TGD) to describe Conceptual/Preliminary and Final Project WQMPs. The WQMP shall include:
1. All information required for the Post-Development Water Quality Protection Plans.
 2. Documentation of polluted runoff and hydrologic site characterization.
 3. Description of BMPs to be implemented to meet all WQMP standards listed in Section 18.72.050.
 4. Calculations for sizing BMPs using, at a minimum, the 85th percentile design storm standard.
 5. Documentation that runoff from impervious and semi-pervious surfaces is addressed as required.
 6. Description of LID approach used to retain on-site the design storm runoff volume.
 7. Alternatives analysis documenting site-specific constraints to retaining design storm runoff on-site.
 8. Description of BMP management (operation, maintenance, inspection, and training).

18.72.050 Water Quality Protection Plan Measures and Standards.

- A. Existing and new development shall not result in adverse water quality or hydrologic impacts to San Clemente’s coastal waters. Runoff management shall be addressed early in the development’s planning and design stages. Any person proposing a development project in the City, regardless of whether a permit is required for such work, must effectively prohibit pollutants from entering the stormwater drainage system and at a minimum comply with the water quality protection standards below.
 - 1. Onsite BMPs must be located so as to remove pollutants from runoff prior to discharging to any receiving waters or to the stormwater drainage system, and be located as close to the source as possible and must be designed and implemented with measures to avoid the creation of nuisance or pollution associated with vectors (e.g. mosquitos, rodents, or flies).
 - 2. Structural BMPs must not be constructed within waters of the United States.
 - 3. Source control, Low Impact Development (LID) BMPs must be implemented where applicable and feasible.
 - 4. The development must comply with all applicable NPDES permit requirements, the Orange County Drainage Area Management Plan (DAMP), and the City of San Clemente Jurisdictional Runoff Management Plan (JRMP), including, but not limited to, development project guidance, and the South Orange County Model Water Quality Management Plan (WQMP).
- B. All projects shall comply with the measures and standards for water quality protection in Table 18-45, per the State Water Resources Control Board Construction General Permit, if applicable, and the MS4 Permit:

Table 18 - 44 Measures and Standards for Water Quality Protection

Type of Water Quality Protection Plan	Water Quality Protection Plans shall include and implement the following Measures / Standards:
Construction	<ol style="list-style-type: none"> 1. Minimize runoff and pollutant discharge by implementing Best Management Practices (BMPs), as applicable: <ol style="list-style-type: none"> a. BMPs to minimize soil erosion and sedimentation: <ol style="list-style-type: none"> i. Erosion control BMPs. ii. Sediment control BMPs. iii. Tracking control BMPs. b. BMPs to minimize discharge of other pollutants from construction activities: <ol style="list-style-type: none"> i. Chemical and material storage BMPs. ii. Site management “good housekeeping” BMPs. c. BMPs to infiltrate or treat runoff. 2. Stabilize soil as soon as feasible. 3. Minimize land disturbance and soil compaction. 4. Minimize damage or removal of vegetation. 5. Avoid plastic netting in temporary erosion and sediment control products. 6. Use additional BMPs for construction near coastal waters:

Type of Water Quality Protection Plan	Water Quality Protection Plans shall include and implement the following Measures / Standards:
	<ul style="list-style-type: none"> a. Tarps to capture debris and spills. b. BMPs for preservative-treated wood. c. Non-petroleum hydraulic fluids. d. Designated fueling and maintenance area. 7. Avoid grading during the rainy season. <ul style="list-style-type: none"> a. Exceptions: <ul style="list-style-type: none"> i. Extension. ii. Emergency. 8. Manage construction-phase BMPs (operation, maintenance, inspection, and training) 9. Use the Technical Guidance Document (TGD) for the preparation of conceptual/preliminary and/or project Water Quality Management Plans (WQMPs) in South Orange County.
Post-Development	<ul style="list-style-type: none"> 1. Address runoff management early in site design using Site Design strategies. 2. Give precedence to a Low Impact Development (LID) approach to stormwater management. LID Site Design strategies & BMPs include: <ul style="list-style-type: none"> a. Protect and restore natural hydrologic features including preserving natural drainage patterns, drainage swales, groundwater recharge areas, floodplains, and topographical depressions; and preserving natural stream corridors, rivers, & wetlands, and establish buffer areas. b. Preserve or enhance non-invasive vegetation including minimizing removal of natural non-invasive vegetation; and planting additional trees and non-invasive vegetation, preferentially native plants. c. Maintain or enhance on-site infiltration including avoiding building impervious surfaces on highly permeable areas; minimizing unnecessary soil compaction, and amend soil if needed; and installing an infiltration BMP: bioretention system, vegetated swale, or rain garden, when feasible. d. Minimize impervious surface area including downsizing impervious coverage by minimizing building and pavement footprint and installing a permeable pavement system. e. Disconnect impervious areas from the storm drain system including directing roof-top runoff into permeable landscaped areas; directing runoff from impervious pavement into distributed permeable areas; designing curbs and berms so that runoff can flow into permeable areas; installing an infiltration BMP to intercept runoff sheet flow from impervious areas; harvesting roof-top runoff using a rain barrel or cistern, for later use in irrigation, if feasible. 3. Use alternative BMPs where on-site infiltration is not appropriate. Examples of BMPs include: <ul style="list-style-type: none"> a. Install a vegetated "green roof" or flow-through planter box without ground infiltration. b. Direct runoff to an off-site regional infiltration facility. c. Install cistern to harvest roof-top runoff for use in plumbing that drains to sanitary sewer. d. If appropriate and feasible BMPs implemented, direct runoff to the storm drain system. 4. Use Source Control BMPs in all development. 5. Address runoff from both impervious and semi-pervious surfaces, to minimize transport of pollutants and to address peak flow and/or volume. 6. Prevent adverse impacts to ESHA from runoff. 7. Minimize discharges of dry weather runoff to coastal waters. Examples include: <ul style="list-style-type: none"> a. Use efficient irrigation techniques that eliminates off-site runoff. b. Design vehicle washing areas to convey wash water to infiltration, recycling, or sanitary sewer system, when feasible. 8. Avoid adverse impacts of discharges from stormwater outfalls: <ul style="list-style-type: none"> a. Avoid construction of new stormwater outfalls and direct stormwater to existing outfalls, where feasible. b. Minimize adverse impacts to coastal resources from stormwater outfalls: <ul style="list-style-type: none"> i. Consolidate existing and new stormwater outfalls, where appropriate.

Type of Water Quality Protection Plan	Water Quality Protection Plans shall include and implement the following Measures / Standards:
	<ul style="list-style-type: none"> ii. Minimize discharges of dry weather runoff through stormwater outfalls. iii. Minimize adverse impacts to coastal resources from outfall discharges. 9. Prevent erosion at stormwater outlets using protective measures prioritized in the following order: <ul style="list-style-type: none"> a. Use vegetative bioengineered measures. b. Use a hardened structure consisting of loose material. c. Use a fixed energy dissipation structure. 10. Manage BMPs for the life of the development. 11. Use the Technical Guidance Document (TGD) for the Preparation of Conceptual/Preliminary and/or Project Water Quality Management Plans (WQMPs) in South Orange County .

C. Priority Development Projects (PDPs) pose a greater threat of adverse impacts to water quality and hydrology due to the extent of impervious surface area, type of land use, proximity to coastal waters, or proximity to a stream, or storm drain system that leads to coastal waters. PDPs are defined in the NPDES MS4 Permit and require permanent post-construction treatment control BMPs to address pollutants of concern specific to the PDP’s land use and impairments of surface waters to which the project drains. Priority Development Projects will also require post-construction runoff control BMPs to minimize adverse changes in the PDP’s runoff flow regime. A Water Quality Management Plan provides for the operation and maintenance of the permanent treatment control and runoff control BMPs and shall be implemented for the life of the development. In addition to the requirements in Table 18-46, all PDPs are subject to the following and shall comply with the measures and standards in Table 18-46:

1. Development of new or expansion of existing uses that generate a point source of pollution, such as community wastewater treatment systems or industrial or commercial discharge, shall only be permitted if pollution levels remain at levels that will ensure the protection of public health and the long-term maintenance of wildlife and plant habitats. Where approved, all such CDPs shall be conditioned to expire within 2 years of approval. Permit renewal shall require review of water quality impacts and addition of new permit conditions where necessary to protect public health and/or plant and wildlife habitats.
2. Where a development will add a net total of more than 15,000 square feet of impervious surface area, and using appropriate and feasible Site Design strategies and LID BMPs will not retain on site the runoff volume produced by the 85th percentile design storm, use Runoff Control BMPs to minimize adverse post-development changes in the runoff flow regime. Runoff Control BMPs are structural systems designed to minimize post-development changes in runoff flow characteristics and maintain the natural watershed characteristics by processes such as infiltration, evapotranspiration, harvesting and use, detention, or retention. Examples include retention structures such as basins, ponds, topographic depressions, and stormwater vaults.

Table 18 - 45 Measures and Standards for Water Quality Management Plans

<p>Priority Development Projects</p>	<ol style="list-style-type: none"> 1. WQMP must be prepared by and stamped by a Professional Engineer. 2. Implement hydromodification controls to reduce the potential to cause downstream channel erosion, when applicable. 3. Address runoff from impervious and semi-pervious surfaces. 4. Size LID, Treatment Control, and Runoff Control BMPs to infiltrate, retain, or treat the amount of runoff produced by, at a minimum, the 85th percentile design storm standard (i.e., the 85th percentile 24-hour storm event for volume-based BMPs, or two times the 85th percentile 1-hour storm event for flow-based BMPs). 5. Use LID to retain on-site, at a minimum, the design storm runoff volume, when feasible. 6. Conduct an alternatives analysis if the design storm runoff will not be retained on-site using LID and demonstrate that: <ol style="list-style-type: none"> a. There are no feasible alternative project designs, giving precedence to an LID approach. b. On-site runoff retention is maximized, giving precedence to an LID approach. c. The feasibility of off-site runoff retention is considered. 7. Use Treatment Control BMPs to remove pollutants if necessary. Applicability and performance requirements for Treatment Control BMPs: <ol style="list-style-type: none"> a. Use Treatment Control BMPs if the design storm runoff will not be retained on-site. b. Use Treatment Control BMPs prior to infiltration where necessary and effective. c. Select Treatment Control BMPs effective for the pollutants of concern. d. Use a Runoff Control BMPs to reduce the potential for stormwater runoff and pollutants from coming into contact with one another. 8. Preserve, create or restore areas, where possible, that provide important water quality benefits, such as non-invasive vegetation, riparian corridors, coastal canyons, vernal pools, wetlands, and buffer zones 9. Manage BMPs for the life of the development. 10. Complete a pollutant runoff and hydrologic site characterization in accordance with the Technical Guidance Document (TGD) for the Preparation of Conceptual/Preliminary and Project Water Quality Management Plans (WQMPs) in South Orange County.
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18.72.060 Processing and Review.

- A. The Stormwater Quality Assessment Form, development plans, and Water Quality Protection Plans shall be submitted to the Planning Division with a CDP application, if applicable, and shall be reviewed by the City's Public Works and Utilities Departments. If a CDP is not required, the Stormwater Quality Assessment Form, development plans, and Water Quality Protection Plans shall be submitted to the Building Division or Engineering Division, as applicable.
- B. Any conditions and requirements established by the City's Public Works and Utilities Departments, which are reasonably related to the reduction or elimination of pollutants in surface runoff from the project site, shall be made a part of the approval. Prior to the issuance by the City of a grading permit, building permit or nonresidential plumbing permit for any development project, the City's Public Works and Utilities Departments shall review the project plans and impose terms, conditions and requirements on the project in accordance with this section. If the development project will be approved without application for a grading permit, building permit or nonresidential plumbing permit, the Public Works and Utilities Departments shall review the project plans and impose terms, conditions and requirements on the project in accordance with

this section prior to the issuance of a discretionary land use approval, CDP or, at the City's discretion, prior to recordation of a subdivision map.

- C. The Water Quality Management Plan (WQMP) for the development must be recorded with the Orange County Clerk-Recorder's Office by the property owner or the applicant.

18.72.070 City MS4 Stormwater Compliance and Relation to Other City Documents.

All development projects within the City must be undertaken, at a minimum, consistent with the requirements of and in compliance with the water quality and hydrology protection standards implemented through the following programs and regulatory standards:

- A. Jurisdictional Runoff Management Program. In compliance with the San Diego Regional MS4 Storm Water Permit, the City of San Clemente's Jurisdictional Runoff Management Program (JRMP) encompasses City-wide programs and activities designed to prevent and reduce stormwater pollution within City boundaries.
- B. Compliance of Development Projects with Regional MS4 Permit. The City shall require development projects to comply with water quality and watershed protection requirements per the San Diego Regional Municipal Separate Storm Sewer System (MS4) Storm Water Permit, (Order No. R9-2013-0001, as amended by Order No. R9-2015-0100 adopted November 18, 2015, or any amendment to or re-issuance thereof), approved by the San Diego Regional Water Quality Control Board, as implemented by the City of San Clemente's Jurisdictional Runoff Management Program. Where there is a conflict between the City's LCP standards and other applicable standards in effect, such as requirements of the NPDES Storm Water permits, the requirements that on balance are most protective of coastal resources shall be applied.
- C. Water Quality Improvement Plan. The City collaborates with Orange County jurisdictions on the development and implementation of watershed protection principles and implementation of best management practices for specific land uses. The City of San Clemente collaborated with other South Orange County jurisdictions and stakeholders to develop a Water Quality Improvement Plan for the South Orange County San Juan Hydrologic Unit Watershed Management Area.

18.72.080 Recycled Water.

Development and projects, whether or not a CDP is required, shall comply with San Clemente Municipal Code Chapter 13.44 Mandatory Recycled Water Use (or as amended).

CHAPTER 18.76 - HISTORICAL, CULTURAL AND ARCHAEOLOGICAL RESOURCES

18.76.010 Purpose and Intent.

The purpose and intent of this Chapter of the IP is to ensure that historic, archaeological, paleontological, cultural resources and tribal cultural resources are afforded protection on sites known to contain or are suspected of containing such resources. Historic and cultural resources include sites, districts, structures and distinctive landscapes that convey the City's unique cultural, historical, or architectural heritage.

New land uses, both public and private, should be considered compatible with this objective only where they incorporate all site planning and design features necessary to minimize or avoid impacts to these resources. In order to protect the City's cultural, archaeological and historic resources, and to maintain consistency with the LCP LUP, development shall conform to all applicable LUP Resources (Chapter 6 of the LCP LUP) policies and the following requirements.

This Chapter establishes standards that determine the nature and extent of on-site archaeological/paleontological, historic and cultural resources during the early stages of planning for the development of the site, thereby allowing for avoidance or minimization of impacts and a full range of mitigation options, if necessary. The standards also provide procedures for archaeological and Native American monitoring of grading and other activities during project development in order to ensure that any discovered cultural resources are fully protected.

It is the City's intent to protect cultural resources, including historical, archaeological and paleontological features in the Coastal Zone. Where necessary to protect cultural resources, new development shall include an appropriate pre-development investigation to determine, in the least destructive manner, whether cultural resources are present. The pre-development investigation shall include recommendations as to how the site can be developed and designed to avoid or minimize significant impacts to cultural resources. In situ preservation and avoidance are the preferred alternative over recovery and/or relocation in the protection of paleontological and archaeological resources. When in situ preservation or site capping is not feasible, recovery and/or relocation may be considered. Native American tribal groups with cultural affiliation to the project site area as identified by the Native American Heritage Commission shall have the opportunity to review and comment on the pre-development plan as required by AB52 (2014). Archaeologists and representatives from Native American tribal groups shall provide monitoring during grading/excavation and construction activities of any approved development that has the potential to adversely impact any on-site significant cultural resources.

18.76.020 Applicability.

This section shall apply to CDP applications for development or redevelopment meeting the following criteria:

- A. Archaeological/Paleontological Resources. The proposed action involves grading, or excavation, or other development activity that may impact archaeological/ paleontological resources and that have one or more of the following characteristics:
 1. The project site contains known or high potential for the presence of archaeological / paleontological cultural resources. Potentially significant paleontological/ archaeological resources may be identified in an Initial Study conducted pursuant to the California Environmental Quality Act.
 2. The project is located within 300 feet of an identified paleontological/archaeological site by the State Historic Preservation Officer or Coastal Resources Information Center database of California State University, Fullerton, where archaeological/ paleontological resources are reasonably suspected to be present or areas identified by or otherwise known to the City as having potential paleontological/archaeological sites.
- B. Historical or Cultural Significance. The proposed action involves a historic resource that has historical or cultural significance, is worthy of protection, and must be found to have historical, cultural, or special character or interest for the general public. The criteria used to determine historical, cultural, or special character or interest are that the property is at least 50 years old, or less than 50 years old with exceptional importance, integrity of location, design, setting materials, and workmanship; and meets one or more of the following:
 1. Is associated with events that have made a significance contribution to the pattern of local, state, or national history.
 2. Is associated with the lives of persons or with institutions significant in local, state, or national history.
 3. Embodies the distinctive characteristics of an architectural style, type, material, or the use of indigenous materials or craftsmanship, or is the work of an architect, designer, or builder significant in local, state, or national history.
 4. Retains character-determining architectural features and materials.
 5. Exhibits Spanish Colonial Revival architectural style.
- C. Listed Historical Site. The proposed action involves the expansion, structural alteration, demolition, or potential to affect structures or sites having one or more of the characteristics listed below:
 1. A site listed, or containing a building, monument, object, or structure that is listed, on the:
 - a. City of San Clemente Historic Resources Survey Update;

- b. California Register of Historical Resources; or
 - c. National Register of Historic Places.
 - d. A site where evidence of potentially significant historical resources is found in an Initial Study conducted in compliance with the California Environmental Quality Act.
2. A cultural or historic structure by the City of San Clemente's Designated Historic Resources and Landmarks List, as amended, and the National Register of Historic Places, as amended. The National Register of Historic Places currently recognizes the following five buildings as historic places in the Coastal Zone:
- a. Ole Hanson/Spanish Beach Club, 105 W Avenida Pico;
 - b. Easley Building, 101 S. El Camino Real;
 - c. Hotel San Clemente, 114 Avenida Del Mar;
 - d. Casa Romantica, 415 Avenida Granada;
 - e. Goldschmidt House, 243 Avenida La Cuesta.

18.76.030 Cultural and Archaeological Resources.

- A. Preparation and Implementation of a Cultural Resources Report. When a development is proposed in an area where there are known or has potential for archaeological or paleontological resources on the site, a Cultural Resources Report shall be prepared by a qualified archaeologist/paleontologist and submitted as part of a CDP application for proposed development of the site. The purpose of the Cultural Resources Report is to determine whether or not significant cultural resources are present, determine the boundaries of cultural resources, and provide measures that result in the avoidance and/or minimization of impacts to resources potentially present on site. The subsequent development of the site shall be guided by the results of the Cultural Resources Report.
- B. Elements of the Cultural Resources Report. At a minimum, the Cultural Resources Report shall:
1. Include a statement of the qualifications of the preparer and shall be prepared in accordance with current professional practice, in consultation with appropriate Native American groups as identified by the Native American Heritage Commission, and the State Historic Preservation Officer.
 2. Include documentation of consultation with appropriate tribes as required by state law. Consultation with Native American groups with ancestral ties to the area shall occur to establish whether the site was used in prehistoric times by Native Americans, and determine whether evidence of that use remains and provide for the in situ preservation of intact significant resources and other mitigation options to otherwise protect significant cultural resources on site.

3. Be designed and carried out with the goal of determining the potential for on-site cultural resources and shall include, but not be limited to, a summary of the archaeological/paleontological cultural history and prehistory of the site, the types and quantities of resources that may occur on site, identification of their potential significance (which shall not be limited to whether any site is eligible for listing in the National or State Register of Historic Places), the potential impacts of development on any resources, investigation methods to be implemented in order to locate and identify, in the least destructive manner, all archaeological/paleontological cultural resources on site.
4. Include a full range of mitigation measures including avoidance of impact by maintaining significant intact cultural resources “in situ”, recommended monitoring during ground disturbing activities/grading, minimization of impacts, monitoring during any subsequently approval development activity (i.e. grading) with the potential to uncover or otherwise disturb the resource(s) onsite, and include alternative designs for any subsequently proposed project to avoid impacts to archaeological or paleontological resources.
5. Designated archaeologists and representatives from Native American tribal groups, as appropriate, shall provide monitoring during excavation activities conducted as part of the Cultural Resources Report and provide monitoring during grading and construction activities of any subsequent approved development that has the potential to adversely impact any on-site significant archaeological and/or tribal cultural resources.
6. Any recommended mitigation measures contained in the Cultural Resources Report prepared for the site shall be included in an Archaeological/Paleontological Monitoring and Mitigation Plan made a condition of approval for any subsequently approved CDP.

18.76.040 Historic Resources.

- A. Initial Evaluation. An application for approval of any project or development activity involving a historic resource identified in 18.76.020 Applicability, shall be reviewed to determine whether the project may have a significant adverse impact as defined by the California Environmental Quality Act, on a historic resource.
- B. New Development. Through the design review process, new development and re-development must show compatibility with adjacent existing historic structures in terms of scale, mass, building materials and architectural treatment.
- C. Historic Resources Site-Specific Study. If the initial evaluation indicates that the proposed development may result in potentially significant impacts to historical resources, the Director of Community Development shall have the authority to require a site-specific study to be performed by an architectural historian or other qualified professional. The study shall describe the significance of the resources; discuss the possible adverse impacts; and identify mitigation measures designed to reduce or eliminate those impacts.

- D. **Historic Resource Mitigation Requirement.** Avoid significant, adverse impacts to on-site and nearby historic resources as part of the CDP process. If impacts to historic resources are unavoidable, appropriate mitigation shall be required.
- E. **Adaptive Reuse Incentives.** The following incentives may be available to owners of historic properties identified in Section 18.76.020 Applicability:
1. To promote adaptive reuse, the State Historic Building Code may be applied to buildings or structures; and
 2. The City may grant reductions or waivers of City application fees, City permit fees, and/or any liens placed by the City on properties listed in the San Clemente Historic Resources Survey Update, as amended, in exchange for preservation easements.

CHAPTER 18.80 - COASTAL PUBLIC ACCESS AND RECREATION

18.80.010 Purpose and Intent.

This chapter provides procedures and standards for the preservation, dedication, and improvement of public access to and along the shoreline and coastal bluff tops, in conjunction with development in the City's Coastal Zone. The intent is to ensure that public rights of access to the shoreline are protected as guaranteed by the California Constitution, the Coastal Act's Public Access and Recreation policies (Sections 30210 through 30224), and the applicable policies of the City's Certified LUP.

18.80.020 Applicability and Exemptions.

- A. This chapter applies to all CDP applications within the Coastal Zone. in which the proposed development includes a new commercial development greater than 10,000 square feet, a new mixed-use development with greater than 10 dwelling units, is a project located adjacent to the beach, or new nonresidential or residential development or a redevelopment project that plans to establish and open public access as part of the development project.
- B. Relationship and Proportionality. The provision of public access shall bear a reasonable relationship between the requirement and the project's impact and shall be proportional to the impact.
- C. Every CDP issued for any development between the nearest public road and the sea or the shoreline of any body of water located within the coastal zone shall include a specific finding that the development is in conformity with the public access and public recreation policies of the City's LUP and Chapter 3 of the Coastal Act..
- D. Standards of this section shall be carried out in a reasonable manner that balances the rights of the individual property owner with the public's constitutional right of access pursuant to Section 4 of Article 10 of the California Constitution.
- E. Exemptions. New development projects subject to this chapter shall provide public access from the nearest public roadway to the shoreline and along the coast, except where:
 1. It is inconsistent with public safety, military security needs, or the protection of fragile coastal resources;
 2. Adequate public coastal access already exists nearby; or,
 3. It would block or impede existing access; or
 4. It would result in a seaward encroachment of the structure.
- F. Modification or Waiver of Public Access Design Standards. The public access design standards specified in Section 18.80.050, Public Coastal Access Standards, of this section may be modified or waived if, based on a feasibility analysis, it is not feasible to comply with the City-preferred public access requirement.

1. Coastal Bluff/Canyon Access. The coastal bluff access design standards specified in Section 18.80.050, Public Coastal Access Standards, (Site Planning and Design Criteria) may be waived or modified in the following situations:
 - a. When the design of the existing local street system and/or the location of existing public trails and walkways cause all or a portion of such access to be physically infeasible and there are no design alternatives capable of overcoming these constraints.
 - b. When the applicant can demonstrate, based on an engineering analysis, including slope stability analysis and erosion rate estimates, that all or a portion of such access is physically infeasible and there are no design alternatives capable of overcoming topographical or site constraints that jeopardize public safety, coastal bluff or structural stability or fragile coastal resources.

18.80.030 Determination of Public Access / Recreation Impacts.

Any public access dedication required as a condition of CDP approval shall be supported by substantial evidence in the record and the findings shall explain how the adverse effects that have been identified will be alleviated or mitigated by the public access dedication. At a minimum, the following factors shall be used to evaluate the potential impact of a project on public access and/or public recreation:

- A. Land Use. Assessment of the project's potential impact on use of private lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation and other priority uses specified in California Public Resources Code Sections 30222 and 30223.
- B. Demand for Access and Recreation. Assessment of the project's potential impact upon the use and capacity of the identified public access and recreation opportunities, including the ocean, beaches, coastal streams, coastal parks, trails, or coastal bluffs; the capacity of coastal access roads; public parking; and recreational support facilities and services.
- C. Obstructions. Assessment of any aspects of the project that would block or impede public access to and along the sea or shoreline and to coastal parks, trails, or coastal bluffs, including placement of structures, private streets, shoreline protective structures, barriers, guardhouses, gates, fences, or signs.
- D. Visual Access. Assessment of the project's potential impact on public access to public views to the ocean, coastal streams, beaches, coastal bluffs, and other scenic coastal areas.
- E. Shoreline Processes. Assessment of the project's potential impact upon shoreline conditions, including beach profile; the character, extent, accessibility and usability of the beach; erosion or accretion; character and sources of sand; wave and sand movement; and any other anticipated changes to shoreline processes that have the potential to adversely impact public access to and along the shoreline and to the coastal streams and coastal bluffs.

- F. **Other Impacts.** Assessment of any other aspects of the project, which are likely to diminish the public's use of the ocean, beaches, coastal parks, trails, or coastal bluffs.

18.80.040 Protection of Existing Access or Provision of New Public Access Required.

- A. **Public Access Management Plan Requirements.** For development required to comply with this Chapter (See Section 18.80.020 Applicability and Exemptions), a Public Access Management Plan (PAMP) shall be required as a condition of project approval of the CDP. A PAMP shall be in conformance with the habitat and coastal resource protection standards (Chapter 18.64 of the Implementation Plan. The PAMP shall also comply with the following standards:
- B. For short-term or temporary public access impacts, refer to Temporary Event CDP regulations contained in 18.16.040(D).
- C. For permanent public access impacts, including in terms of limitations of use hours, limitations on particular recreational activities, or increased traffic leading to impacts to public access use of the City's circulation system, the PAMP must include the following:
1. Identification of the locations, times, and types of closures and/or limitations to existing public access and/or recreational opportunities.
 2. Documentation of the necessity for any closures and/or limitations (e.g., to avoid overuse, protect biological resources, maintain water quality).
 3. Description of grading and tree removal required for the improvement projects.
 4. Explanation of the purpose and need for each improvement.
 5. Description of funding sources and amounts needed for improvement projects.
 6. Identification of entity responsible for accessway maintenance, including a description of types and frequency of ongoing clean-up and periodic up-keep that will be undertaken by the responsible entity.
 7. Analysis of potential impacts to coastal access; including the availability of alternative access and recreation opportunities at nearby coastal locations.
 8. Mitigation measures to avoid and/or offset impacts to public access, including providing additional and/or enhanced public access improvements in other locations and/or additional low-cost recreational opportunities.
- D. The PAMP or amended plan shall be submitted to, reviewed, and approved or denied by the Planning Division. A PAMP shall be prepared at the applicant's expense.
- E. **Exceptions.** An access management plan will not be required for a proposed project if such a plan has been previously prepared and if that plan addresses the proposed project, includes all required elements, and addresses the entire accessway. If a previous plan does not meet these conditions, then an amended plan shall be required. An amended plan shall address the appropriate elements such that, together with the original plan, it constitutes an adequate, complete plan.

18.80.050 Public Coastal Access Standards.

- A. Maximization of Existing Public Access. Proposed applicable new development shall provide new access, improve access, or expand existing public access to and along the shoreline and to beaches, coastal waters, tidelands, coastal parks, and trails consistent with Section 18.80.020. Improvements or enhancements may include, but are not limited to:
1. Expanding hours of public use;
 2. Widening existing public accessways (as shown in Figure 3-3 of the LUP, Existing Public Coastal Access Points) to and along the shoreline to conform with current standards or as needed to accommodate present and foreseeable future demand;
 3. Closing curb cutouts to create new on-street parking spaces;
 4. Providing wayfinding signage, including public access point identification or interpretive signs, that encourages public use of the shoreline and recreational facilities; and
 5. Prohibiting new gates, guardhouses, barriers, or other structures which would inhibit public access to and along the shoreline, beaches, coastal parks, trails, or coastal bluffs.
- B. Obstruction of public access shall be prohibited unless unavoidable to allow for repair and maintenance activities of existing public or private structures. Repair or maintenance activities, as determined by the Community Development Director or City Planner, may require a CDP, and must ensure no long-term adverse impact on lateral public access along the beach.
- C. Removal of Unauthorized Structures. Unauthorized development that inhibits public access, including, but not limited to, signs, landscaping, gates, and fences, shall be removed.
- D. Privacy Buffers. A 10-foot-wide buffer area between a public accessway and a residential structure shall be provided on the site when necessary to protect the landowner's privacy or security as well as the public's right to use the accessway. The City may reduce the width of the buffer area where separation is achieved through landscaping, fences, or changes in grade or elevation.
- E. Lateral Access Design Features.
1. Where feasible, vertical accessways shall link with lateral accessways.
 2. A lateral accessway shall extend along the entire width of a lot, where feasible.
 3. A lateral accessway shall align with existing adjacent lateral accessways, unless an alternative alignment is approved.
 4. Minimum Width. Lateral accessways shall be the following minimum widths:
 - a. Lots with Dry Sand or Rocky Coastal Beaches. For lots with dry sand or rocky coastal beaches, a lateral accessway shall be a strip of land that extends landward from the mean high water line the greater of the following distances: (A) 10 feet; or (B) If the width of the beach is greater than 10 feet, to a fixed point at the most seaward of the primary

extent of development, the toe of the bluff, or the first line of terrestrial vegetation. For purposes of this subsection, the primary extent of development shall mean the intersection of sand with toe of revetment, or other appropriate boundary (e.g., drip line of a deck, etc.).

- b. Lots with Shoreline Protective Devices. For lots with existing shoreline protective devices, a lateral accessway shall be a minimum of 10 feet in width as measured landward from the shoreline protective device.
 - c. Lots on Coastal Bluff Tops. For lots on coastal bluffs, a lateral accessway shall be a minimum of 10 feet in width where feasible.
5. Construction Design. A lateral accessway may include open or enclosed unobstructed walkways; exterior decking and/or boardwalks. Exterior access is preferred over interior access.
 6. Street and Trail Connections. Public access to coastal bluff areas shall be provided through the local street system and through the location of public trails and walkways adjacent to the bluffs, where feasible, given existing patterns of land development.
 7. View Parks and Vista Points. Areas adjacent to coastal bluffs having with significant view potential shall be designated for use as view parks or vista points consistent with parkland dedication requirements, where feasible, given existing patterns of land development.
 8. Public Prescriptive Rights. The design and siting of development shall not interfere with potential public rights based on historic public use, unless the City determines that replacement public access of an equivalent (1) type (i.e., vertical or lateral access), (2) existing intensity of use by the public, and (3) area will be provided on, or immediately adjacent to, the development site.
 9. Condition Not Determinative of Public Prescriptive Rights. An access condition shall not serve to extinguish, adjudicate or waive potential public prescriptive rights. The following language shall be added to the access condition in a permit with possible public prescriptive rights: Nothing in this condition shall be construed to constitute a waiver of, or a determination on, an issue of public prescriptive rights that may exist on the lot itself or on the designated easement.
 10. Vacation of Public Accessways. Vacations of public accessways, including, but not limited to, easements and public street ends identified as providing public access, shall require a CDP.
 11. Mitigation. Should coastal public access standards specified in this section be modified or waived, the City shall require the applicant to mitigate for the project's access impacts in an alternative manner that is roughly proportional to the project's impact on public access and in substantial conformance with the requirements of this section.

See also Part 3, Section 18.24.070, Bicycle Parking Standards, for requirements that promote non-vehicular access to these public beach access points, in order to minimize conflict with local residential neighborhoods and to maximize the capacity of the primary access points to serve regional visitors and residents.

18.80.060 Access Title and Guarantee.

Where public coastal accessways are proposed by an applicant or required as a condition of approval of a CDP or other authorization, the City shall require a guarantee of the access through a deed restriction, or a dedication of right-of-way or easement.

Prior to the issuance of a CDP or other authorization, the method and form of the access guarantee shall be approved by the City Attorney, and shall be recorded in the office of the County Recorder, identifying the precise location and area to be set aside for public access. The method of access guarantee shall be chosen according to the following criteria:

- A. Deed Restriction. A deed restriction shall be used only where an owner, association or corporation agrees to assume responsibility for maintenance of and liability for the public access area, subject to approval by the Community Development Director or City Planner.
- B. Grant of Fee Interest or Easement. A grant of fee interest or easement shall be used when a public agency or private organization approved by the City Council is willing to assume ownership, maintenance, and liability for the access.
- C. Offer of Dedication. An offer of dedication shall be used when no public agency or private organization is known to be willing to accept fee interest or easement for accessway maintenance and liability. These offers shall not be accepted until maintenance responsibility and liability is established.
- D. Maintenance. A dedicated public accessway shall not be required to be opened to public use until a public agency or private association approved by the City Council agrees to accept responsibility for maintenance and liability of the access, except in cases where immediate public access is implemented through a deed restriction.

18.80.070 Coastal Commission Review of Recorded Access Documents.

- A. Standards and Procedures. Upon final approval of a CDP or other authorization for development, and where issuance of the permit or authorization is conditioned upon the applicant recording a legal document that restricts the use of real property or that offers to dedicate or grant an interest or easement in land for public use, a copy of the permit conditions, findings of approval, and drafts of any legal documents proposed to implement the conditions shall be forwarded to the Coastal Commission for review and approval prior to the issuance of the permit consistent with the following procedures and California Code of Regulations Section 13574:

1. The Executive Director of the Coastal Commission shall review and approve all legal documents specified in the conditions of approval of a CDP for public access and conservation/open space easements.
 - a. Upon completion of permit review, and prior to the issuance of the permit, the City shall forward a copy of the permit conditions, findings of approval, and copies of the legal documents to the Executive Director of the Coastal Commission for review and approval of the legal adequacy and consistency with the requirements of potential accepting agencies;
 - b. The Executive Director of the Coastal Commission shall have 15 working days from receipt of the documents in which to complete the review and notify the City of recommended revisions if any;
 - c. The City may issue the permit upon expiration of the 15-working-day period if notification of inadequacy has not been received by the City within that time period;
 - d. If the Executive Director has recommended revisions to the City, the permit shall not be issued until the deficiencies have been resolved to the satisfaction of the Executive Director; or
 - e. At the time of CDP approval, if the City requests, the Coastal Commission shall delegate to the City the authority to process the recordation of the necessary legal documents pertaining to the public access and open space conditions. Upon completion of the recordation of the documents, the City shall forward a copy of the permit conditions and findings of approval and copies of the legal documents pertaining to the public access and open space conditions to the Executive Director of the Coastal Commission.

18.80.080 Timing of Access Requirements.

The type and extent of public access to be dedicated, and/or constructed and maintained, as well as the method by which its continuing availability for public use is to be guaranteed, shall be established at the time of CDP approval or other authorization, as provided by this section.

- A. **Guarantee Precedes Permit Issuance.** The guarantee of public access in the form required in compliance with Chapter 18.12, Coastal Development Permit Review Process, shall occur before issuance of construction permits or the start of construction activity not requiring a permit.
- B. **Construction of Improvements.** Construction of improvements shall occur at the same time as construction of the approved development, unless another time is established through conditions of CDP approval or other authorization.
- C. **Interference with Public Use Prohibited.** Following an offer to dedicate public access pursuant to this section, the property owner shall not interfere with use by the public of the areas subject to the offer before and after acceptance by the responsible entity.

18.80.090 Management and Maintenance.

- A. Controls. Based on substantial evidence and documentation, submitted in conjunction with a CDP application, the City may impose controls on the time, place, and manner of public access when justified by site characteristics, including topographic and geologic conditions, the intensity of use and the capacity of the site to sustain the use, the fragility of natural resource areas, the need to protect the privacy or security of residential development, public safety services access, and the provision of support facilities. Such controls shall only be imposed with a clause requiring periodic reevaluation for its continued need.
- B. Management and Maintenance Plan. A management and maintenance plan that maximizes public access may be required in conjunction with a dedication of public access in any case where there is substantial evidence of potential conflicts between public access use and other uses on or immediately adjacent to the site. The plan shall be a condition of approval of the CDP and shall at minimum address:
1. Regular inspections;
 2. Vegetation maintenance to ensure accessway remains safe and unobstructed;
 3. Regular trash/litter pickup; and
 4. Signage.

18.80.100 Encroachments into Public Rights-of-Way and Accessways.

- A. Encroachments Prohibited. Encroachments or the installation of non-access-related private improvements into public accessways and any established public access easements shall be strictly prohibited. These uses include but are not limited to: balconies, bay windows, eaves, architectural features, and shading devices attached to principal or accessory structures.

PART 5 DEFINITIONS AND ACRONYMS

CHAPTER 18.84 - ACRONYMS AND DEFINITIONS

18.84.010 Purpose and Intent.

The purpose of this chapter is to ensure precision in interpretation of this title. The meaning and construction of words and phrases defined in this chapter apply throughout this title, except where the context of such words or phrases clearly indicates a different meaning or construction.

18.84.020 General Interpretation.

- A. The word “shall” is mandatory and not discretionary. The word “may” is permissive and discretionary.
- B. The word “should” indicates a guideline that must be followed in the absence of compelling considerations to the contrary.
- C. In the case of any difference of meaning or implication between the text of any provision and any caption or illustration, the text shall control.
- D. References in the masculine and feminine genders are interchangeable.
- E. Unless the context clearly indicates to the contrary, words in the present and the future tense are interchangeable, and words in the singular and plural are interchangeable.
- F. Unless the context clearly indicates to the contrary, the following conjunctions shall be interpreted as follows:
 1. “And” indicates that all connected items or provisions shall apply;
 2. “Or” indicates the connected items or provisions apply singly; and
 3. “And/or” indicates the connected items or provisions may apply singly or in any combination; and
 4. “Either...or” indicates that the connected items or provisions shall apply singly but not in combination.
- G. The word “used” shall include arranged, designed, constructed, altered, converted, rented, leased, occupied, or intended to be utilized.
- H. The words “City Planner” shall mean the City Planner of the City or designee.
- I. The words “City Engineer” shall mean the City Engineer of the City or designee.
- J. The words “Building Official” shall mean the Building Official of the City or designee.
- K. The words “Community Development Director” shall mean the Community Development Director of the City or designee.

- L. The words “Public Works Director” shall mean the Public Works Director of the City or designee.
- M. The words “City Manager” shall mean the City Manager of the City or designee.
- N. The words “Zoning Administrator” shall mean the Zoning Administrator of the City or designee.
- O. The words “Planning Commission” and “Commission” shall mean the City Planning Commission.
- P. The words “Design Review Subcommittee” shall mean the San Clemente Design Review/Cultural Heritage Subcommittee of the Planning Commission.
- Q. The word “Council” shall mean the City Council, the governing body of the City.
- R. The words “Coastal Commission” shall mean the California Coastal Commission established pursuant to the California Coastal Act (Division 20 of the Public Resources Code).
- S. The word “City” shall mean the City of San Clemente.
- T. The word “County” shall mean the County of Orange.
- U. The word “State” shall mean the State of California.
- V. The words “Zoning Ordinance” or “this title” shall mean Title 18 of the SCMC of the City.
- W. The words “General Plan” shall mean the General Plan of the City.
- X. The word “code” shall mean the SCMC of the City.

18.84.030 Acronyms.

The following acronyms are used in this Coastal LCP Implementation Plan:

ADU Accessory dwelling unit

AWS Audible Warning System

BMP Best management practice

CCC California Coastal Commission

CDFW California Department of Fish and Wildlife

CDP Coastal Development Permit

CPPP Construction Pollution Prevention Plan

CPUC California Public Utility Commission

CSLC California State Lands Commission

CUP Conditional Use Permit

EPA Environmental Protection Agency

ESHA Environmentally sensitive habitat areas

FRA Federal Railroad Administration

IP Implementation Plan

JADU Junior accessory dwelling unit

LCP Local Coastal Program

LID Low impact development

LOSSAN Los Angeles to San Diego Rail Corridor

LUP Land Use Plan

MEP Minor Exception Permit

NPDES National Pollutant Discharge Elimination System

NPS National Park Service

NRHP National Register of Historic Places

OCTA Orange County Transportation Authority

PAMP Public Access Management Plan

PDRP Post-Development Runoff Plan

PL Plate Line

RDA Redevelopment Agency

SCMC San Clemente Municipal Code

SCR Spanish Colonial Revival

STAR Short-Term Apartment Rental

STLU Short-Term Lodging Unit

SQZ Safety Quiet Zone

TOR Top of Roof

USACE United States Army Corps of Engineers

VCSD Visitor Serving Commercial District

WQHP Water Quality and Hydrology Plan

18.84.040 Definitions.

Terms not included shall be defined by the City of San Clemente. The City Planner has authority to use Merriam-Webster Dictionary or other similar reference to define the meaning of terms, and to interpret terms that may influence decisions.

For the purposes of the City of San Clemente Coastal Zone, the following definitions shall apply:

A

“ABUTTING” means having a common border with, or being separated from such a common border by a right-of-way, alley or easement. Properties separated by a street, alley, intersection, or other public right-of-way (other than an elevated interstate freeway), shall be considered abutting when their property lines would touch in any way if drawn to the center line of such street, alleyway, intersection, or other public right-of-way.

ACCESSORY DWELLING UNIT (ADU)

1. **“ACCESSORY DWELLING UNIT”** or **“ADU”** means an attached or a detached residential dwelling unit that provides complete independent living facilities for one or more persons and is located on a lot with a proposed or existing primary residence. An accessory dwelling unit also includes the following:
 - a. An efficiency unit, as defined by section 17958.1 of the California Health and Safety Code; and
 - b. A manufactured home, as defined by section 18007 of the California Health and Safety Code.
2. **“ACCESSORY STRUCTURE”** means a structure that is accessory and incidental to a dwelling located on the same lot.
3. **“COMPLETED INDEPENDENT LIVING FACILITIES”** means permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family or multifamily dwelling is or will be situated.
4. **“EFFICIENCY KITCHEN”** means a kitchen that includes each of the following:

- a. A cooking facility with appliances.
 - b. A food preparation counter or counters that total at least 15 square feet in area.
 - c. Food storage cabinets that total at least 30 square feet of shelf space.
5. **“JUNIOR ACCESSORY DWELLING UNIT”** or **“JADU”** means a residential unit that:
- a. is no more than 500 square feet in size,
 - b. is contained entirely within an existing or proposed single-family structure,
 - c. includes its own separate sanitation facilities or shares sanitation facilities with the existing or proposed single-family structure, and
 - d. includes an efficiency kitchen, as defined in subsection **Error! Reference source not found.**
6. **“LIVING AREA”** means the interior habitable area of a dwelling unit, including basements and attics, but does not include a garage or any accessory structure.
7. **“NONCONFORMING ZONING CONDITION”** means a physical improvement on a property that does not conform with current zoning standards.
8. **“PASSAGEWAY** means a pathway that is unobstructed clear to the sky and extends from a street to one entrance of the ADU or JADU.
9. **“PROPOSED DWELLING”** means a dwelling that is the subject of a permit application and that meets the requirements for permitting.
10. **“PUBLIC TRANSIT”** means a location, including, but not limited to, a bus stop or train station or SC Rides, where the public may access buses, trains, subways, and other forms of transportation that charge set fares, run on fixed routes, and are available to the public.
11. **“TANDEM PARKING”** means that two or more automobiles are parked on a driveway or in any other location on a lot, lined up behind one another.

“ACCESSORY STRUCTURE” See “structure, accessory.”

“ACCESSORY USE” means a use incidental or subordinate to, and devoted exclusively to the main use of a lot or a building located on the same lot or building site. Such uses include, but are not limited to, outdoor dining, nursery school play yards, automobile dealership display lots, and plant nurseries. No such use shall intrude upon the public right-of-way without an encroachment permit issued pursuant to the Municipal Code.

“ACRES, GROSS” or **“GROSS ACRES”** means the total number of acres within the subject area, including local street rights-of-way (either existing or to be dedicated), but excluding arterial street rights-of-way (either existing or to be dedicated).

“ACRES, NET” or **“NET ACRES”** means the total number of acres created within the subject area once local street rights-of-way (either existing or to be dedicated) have been subtracted from the gross acres.

“ACTIVE RECREATIONAL AREA” means an area used for a variety of physically active recreational uses such as, but not limited to basketball, tennis, volleyball, softball, soccer, golf or other recreational activities or sports playing fields.

“ADJACENT STRUCTURE” means a structure located on a lot contiguous (sharing a property line) with the proposed structure or development.

“ADVERSE IMPACT” See **“SIGNIFICANT ENVIRONMENTAL IMPACT.”**

“AFFORDABLE HOUSING” means housing that is rented or sold for an amount that is limited by a set percentage of the County median income, adjusted for family size, as reported and updated annually by the California Department of Housing and Community Development (HCD).

“ALLEY” means a public or private roadway or easement that provides vehicle access to the rear or side of lots having other public street frontage and that is not intended for general traffic circulation.

“ALLOWED USE” means a use of land identified by Title 18 of this Implementation Plan (Coastal Zoning Districts, Allowable Land Uses, and Coastal Zoning District Standards) as a permitted or conditional use that may be established subject to compliance with applicable provisions of this Implementation Plan.

“AMUSEMENT CENTERS” means an establishment where the primary intent is to provide amusement, sport and/or recreation within an enclosed building, structure, or portion thereof. Uses shall include, but not be limited to, video-game devices, pinball machines, billiards, or other uses which the decision-making body determines are of a similar nature.

“ANIMAL HOSPITAL” See **“office, veterinary.”**

“ANTENNA” means any externally located object used for the transmission or reception of electromagnetic waves. Antenna shall also include any antenna systems, rods, poles, wires, microwave equipment and other miscellaneous systems, equipment or similar devices used for the transmission or reception of electromagnetic waves. Any question regarding the definition of the term antenna will be determined by the City Manager or designee. For other types of antennas, please see **“satellite antenna.”**

“APARTMENT” means one or more rooms of a structure designed for and rented as the home, residence, or sleeping place of one or more persons living as a single housekeeping unit, in a structure containing at least five units used for the same purpose, all under one ownership.

“APPEALABLE AREA” means the geographic area identified in Section 30603 of the California Public Resources Code which is generally depicted on the *Local Coastal Program Post Certification Map* as “Appeal Jurisdiction”. See IP Map (TBD) Appeals boundaries are determined based on the criteria detailed in Title 14 California Code Regulations Section 13577.

“APPEALABLE DEVELOPMENT” means after certification of the LCP, an action taken by the City on a CDP application that may be appealed to the California Coastal Commission according to the standards set forth in Section 30603(a) of the California Public Resources Code for the following types of developments only:

1. Developments approved by the City between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of any beach or of the mean high tideline of the sea where there is no beach, whichever is the greater distance;
2. Developments approved by the City not included in paragraph 1 (a) that are located on tidelands, submerged lands, public trust lands, within 100 feet of any wetland, estuary, or stream, or within 300 feet of the top of the seaward face of any coastal bluff;
3. Developments approved by the City not included within paragraph (1a) or (2b) that are located in a sensitive coastal resource area.
4. Any development which constitutes a major public works project or a major energy facility.

“APPLICANT” means any person, partnership, corporate entity, or state, local, or other government agency applying for a CDP.

“APPLICATION” means the form, information, plans, required documentation and fees submitted by an applicant to the appropriate public agency for the purpose of determining whether to approve or deny permits, licenses, certificates or other entitlements from a public agency.

“AREA OF SPECIAL FLOOD HAZARD” is the land within a community subject to a 1 percent or greater chance of flooding in any given year. The area may be designated as Zone V, VE or A on the Flood Hazard Boundary Map (FHBM). For purposes of these regulations, the term “special flood hazard area” is interchangeable with the phrase “area of special flood hazard.”

“AREA, LOT” See “lot area.”

“ARTERIAL STREETS” means arterial, primary and secondary streets in the Coastal Zone shown on the “Roadway System Map” of the City's General Plan Mobility and Complete Streets Element.

“AVERAGE BUILDING HEIGHT” means the methodology used to calculate maximum height limit based on averaging the height of each corner of the roof element compared to finished grade. Please refer to Section 18.20.080 for the method of determining building height.

B

“BAR” means an establishment that serves beer, wine, and/or alcohol; may provide seating; and may provide food service.

1. **“COCKTAIL LOUNGE”** means an establishment that serves beer, wine, and/or alcohol; may provide seating; and may provide food service.
2. **“TAPROOM”** means an establishment, which may also be known as a standalone beer tasting room, for the sale or offering of beer for sampling on the premises of establishments in which beer and beer-related products are available for off-site sale, distribution, and consumption.

“BASEMENT” means any portion of a building which has at least 60 percent or more of the story height below finished grade.

“BEACH FRONT” means an area of land that is adjacent to or upon the beach.

“BEACH GROOMING” means the mechanical raking or sifting of beach sand to remove debris or litter, or level or re-contour the beach.

“BEACH” The expanse of sand, gravel, cobble or other loose material that extends landward from the low water line to the place where there is distinguishable change in physiographic form, or to the line of permanent vegetation. The seaward limit of a beach (unless specified otherwise) is the mean low water line.

“BED-AND-BREAKFAST INN” means a structure wherein the owner of the property lives and at least two lodging units without individual kitchens are rented on a short-term basis under separate oral or written contracts and where at least one meal is provided daily in a common dining area.

“BEDROOM” means any room which meets the minimum requirements of both the Zoning Ordinance and the Uniform Building Code for a Habitable Room, which is constructed in such a manner that less than 50 percent of one wall is open to an adjacent room or hallway and which can be readily used for private sleeping purposes shall be counted as a bedroom in order to determine parking or other requirements. For the purpose of calculating parking requirements, the following rooms which regularly make up a standard dwelling unit shall not be considered a “bedroom”: one kitchen, one living room; one family or recreation room; one (1) dining room; and the customary sanitary facilities. The City Planner shall determine whether or not a room qualifies as one of the above exceptions, in accordance with the appeal provisions of Section 18.12.150, Appeals of an Action, of the SCMC.

“BERM” means a mound or embankment of earth. In addition, a nearly horizontal portion of the beach or backshore formed by the deposit of material by wave action or can be manmade as in a winter storm berm.

“BEST MANAGEMENT PRACTICES (BMPs)” means activities, practices, facilities, and/or procedures that when implemented to their maximum efficiency will prevent or reduce pollutants in discharges; and a program, technology, process, siting, criteria, operational methods or measures, or engineered system that, when implemented, prevents, controls, removes, or reduces pollution. Examples of BMPs include public education and outreach, proper planning of development projects, as well as storm water treatment and detention facilities.

“BICYCLE TOURISM” means any travel-related activity which incorporates a bicycle.

“BIOLOGIST” is a qualified expert with a B.S. or B.A. or equivalent degree in biology, environmental studies, fisheries, ecology, or related field, from an accredited university, and at least two years of field and/or laboratory experience in evaluation of land use impacts on fish and wildlife species and their habitats, with evidence of peer-reviewed publications or other related professional literature. Biologists who conduct wetland delineations shall have completed the U.S. Army Corps of Engineers’ “Reg IV” wetland delineation training or the equivalent, and shall have demonstrated ability to independently conduct wetland delineations

“BLOCK” means all property fronting upon one side of a street, between intersecting and intercepting streets, or between a street and a railroad right-of-way, waterway, dead-end street, or City boundary. An intercepting street shall determine only the boundary of the block on the side of the street, or a street which it intercepts.

“BLUFF EDGE” The upper termination of a bluff, cliff, or seacliff: In cases where the top edge of the bluff is rounded away from the face of the bluff as a result of erosional processes related to the presence of the steep bluff face, the bluff line or edge shall be defined as that point nearest the bluff beyond which the downward gradient of the surface increases more or less continuously until it reaches the general gradient of the bluff. In a case where there is a step like feature at the top of the bluff face, the landward edge of the topmost riser shall be taken to be the bluff edge. Bluff edges typically retreat landward due to coastal erosion, landslides, development of gullies, or by grading (cut). In areas where the bluff top or bluff face has been cut or notched by grading, the bluff edge shall be the most landward position of either the current or historic bluff edge. In areas where fill has been placed near or over the historic bluff edge, the original natural bluff edge, even if buried beneath fill, shall be taken to be the bluff edge.

“BLUFF FACE” means the portion of a bluff between the bluff edge and the toe of the bluff. It is the steep surface of rock, decomposed rock, sediment or soil resulting from erosion, faulting, folding, uplifting or excavation of the land mass. The bluff face may be a simple planar or curved surface, or it may be step-like in sections.

“BLUFF PROTECTIVE DEVICE” means a structure or other device, including, but not limited to, coastal structures, upper bluff systems, and temporary emergency devices, designed to retain the bluff

and protect an existing structure, or use from the effects of wave action, erosion, and other natural forces.

“BLUFF, COASTAL” A bluff overlooking the beach or shoreline or that is subject to marine erosion. Many coastal bluffs consist of a gently sloping upper bluff and a steeper lower bluff or sea cliff. The term “coastal bluff” refers to the entire slope between a marine terrace or upland area and the sea. For purposes of establishing jurisdictional and permit boundaries coastal bluffs include, (1) those bluffs, the toe of which is now or was historically (generally within the last 200 years) subject to marine erosion; and (2) those bluffs, the toe of which is not now or was not historically subject to marine erosion, but the toe of which lies within an area otherwise identified as an Appealable Area.

“BLUFFTOP RETREAT” means the landward migration of the bluff or cliff edge, caused by marine erosion of the bluff or cliff toe and other forms of erosion of the bluff face.

“BMPs (BEST MANAGEMENT PRACTICES)” Schedules of activities, prohibitions of practices, operation and maintenance procedures, and other management practices to prevent or reduce the conveyance of pollution in stormwater and urban runoff, as well as, treatment requirements and structural treatment devices designed to do the same.

“BOARDING HOUSE” means either of the following:

1. A dwelling unit or any portion thereof used to provide long-term lodging under four or more individual contracts or rental agreements.
2. Any short-term lodging use that it is not a hotel, motel, bed-and-breakfast inn, or STLU (including STAR). Because a STLU is inherently limited to a single rental contract under Subsection 18.20.160(C) (Operating Standards for Short-Term Lodging Units), of the SCMC, a boarding house under this second definition covers all multiple-rental, short-term lodging uses that are not a hotel, motel, or bed-and-breakfast inn.

“BREAKWATER” means a shoreline protective device protecting a shore area, harbor, anchorage, or basin from waves, usually constructed as a concrete or riprap structure that is parallel to the shore.

“BUILDING, ACCESSORY, ATTACHED” An “attached accessory building” means an accessory building that is structurally part of the primary building, has a common wall, and adjoining floor area. Enclosed breezeways attach primary and accessory buildings; unenclosed breezeways do not.

“BUILDING, ACCESSORY” “Accessory building” means an enclosed structure used or intended for supporting or sheltering any use or occupancy, which may either be attached to or detached from a primary building on the same lot, but which is incidental in scale to the primary building and/or within which a use is being conducted and is accessory to the primary use being conducted on the site.

“BUILDING, PRIMARY” means a building within which the principal use or principal occupancy of a lot is conducted.

“BULKHEAD” A type of shoreline protective device consisting of vertical walls built into and along the shoreline preventing the erosion of land into the water and to protect the land from wave, tide and current action by the water, similar to a “retaining wall” on land. Bulkheads may be directly bordered by water, or may have sloped stones (riprap) or sandy beach located between the bulkhead and the water and land areas.

C

“CAISSON” means a subsurface support structure. A Caisson is a shaft or shafts of steel reinforced concrete placed under a building column, foundation or wall and extending down to hardpan, bedrock or competent material as defined or approved by a soils engineer or geologist. Caissons, for this definition, are drilled into position and are used to carry surface building loads and/or to carry surface building loads from anticipated future loss of support (i.e., “slope failure”). Also known as a pier foundation.

“CALIFORNIA COASTAL TRAIL (CCT)” is a continuous interconnected public trail system along the California coastline. It is designed to foster appreciation and stewardship of the scenic and natural resources of the coast and serves to implement aspects of Coastal Act policies promoting non-motorized transportation. The Trail system is to be located on a variety of terrains, including the beach, adjacent to the rail line, bluff edge, and hillsides providing scenic vantage points. It may take many forms, including informal footpaths, paved sidewalks, and separated bicycle paths. When no other alternative exists, it sometimes connects along the shoulder of the road. While primarily for pedestrians, the Trail also accommodates a variety of additional user groups, such as bicyclists, wheelchair users, equestrians, and others as opportunities allow. The CCT consists of one or more parallel alignments. It is intended that the CCT system shall be designed and implemented to achieve the following goals and objectives:

1. Provide a continuous walking and hiking trail as close to the ocean as possible;
2. Provide maximum access for a variety of non-motorized uses by utilizing alternative trail segments where feasible;
3. Maximize connections to existing and proposed local trail systems;
4. Ensure that the trail has connections to trailheads, parking areas, interpretive kiosks, inland trail segments, etc. at reasonable intervals;
5. Maximize ocean views and scenic coastal vistas; and,
6. Provide an educational experience where feasible through interpretive facilities.

“CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)” Legislation established in 1970 by the State of California and corresponding regulations codified at California Public Resources Code Section 21000 et seq. and Title 14 California Code of Regulations Section 15000 et seq., respectively. It is the legislative intent of CEQA that all agencies of the state government which regulate activities

of private individuals, corporations, and public agencies which are found to affect the quality of the environment, shall regulate such activities so that major consideration is given to preventing environmental damage. (Reference California Public Resources Code Section 21000.)

“CALIFORNIA NATIVE PLANT SPECIES” means plants that are native to California.

“CANYON EDGE” The upper termination of a canyon. In cases where the top edge of the canyon is rounded away from the face of the canyon as a result of erosional processes related to the presence of the canyon face, the canyon edge shall be defined as that point nearest the canyon beyond which the downward gradient of the surface increases more or less continuously until it reaches the general gradient of the canyon. In a case where there is a step like feature at the top of the canyon face, the landward edge of the topmost riser shall be taken to be the canyon edge.

“CANYON, COASTAL” means any valley, gorge, or similar landform. (Refer to Figure 18.88.).

“CARPORT, STREET-FACING” means a carport which is oriented toward the street from which primary access to the carport is taken.

“CARPORT” means an accessible structure used for automobile shelter which is permanently roofed.

“CATEGORICAL EXCLUSION” Refers to certain categories of development which the Coastal Act authorizes the Coastal Commission to exclude from the requirement to obtain a CDP where the Commission has found there is no potential for significant adverse effect on coastal resources. (Reference California Public Resources Code Section 30610(e) and 14 CCR Section 13240 et seq.)

“CHURCH OR OTHER RELIGIOUS INSTITUTION” means a building which is used as an established place of worship, has a regular congregation and regularly offers religious services, represents a recognized creed and form of worship and is affiliated with an organization of ordained clergy. .

“CLINICAL SERVICE USES” shall mean establishments which provide physical and mental health services on an out-patient basis. The services may be of preventative, diagnostic, treatment, therapeutic, rehabilitative or counseling nature, but do not include group counseling uses. Typical uses would include, but not be limited to, medical and health clinics, chiropractic/physical therapy clinics, individual counselling services and emergency care centers.

“COASTAL” means that area within the City's Coastal Zone as depicted on Figure 1-1 “Coastal Zone Boundary” map of the Land Use Plan in the City's Coastal Program.

“COASTAL ACCESS” means the ability of the general population to reach, use or view the shoreline, beach or coastal recreation areas.

“COASTAL ACT” means the California Coastal Act of 1976, as amended, and corresponding regulations codified at California Public Resources Code Section 30000 et seq. and Title 14 California Code of Regulations Section 13001 et seq., respectively.

“COASTAL CANYON LOT” means a parcel of land located entirely within, or partially within, a coastal canyon as depicted in Figure 18.88.110 of this IP.

“COASTAL COMMISSION” means the California Coastal Commission, the state agency established by state law responsible for carrying out the provisions of the Coastal Act, and responsible for certifying local coastal programs (LCPs) and amendments thereto, and including reviewing CDPs on appeal from local agencies.

“COASTAL COMMISSION PERMIT JURISDICTION” means the boundaries of tidelands, submerged lands, and public trust lands described in Section [30519\(b\)](#) of the Public Resources Code where the Coastal Commission retains permit jurisdiction.

“COASTAL-DEPENDENT DEVELOPMENT OR USE” means any development or use that requires a site on, or adjacent to, the sea to be able to function at all. (Reference California Public Resources Code Section 30101.)

“COASTAL DEVELOPMENT PERMIT (CDP)” means a permit for any development within the Coastal Zone that is required by the City or the Coastal Commission pursuant to subdivision (a) of Coastal Act Section 30600. (Reference California Public Resources Code Section 30101.5.)

“COASTAL DEVELOPMENT PERMIT, EMERGENCY” means an authorization by the Community Development Director to proceed with any development within the Coastal Zone which is remedial, immediate and temporary to respond to a sudden, unexpected occurrence demanding immediate action to prevent or mitigate loss or damage to life, health, property, or essential public services provided that later compliance with CDP requirements is assured if the development is to be permanent.

“COASTAL-RELATED DEVELOPMENT” means any use that is dependent on a coastal-dependent development or use. (Reference California Public Resources Code Section 30101.3.)

“COASTAL SAGE SCRUB” means a type of habitat vegetation community which includes, but are not limited to, the following: many species of *Dudleya*, *Calandrinia maritima*, *Cleome isomeris*, *Coreopsis gigantea*, *Eriogonum giganteum*, *Eriogonum grande*, *Eriophyllum nevinii*, *Galvesia speciosa*, *Haplopappus venetus*, *Hemizonia clementina*, *Lavatera assurgentiflora*, *Malacothrix saxatilis*, *Phacelia lyonii*, and *Rhus integrifolia*, plus two species of *Polypodium*, *Artemisia californica*, *Crossosoma californicum*, *Diplacus* species, *Encelia californica*, *Eriogonum fasciculatum*, *Galium*, *Haplopappus*, *Helianthemum*, *Lotus*, *Lupinus*, *Malacothamnus*, and *Opuntia* species, *Malosma laurina*, *Salvia* spp., *Senecio*, and *Solanum* species, and *Toxicodendron radicans diversilobum*, the sprawling

Marah macrocarpus and Calystegia macrostegia, and many other showy herbs like species of Castilleja, Haplopappus, Lotus, Lupinus, and Zauschneria, and Eriophyllum confertiflorum.

“COASTAL ZONE” means the land and water area established by the State Legislature as defined in Coastal Act Section 30103. (For a graphic depiction of the Coastal Zone within the City of San Clemente, refer to the coastal boundary indicated on Certified LUP Figure 1-1 Coastal Zone Boundary). (Reference California Public Resources Code Section 30103.)

“COMPLETE STREETS” means streets that comfortably accommodate all users, with particular emphasis on pedestrians, bicyclists, and public transportation, as well as people of all ages and physical abilities. The Complete Streets Act of 2008 requires circulation elements to incorporate multimodal transportation into the General Plan.

“CONDITIONAL USE PERMIT” is a discretionary permit required for uses defined as a conditional use that may, because of their nature, have an impact on the surrounding environment and for the determination of whether or not the proposed use is appropriate for its proposed location.

“CONDITIONAL USE” means a use of land allowed in a particular coastal zoning district subject to the approval of a Conditional Use Permit.

“CONDOMINIUM” means an undivided interest in common in a portion of real property coupled with a separate interest in space called a unit, the boundaries of which are described on a recorded final map, parcel map, or condominium plan, in sufficient detail to locate all boundaries thereof. An individual interest within a condominium may include, in addition, a separate interest in other portions of real property.

“CONGREGATE CARE FACILITY” means a facility for senior citizens that is arranged in a group setting and includes independent living and sleeping accommodations in conjunction with shared dining and recreational facilities. No congregate care units shall contain kitchens.

“CONVALESCENT HOME” means a facility licensed by the State Department of Public Health, the State Department of Social Welfare, or the County, which provides bed and ambulatory care for patients with post-operative convalescent, chronically ill, or dietary problems, and persons aged or infirm unable to care for themselves; but not including treatment for alcoholism, drug addiction, or mental or contagious diseases or afflictions.

“CONVENIENCE STORE” means any retail establishment between 100 and 2,500 gross square feet in building area and/or land use area where the primary activity is the display, storage, and/or sale of convenience items, including, but not limited to, prepackaged food products, beverages, household goods, automotive-related items, or other items which the decision-making body determines are similar in nature.

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

“CULTURAL FACILITIES” means public or private institutions displaying or preserving objects of community or cultural interest in one or more of the arts or sciences, including libraries, museums, and theaters.

D

“DAY CARE FACILITY, CHILDREN” means a State-licensed facility which provides nonmedical care to children under 18 years of age in need of personal services, supervision or assistance essential for sustaining the activities of daily living or for the protection of the individual on less than a 24-hour basis. Day care facilities include Day Care Centers, Large-family Day Care Homes, and Small-family Day Care Homes, as follows:

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

“DAYS” shall always be consecutive calendar days unless otherwise stated.

“DEMOLITION” means the intentional removal, or destruction of any portion of a building or structure.

“DENSITY” means the number of dwelling units per net or gross acres. Density may also be stated in the square footage of lot area required per unit. See also “acres, gross,” and “acres, net.”

“DEVELOPMENT” means, on land, in or under water, the placement or erection of any solid material or structure; discharge or disposal of any dredged material or of any gaseous, liquid, solid, or thermal waste; grading, removing, dredging, mining, or extraction of any materials; change in the density or intensity of use of land, including, but not limited to, subdivision pursuant to the Subdivision Map Act (commencing with Section 66410 of the California Government Code), and any other division of land, including lot splits, except where the land division is brought about in connection with the purchase of such land by a public agency for public recreational use; change in the intensity of use of water, or of

access thereto; construction, reconstruction, demolition, or alteration of the size of any structure, including any facility of any private, public, or municipal utility; and the removal or harvesting of major vegetation other than for agricultural purposes, kelp harvesting, or timber operations which are in accordance with a timber harvesting plan submitted pursuant to the provision of the Z'berg-Nejedly Forest Practice Act of 1973 (commencing with Section 45.11). As used in this section, “structure” includes, but is not limited to, any building, road, pipe, flume, conduit, siphon, aqueduct, telephone line, and electrical power transmission and distribution line.

“DISTRICT” See “zone.”

“DISTURBED” means a term used to identify a biological habitat that has been altered by natural or manmade events.

“DOMICILE” means a person's fixed, permanent, and principal home for legal purposes.

“DRIVE-THROUGH” means relating to or conducting exchanges with clients who drive up to a window and remain in their automobiles.

“DUNE” means ridges or mounds of loose, wind-blown material usually sand. A dune structure often has a back and foredune area. Stable dunes are often colonized by vegetation.

“DUPLEX” means a multifamily dwelling containing two dwelling units.

“DWELLING UNIT” means a habitable room or group of habitable rooms (e.g., living room, bedroom, den, library, recreation, studio, etc.) with no more than one kitchen designed for occupancy by one or more persons living as a single housekeeping unit (as defined in this chapter) and with common interior access to all living, kitchen, and bathroom areas.

“DWELLING, MULTIPLE-FAMILY” “Multiple-family dwelling” means a building or buildings designed with two or more dwelling units, excluding hotels, motels and timeshares.

“DWELLING, SINGLE-FAMILY” “Single-family dwelling” means a detached building designed primarily for use as a single dwelling unit, no portion of which is rented or leased as a separate dwelling unit, except as permitted by this code.

E

“EASEMENT” means a grant of one or more property rights by the property owner for use by the public or another person or entity. Examples include right-of-way easements, utility easements, or view easements. Typically, easements are recorded against real property by an instrument or subdivision map.

“EDGE” means the upper termination of a bluff, canyon or cliff. When the top edge is rounded away from the face as a result of erosional processes related to the presence of the steep bluff face, canyon, or cliff face, the edge shall be defined as that point nearest the face beyond which the downward gradient of the land surfaces increases more or less continuously until it reaches the general gradient of the bluff, canyon, or cliff. In a case where there is a steplike feature at the top of the bluff face, canyon, or cliff face, the landward edge of the topmost riser shall be taken as bluff edge, canyon edge, or cliff edge.

“ELEVATION” means:

1. A scale drawing of the front, rear or side of a building or structure; or
2. A vertical distance above or below a fixed reference level.

“EMERGENCY” means a sudden, unexpected occurrence demanding immediate action to prevent or mitigate loss of or damage to life, health, property or essential public services. (Reference Title 14 California Code of Regulations Section 13009.)

“ENCROACHMENT” means an intrusion of development on public property, on environmentally sensitive lands, or into required setback areas.

“ENERGY FACILITY” means any public or private processing, producing, generating, storing, transmitting, or recovering facility for electricity, natural gas, petroleum, coal, or other source of energy (Reference California Public Resources Code Section 30107).

“ENVIRONMENTAL JUSTICE” means the fair treatment of people of all races, cultures, and incomes with respect to the development, adoption, implementation, and enforcement of environmental laws, regulations, and policies.

“ENVIRONMENTALLY SENSITIVE HABITAT AREA (ESHA)” means any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments (Public Resources Code Section 30107.5). Environmentally sensitive habitat areas in San Clemente's Coastal Zone include wetlands, riparian areas, habitats of rare or endangered species and several coastal canyons which still contain native plant communities. The areas containing potentially environmentally sensitive habitat are depicted in Figures 4-2-A through 4-2-D of the City's Certified LUP.

“EROSION RATES” means the rate of erosion averaged over a given period of time or projected for future shoreline change conditions.

“EROSION” means the wearing away of land by natural or man-made forces.

“ESHA BUFFER” means a development setback that provides open space between development and protected habitat in order to keep disturbance at a distance. Buffers shall be measured from the delineated boundary of an environmentally sensitive habitat area (ESHA) or wetland or, for streams, from the top of bank or the landward edge of riparian vegetation, whichever provides the larger buffer.

“ESTUARY” means a coastal water body, usually semi-enclosed by land, having open, partially obstructed, or intermittent exchange with the open ocean, and in which ocean water is at least occasionally diluted by freshwater from the land. The salinity level maybe periodically increased to above that of the open ocean due to evaporation. (Reference Title 14 California Code of Regulations Section 13577(c).

“EXECUTIVE DIRECTOR” means the Executive Director of the California Coastal Commission.

“EXERCISED” means that a permit issued by the City has been vested once one of the following has first occurred:

1. A grading permit has been issued and grading has been substantially completed;
2. A building permit has been issued and construction has commenced, and has continued to maintain a valid building permit by making satisfactory progress as determined by the Building Official;
3. A certificate of occupancy has been issued;
4. The use has been established in accordance with the CDP/permit.

F

“FACTOR OF SAFETY” means the stability of a slope as expressed as the ratio of the resisting forces (forces which tend to resist movement of a slope) to the driving forces (forces which tend to cause movement).

“FEASIBLE” means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors. (Reference California Public Resources Code Section 30108.)

“FILL” means material (e.g., earth, clay, sand, concrete, rubble, metal, wood chips, bark, waste, etc.), including pilings placed for the purpose of erecting structures, that is placed, stored, or dumped or in a submerged area or upon the surface of the ground resulting in an increase in the natural surface elevation.

“FINAL AUTHORITY” means the final decision-making authority absent an appeal.

“FIRST PUBLIC ROAD PARALLELING THE SEA” means that road nearest to the sea, as defined in Section 30115 of the Public Resources Code, which:

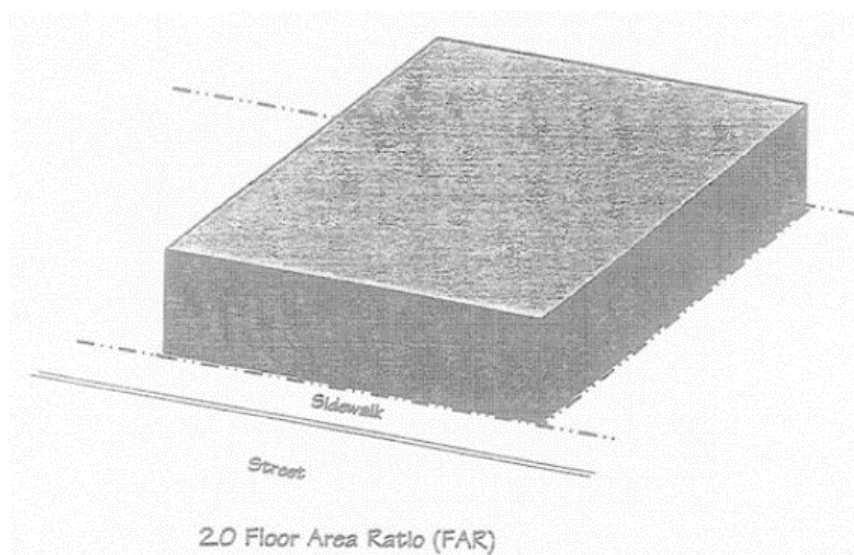
1. Is lawfully open to uninterrupted public use and is suitable for such use;
2. Is publicly maintained;
3. Is an improved all-weather road open to motor vehicle traffic in at least one direction;
4. Is not subject to any restrictions on use by the public except when closed due to an emergency or when closed temporarily for military purposes; and
5. Does in fact connect with other public roads providing a continuous access system, and generally parallels and follows the shoreline of the sea so as to include all portions of the sea where the physical features such as bays, lagoons, estuaries, and wetlands cause the waters of the sea to extend landward of the generally continuous coastline.

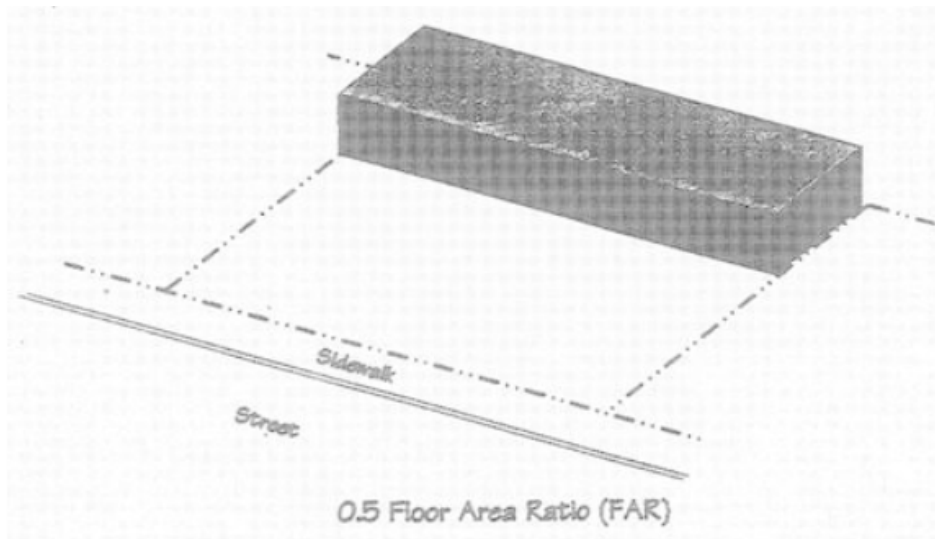
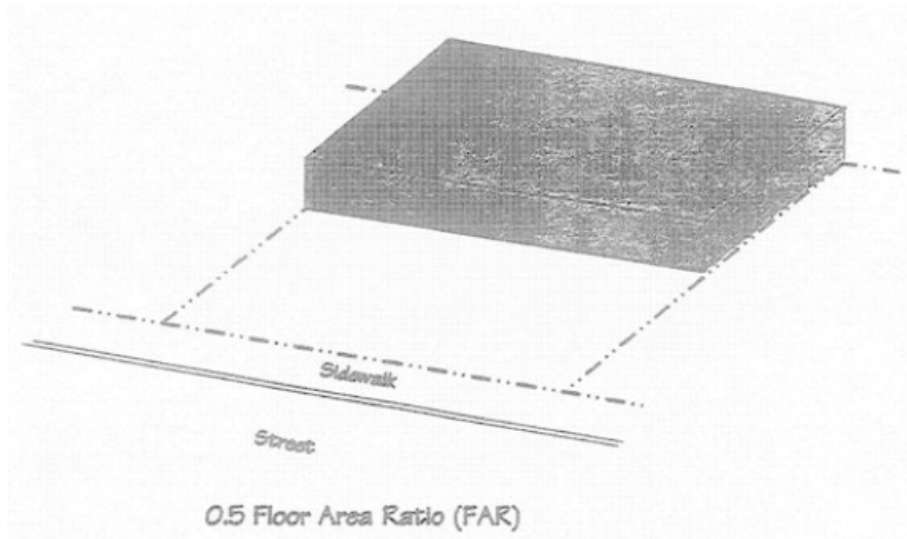
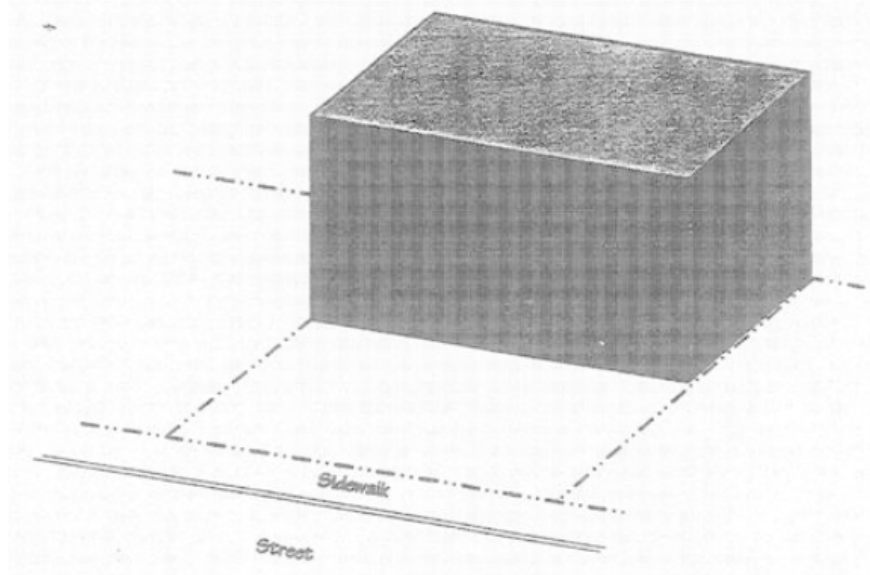
(Reference Title 14 California Code of Regulations Section 13011.)

“FLOOR AREA, GROSS” means the total enclosed area of all floors of a building measured to the outside face of the structural members of exterior walls, and including halls, stairways, elevator shafts at each floor level, service and mechanical equipment rooms, and habitable basement or attic areas, but excluding outdoor courtyards and stairways and other exterior space.

“FLOOR AREA, DWELLING UNIT, NET” means the total horizontal floor area of all interior space of a dwelling unit, including the exterior walls, measured in square feet. Private parking areas, outdoor patios, and balconies, and areas used in common such as, but not limited to, covered walkways, roofed patio areas, covered entries, covered parking, covered driveways, and loading areas shall not be included as the net floor area of a dwelling unit.

“FLOOR AREA RATIO” means the total gross floor area, excluding parking structures, interior stairways, and nonhabitable subterranean floors, of all buildings on a lot divided by the lot area. See exhibits below for a visual explanation of floor area ratio.





“FLOOR AREA, RESIDENTIAL” means the total horizontal floor area of all interior space of the dwelling units of a project measured to the outside face of the structural members of exterior walls. Private parking areas, outdoor patios and balconies, and areas used in common such as, but not limited to, covered walkways, roofed patio areas, covered entries, covered parking, and covered driveway and loading areas shall not be included in the residential floor area.

“FRACTIONAL OWNERSHIP ACCOMMODATIONS” Facility providing overnight visitor accommodations where at least some of the guestrooms (units) within the facility are owned separately by multiple owners on a fractional time basis. A fractional time basis means that an owner receives exclusive right to use of the individual unit for a certain quantity of days per year and each unit available for fractional ownership will have multiple owners.

“FUEL MODIFICATION” means controlling the types, density, and moisture content of plants (or fuel) around structures to create a defensible space with respect to wildfire risk.

G

“GARAGE, STREET-FACING” “Street-facing garage” means a garage which is oriented, by virtue of the location of the garage door, toward the street from which primary access to the garage is taken.

“GARAGE” means an accessible structure primarily used for automobile shelter which is permanently roofed and has three enclosed sides and a garage door.

“GATEWAY” means making urban places located at important entry points, as defined in the City's General Plan, into aesthetically pleasing, memorable and understandable arrival places within the City. Gateways are typically located in high visibility areas, close to major transportation facilities that, due to their visual prominence, shape the aesthetic character of their surroundings.

“GEOLOGIC HAZARD” means a risk associated with geologic processes or events.

“GRADE, FINISHED” “Finished grade” means the final elevation of the ground surface after development, as shown on a precise Grading Plan.

“GREENHOUSE GAS (GHG)” A balance of naturally occurring gases in the atmosphere determines the earth's climate by trapping solar heat through a phenomenon known as the greenhouse effect. GHGs, including carbon dioxide, methane, nitrous oxide, chlorofluorocarbons, and water vapor, keep solar radiation from exiting our atmosphere. In a process very similar to the windows on a greenhouse, GHGs trap so much heat that the temperature within the Earth's atmosphere is rising. GHGs are emitted through both natural processes and human activities. Emissions from human activities, such as electricity production, motor vehicle use, and agriculture, are contributing to the concentration of GHGs in the atmosphere and have led to a trend of unnatural warming of the Earth's climate, which is known as global warming.

“**GROIN**” is a shoreline protective device built, usually perpendicular to the shoreline, to retain nearshore sediment and reduce erosion of the beach or shore. A series of groins acting together to protect a section of beach is known as a groin system or groin field.

“**GROUNDWATER**” means subsurface water occupying the zone of saturation usually found in porous rock strata and soils.

“**GROUP COUNSELING**” means counseling or therapy services that are provided to groups of five or more persons at a time. Examples of group-counseling uses include, but are not limited to, nutritional and diet centers; medical, clinical, and other health-related counseling; and career, professional, and life coaching.

“**GROUP INSTRUCTION**” means non-counseling, non-therapy instructional services that are provided to groups of five or more persons at a time. Examples of group-instruction uses include, but are not limited to, classes in photography, fine arts, crafts, or dance or music; driving schools; and yoga or martial-arts studios.

“**GUEST**” when used in reference to an STLU (including a STAR), means any person (including an invitee) visiting a renter of a lodging unit but not authorized by the lease to sleep or stay overnight in the unit.

“**GUEST HOUSE**” means living quarters, having no kitchen/kitchenette, located on the same premises with a primary building and occupied for the sole use of occupants of the primary building, temporary guests, or persons permanently employed on the premises. No compensation for use of the guest house, in any form, shall be received or paid.

H

“**HABITABLE ROOM**” means a space in a structure for living, sleeping, eating or cooking. Bathrooms, toilet compartments, closets, halls, storage or utility space, and similar areas are not considered habitable space. For the purpose of calculating residential parking requirements, any closets, storage or utility spaces greater than 70 square feet in size shall be considered a habitable room.

“**HABITAT**” means the locality, including the physical and biological environment, in which a plant or animal lives.

“**HEDGE**” means, for purposes of Section 18.20.070, dense vegetation, which starts at grade or up to 48 inches above grade, so aligned as to form a physical barrier similar in shape and proportion to a wall or fence. **HEIGHT, BUILDING.** Please refer to [Section 18.20.080](#) for the method of determining building height.

“**HEIGHT, CHIMNEY.**” Chimney height is measured from grade to top of the chimney, including any spark arrestor or other appurtenance.

“HERITAGE TOURISM” as defined by the National Trust for Historic Preservation is the traveling to experience the places, artifacts and activities that authentically represent the stories and people of the past and present. It includes cultural, historic, and natural resources.

“HISTORIC RESOURCE” means any object, building, structure, site, area, place, record, or manuscript which is at least 50 years old and is historically or archeologically significant, or which is significant in the architectural, engineering, scientific, economic, agriculture, educational, social, political, military, or cultural history of the City of San Clemente and/or California and/or the United States. For the purpose of this title, the following definitions shall apply:

1. **“ADJACENT PROPERTY”** means any property that is located within 300 feet of property which has been designated as historically significant, and which is determined by the Planning Commission to have an actual or potential visual impact on the historically significant property.
2. **“HISTORIC DISTRICT”** means an area or distinct section containing structures which have a special character, historical interest or aesthetic value or which represents the Spanish Heritage architectural style typical to the history of the City.
3. **“HISTORICALLY SIGNIFICANT PROPERTY”** means any site, building or structure of particular historic, architectural or cultural significance to the City as determined by the Planning Commission. Such site may be identified with historic personages or with important events in the main currents of national, State or local history, or may embody the distinguishing characteristics of an architectural specimen, inherently valuable for a study of a period, style, method of construction, or may be a notable work of a master builder, designer or architect whose individual genius influenced his age.
4. **“LANDMARK”** means a building, site, structure, object, or improvement, manmade or natural, with special character or special historical, cultural, architectural, archeological, social, or aesthetic value inherent to the heritage of the City of San Clemente, the State of California, and/or the United States.
5. **“DEMOLITION OF HISTORIC STRUCTURES”** means an act that destroys in whole or in part a designated historic resource.

“HOME OCCUPATION” means a business carried out by an occupant conducted as an accessory use within the primary dwelling unit.

“HOSPITAL” means either a general acute care hospital, as defined by Health and Safety Code Section 1250(a), that provides a wide range of emergency, clinical, and temporary medical services to the general public, or, to the extent permitted by law, a “standalone emergency department” as defined in [Chapter 18.84.040](#), Definitions, of this title. It does not include any other “health facility” identified in Health and Safety Code Section 1250; nor does it include any other type of specialty hospital.

“HOTEL” means any structure with six or more lodging units, which is occupied or intended or designed for occupancy for short term, temporary or impermanent lodging or sleeping purposes

including any hotel inn tourist home or house motel, studio hotel bachelor hotel, lodging house, vacation rental, rooming house, apartment house, dormitory, public or private club, bed-and-breakfast, private single-family residence, private multi-family residence, condominium, townhouse guest house, mobile home or house trailer at a fixed location, or other similar structure or portion thereof.

“HOUSEHOLD, ELIGIBLE” “Eligible household” means an eligible household earning 80 percent or less of the County median income, as defined in the City of San Clemente Housing Element.

“HYDROMODIFICATION CONTROL BEST MANAGEMENT PRACTICES” Structural systems designed to minimize post-development changes in runoff flow characteristics and maintain the natural watershed, by processes such as infiltration, evapotranspiration, harvesting and use, detention, or retention. Examples include retention structures such as basins, ponds, topographic depressions, and stormwater vaults.

I

“IN SITU” is a Latin phrase meaning “in place. “Archaeologically it refers to an artifact or object being found in its original, undisturbed deposited/placed position.

“INTENSIFICATION OF USE” means a change in the intensity of use which includes, but is not limited to, any addition, expansion or change in use on a site that involves: (a) a change in the total number of dwelling units; or (b) a change in the amount of floor area or customer area of a commercial or industrial use; or (c) an increase in the number of required off-street parking spaces.

“INTENSITY” means a relative measure of development impact as defined by physical and operational characteristics (e.g., number of dwelling units per acre, amount of parking required, amount of traffic generated, etc.).

“INTERTIDAL” means located between the low and high tide tidal extremes.

“INVASIVE” means a plant that invades a habitat to the detriment of native species.

K

“KENNEL, COMMERCIAL” means a lot or premises upon which five or more dogs or cats over the age of four months are kept for the purpose of boarding, breeding, raising or training for a fee or for sale.

“KITCHEN” means any room or part of a room which is designed, built, used and/or intended to be used for food preparation and/or cooking which contains facilities that include a sink; a stove, oven, range or other similar non-portable cooking device; and a refrigerator.

L

“LANDSCAPING” means an area devoted to, or developed and maintained predominately with, plant materials, including lawn, ground cover, trees, shrubs, and other plant materials. Landscaping may also include accessory decorative outdoor landscape elements, such as pools, fountains, decorated surfaces, and sculptural elements. Hardscape improvements such as driveways, parking, loading, or storage areas shall not be counted as landscape.

“LATERAL ACCESS” means an area of land parallel to the beach, along the beach front, toe of bluff or top of bluff. A lateral access way may be used for public pass and repass, passive recreational use, or as otherwise designated in the City of San Clemente Local Coastal Program Land Use Plan and this Implementation Plan.

“LICENSED GEOTECHNICAL ENGINEER” means an individual who is a geotechnical engineer, civil engineer or coastal geologist licensed by the State of California.

“LIMITED USE OVERNIGHT ACCOMMODATIONS” Any hotel, motel, or other similar facility that provides overnight visitor accommodations wherein all or part of the facility may be sold to a subsequent purchaser who receives the right in perpetuity, for life, or a term of years, to the recurrent, exclusive use or occupancy of all or part of the facility annually or on some other seasonal or periodic basis, including, but not be limited to timeshare, condominium-hotel, fractional ownership hotel, or uses of a similar nature, as those terms shall be defined in the implementing regulations for this land use plan.

“LINE OF NATIVE VEGETATION” is one type of development setback standard that may be utilized for coastal canyons. Location to be established based on an on-site visit, topography, and inventory of existing vegetation conducted by a qualified professional.

“LIVING AREA” means the interior habitable area of a dwelling unit pursuant to the California Building Code.

“LIVING STREETS” Streets that embody complete streets (see Complete Streets definition above) and also include consideration of other issues related to economic vibrancy, equity, environmental sustainability, aesthetics, and more.

“LOCAL COASTAL PROGRAM” means a program for the use of property within the Coastal Zone. The Local Coastal Program includes the Land Use Plan, land use regulation maps, and specific implementing regulations such as zoning ordinances, which have been adopted by the City and certified by the California Coastal Commission pursuant to the Public Resources Code to implement the provisions and policies of the Coastal Act by the local government. Local governments with certified LCPs can issue CDPs (Reference California Public Resources Code Section 30108.6).

“LODGING UNIT” means a structure or any portion of a structure that is occupied, designed, or permitted for paid occupancy for lodging or temporary sleeping purposes excluding a single housekeeping unit.

“LONG-TERM” means a period of 30 or more consecutive calendar days. When applied to lodging, “long-term” refers to the duration of occupancy.

“LUP (LAND USE PLAN)” means a plan or the relevant portions of the City’s Local Coastal Program Land Use Plan which details the kinds, location, and intensity of land uses, the applicable resource protection and development policies for the use of property within the Coastal Zone which has been adopted by the City and certified by the California Coastal Commission pursuant to the California Public Resources Code Section 30108.5.

“LOT” means site or parcel of land under one ownership that has been legally subdivided, resubdivided, or combined, and having frontage upon a street, other than an alley, or a private easement determined by the City Engineer to be adequate for purposes of access.

1. **“CORNER LOT”** means a lot abutting upon two or more streets at their intersections, or upon two parts of the same street forming an interior angle of less than 135 degrees.
2. **“FLAG LOT”** means a lot having access or an easement to a public or private street by a narrow, private right-of-way.
3. **“THROUGH LOT”** means a lot having frontage on two generally parallel streets, with only one primary access.

“LOT AREA” means the horizontal area within the boundary or lot lines of a lot after dedication. Easements whose primary purpose is to provide vehicular or pedestrian access to other property shall not be calculated in the area of a lot.

“LOT COVERAGE” means the percent of the lot area that may be covered by all buildings or roofed structures. This includes garages, accessory buildings, balconies, covered patios, decks, covered entryways, and any similar structures that reduce the amount of lot area open to the sky. For the purpose of this definition, lot coverage shall be measured:

1. To the foundation line, for buildings, patio covers, and similar structures; and
2. To the edge of the structure, balconies, and similar structures.

“LOT LINE”

1. **“FRONT LOT LINE”** means the narrowest dimension of a lot fronting on a street. In the case of a lot having a curved front lot line, the front lot line, for the purposes of calculating the rear lot line or lot depth of an irregularly shaped lot, shall be a line which is:
 - a. Tangent to the curve of the front lot line; and

- b. Parallel to a straight line that connects the points where the side lot lines intersect the front lot line. In the case of a curved corner, the midpoint of the corner's radius shall demarcate the front lot line from the street side lot line. In the case of multiple curves and/or irregular street frontages, the City Planner shall determine that an appropriately situated point along that curve shall demarcate the front lot line from the exterior side lot line(s). The determination shall consider in the following order of importance: (a) the general depth-to-width orientation of the lot and the establishment of a practical and reasonable building envelope, (b) the orientation of the lot and orientation of the determined building envelope as it would most harmoniously concur with development and/or building envelopes on the adjacent lots, (c) the existing development on the subject lot and the degree to which it may conform to more than one possible determination, and (d) other factors specific to the lot that would affect the practicality and reasonableness of a determined building envelope.
2. **“REAR LOT LINE”** means a lot line, not intersecting a front lot line, which is most distant from and most closely parallel to the front lot line. For the purpose of calculating lot depth, the rear lot line of an irregularly shaped lot shall be calculated as follows:
 - a. For a trapezoidal lot, the rear line of which is not parallel to the front lot line, the rear lot line shall be deemed to be a line parallel to the front line and drawn through a point bisecting the recorded rear lot line; or
 - b. For all other irregularly shaped lots, a line 10 feet in length within the lot and farthest removed from the front lot line and parallel to the front lot line shall be used as the rear lot line.
 - c. In no case shall the application of the definition of rear lot line be interpreted as permitting a primary residential building to be located closer than five feet to any property line.
3. **“SIDE LOT LINE”** means any lot line which is not a front or rear lot line.

“LOT MEASUREMENTS”

1. **“LOT AREA”** means the horizontal area within the boundary or lot lines of a lot after dedication. Easements whose primary purpose is to provide vehicular or pedestrian access to other property shall not be calculated in the area of a lot.
2. **“LOT DEPTH”**
 - a. **For Rectangular Lots.** The horizontal length of a straight line drawn from the midpoint of the front lot line to the midpoint of the rear lot line;
 - b. **For Other Lots.** The horizontal length of a straight line drawn from the midpoint of the front lot line to a line which intersects the midpoint of the rear lot line. See also “Rear lot line.”

3. **“LOT FRONTAGE”** means the horizontal length of the front property line.
4. **“LOT WIDTH”** means the horizontal distance between the side lot lines, measured at right angles to the lot depth, at a midway point between the front and rear lot lines.

“LOW IMPACT DEVELOPMENT” An innovative stormwater management approach with a basic principle that is modeled after nature, using design techniques that infiltrate, filter, store, evaporate, and detain runoff close to its source in order to protect water quality and associated aquatic habitat and maintain pre-development hydrologic characteristics.

M

“MAJOR PUBLIC WORKS AND ENERGY FACILITIES” mean facilities that cost more than one hundred thousand dollars (\$100,000) with an automatic annual increase in accordance with the Engineering News Record Construction Cost Index, except those governed by the provisions of Public Resources Code Sections 30610, 30610.5, 30611 or 30624. It also means publicly financed recreational facilities that serve, affect, or otherwise impact regional or statewide use of the coast by increasing or decreasing public recreational opportunities or facilities. (Reference 14 Title California Code of Regulations Section 13012.)

“MAJOR REMODEL” Alterations that involve (1) additions to an existing structure, (2) exterior renovations, and/or (3) demolition of an existing bluff top or beachfront or coastal canyon single-family residence or other principal structure, or portions thereof, which results in:

1. Alteration of 50% or more of major structural components including exterior walls, floor structure, roof structure, and foundation, or a 50% increase in floor area. Alterations are not additive between individual major structural components; however, changes to individual major structural components are cumulative over time from the LUP Certification date of August 2018. If development constitutes a Major Remodel as defined herein, a CDP shall be required. As used in this IP, the term “redevelopment” shall be interchangeable with the term “major remodel.”

“MAJOR STRUCTURAL COMPONENTS” means the foundation, floor framing, exterior wall framing and roof framing of a structure that are integral to the structural frame, such as vertical studs, top and bottom plates, and window/door sills and headers, roof rafters, and beams.. Major structural components specially excludes exterior siding, doors, windows, roofing materials, roof sheathing, decks, chimneys and nonstructural interior elements including but not limited to interior walls and sheetrock, insulation, fixtures, and mechanical, electrical and plumbing elements.

“MANUFACTURED HOME” means a structure, transportable in one or more sections, which is built on a permanent chassis and is depicted for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes, the term “manufactured home” also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days.

“MARIJUANA USE”

1. **“CANNABIS”** means all parts of the plant *Cannabis sativa* Linnaeus, *Cannabis indica*, or *Cannabis ruderalis*, whether growing or not; the seeds thereof; the resin, whether crude or purified, extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin. “Cannabis” also means the separated resin, whether crude or purified, obtained from marijuana “Cannabis” also means marijuana as defined by Section 11018 of the Health and Safety Code as enacted by Chapter 1407 of the Statutes of 1972.
2. **“COMMERCIAL MARIJUANA ACTIVITY”** includes the cultivation, possession, manufacture, distribution, processing, storing, laboratory testing, labeling, transportation, distribution, delivery, or sale of marijuana and marijuana products.
3. **“CULTIVATION”** means any activity involving the planting, growing, harvesting, drying, curing, grading, or trimming of marijuana.
4. **“DELIVERY”** means the commercial transfer of marijuana or marijuana products to a customer. “Delivery” also includes the use by a retailer of any technology platform owned and controlled by the retailer, or independently licensed under California law that enables customers to arrange for or facilitate the commercial transfer by a licensed retailer of marijuana or marijuana products.
5. **“DISPENSARY”** means a facility where cannabis, cannabis products, or devices for the use of cannabis or cannabis products are offered, either individually or in any combination, for retail sale, including an establishment that delivers cannabis and cannabis products as part of a retail sale.
6. **“DISTRIBUTION”** means the procurement, sale, and transport of marijuana and marijuana products between entities for commercial use purposes.
7. **“LICENSEE”** means the holder of any state issued license related to marijuana activities, including but not limited to licenses issued under Division 10 of the Business and Professions Code.
8. **“MANUFACTURE”** means to compound, blend, extract, infuse, or otherwise make or prepare a marijuana product.
9. **“MARIJUANA”** means all parts of the plant *Cannabis sativa* L, whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin. It does not include:
 - a. Industrial hemp, as defined in Section 11018.5 of the California Health and Safety Code; or
 - b. The weight of any other ingredient combined with marijuana to prepare topical or oral administrations, food, drink, or other product,

10. **“MARIJUANA ACCESSORIES”** means any equipment, products or materials of any kind which are used, intended for use, or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, smoking, vaporizing, or containing marijuana, or for ingesting, inhaling, or otherwise introducing marijuana or marijuana products into the human body.
11. **“MARIJUANA PRODUCTS”** means marijuana that has undergone a process whereby the plant material has been transformed into a concentrate, including, but not limited to, concentrated cannabis, or an edible or topical product containing marijuana or concentrated cannabis and other ingredients.
12. **“MARIJUANA TESTING LABORATORY”** means a facility, entity, or site that offers or performs tests of marijuana or marijuana products.
13. **“PERSON”** includes any individual, firm, co-partnership, joint venture, association, corporation, limited liability company, estate, trust, business trust, receiver, syndicate, or any other group or combination acting as a unit, and the plural as well as the singular.
14. **“PRIVATE RESIDENCE”** means a house, an apartment unit, a mobile home, or other similar dwelling.
15. **“SALE”** includes any transaction whereby, for any consideration, title to marijuana is transferred from one person to another, and includes the delivery of marijuana or marijuana products pursuant to an order placed for the purchase of the same and soliciting or receiving an order for the same, but does not include the return of marijuana or marijuana products by a licensee to the licensee from whom such marijuana or marijuana product was purchased.

“MASSAGE” shall mean the scientific manipulation of the soft tissues, including but not limited to any method of treating any of the external parts of the body for remedial, health or hygienic purposes by means, including but not limited to, rubbing, stroking, pressuring, acupressuring, kneading, tapping, pounding, vibrating or stimulating with the hands, feet, elbows or any other part of the body, with or without the aid of any instrument or device and with or without such supplementary aids as rubbing alcohol, liniment, antiseptic, oil, powder, cream, lotion, ointment, or other similar preparations commonly used in this practice, under such circumstances that it is reasonably expected that the person to whom the treatment is provided or some third person on his or her behalf will pay money or give any other consideration or any gratuity therefor.

“MASSAGE ESTABLISHMENT” shall mean a fixed location where massage is performed for compensation.

“MASSAGE ESTABLISHMENT, ACCESSORY” shall mean an establishment that provides massage which is incidental to the primary business, where the owner of the primary business is responsible for the massage services and conduct of the massage technician(s) employed at the location.

“MEAN HIGH TIDELINE” is the statistical mean of all the high tides over the cyclical period of 18.6 years, and shall be determined by reference to the records and elevations of tidal benchmarks established by the National Ocean Survey. In areas where observations covering a period of 18.6 years are not available, a determination may be made based on observations covering a shorter period, provided they are corrected to mean value by comparison with observations made at some suitably located control tide station. (Reference Title 14 California Code of Regulations Section 13577(c)(1).)

“MEAN HIGH WATER” means the 19-year average of all high water heights (if the tide is either semidiurnal or mixed) or the higher high water heights if the tide is diurnal. For diurnal tides high water and higher high water are the same.

“MEAN LOW WATER” means the 19-year average of all low water heights (if the tide is either semidiurnal or mixed) or the lower low water heights if the tide is diurnal. For diurnal tides low water and lower low water are the same.

“MEAN SEA LEVEL” is the 19-year average height of the surface of the sea for all stages of the tide, usually determined from hourly height readings.

“MINOR EXTERIOR ALTERATION” means an alteration to the exterior finish, architectural details, and building materials of a structure. Examples include, but are not limited to: changing building materials, colors and finishes; replacing wood or metal windows with vinyl windows (for non-historic structures only), installing doors and windows in new openings (for non-historic structures only); and modifying the color and type of railings.

“MICROBREWERY” means a small scale brewery operation that typically is dedicated solely to the prosecution of specialty beers; may have restaurant or pub on the same property; has limited production (up to 15,000 barrels a year); with bottling devices only to transfer beer into individual kegs; and may have a tasting room.

“MITIGATION” means:

1. Avoiding the impact altogether by not taking a certain action or parts of an action.
2. Minimizing impacts by limiting the degree or magnitude of the action and its implementation.
3. Rectifying the impact by repairing, rehabilitating, or restoring the impacted environment.
4. Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action.
5. Compensating for the impact by replacing or providing substitute resources or environments.

“MITIGATION MEASURES” means the measures imposed on a project to avoid, minimize, eliminate, or compensate for potentially significant, adverse impacts to the environment.

“**MIXED-USE**” unless indicated otherwise within specific chapters or sections of this title, mixed-use shall mean a mix of both nonresidential and residential uses, either within the same zone or project.

“**MOBILE HOME**” means a structure which is transportable in one or more sections, designed and equipped to contain not more than two dwelling units, to be used with or without a foundation system. Mobile home does not include a recreational vehicle, commercial coach, or factory-built housing.

“**MOBILE HOME PARK**” means any area or tract of land where one or more mobile home spaces are rented or leased out for rent or lease to accommodate mobile homes, manufactured homes, or travel trailers used for human habitation for 30 days or longer.

“**MONITORING**” means the systematic collection of physical, biological, or economic data or a combination of these data in order to inform decisions regarding project operation or to evaluate project performance.

“**MOTEL**” means a building or group of buildings on the same parcel containing six or more short-term lodging units having no cooking facilities, a majority of which have individual entrances from the outside. Similar to Hotels, a Motel is subject to SCMC Chapter 3.24, Transient Occupancy Tax.

N

“**NATIVE VEGETATION**” means vegetation composed of plants which originated, in the Southern Orange County coastal region and were not introduced directly or indirectly by humans (e.g., not exotic or invasive). Native vegetation includes, but is not limited to: wetland vegetation, native grasslands, coastal/inland sage scrub, and oak and riparian woodlands.

“**NATURAL AREAS**” undeveloped areas that may contain both native and non-native vegetation.

“**NGVD (NATIONAL GEODETIC VERTICAL DATUM OF 1929)**” is a fixed reference for elevations, equivalent to the 1929 Mean Sea Level Datum. The geodetic is fixed and does not take into account the changing stands of sea level.

“**NONCONFORMING USE AND STRUCTURES**”

1. “**ACCIDENT**” means an event that damages or destroys property and/or development, including, but not limited to: earthquakes, fires, floods, other natural disasters, social conflict, and acts of war or other actions not taken by a property owner. Events shall be excluded from being "accidents" if they are illegally or voluntarily caused by a property owner. Termite, mold, or other pest damage is considered an accident.
2. “**ADDITION**” means an increase in the floor area of a nonconforming structure.

3. **“INTERIOR ADDITION”** means an addition that is not visible on the exterior of a structure, does not move exterior walls, and/or is entirely below the grade of a project site (e.g., loft additions, crawlspace conversions, basement additions).
4. **“INTERIOR ALTERATION”** means an alteration that is not made to the exterior materials, finish, design, size, shape, massing, location, configuration, or other exterior characteristics of structures.
5. **“MINOR EXTERIOR ALTERATION”** means an alteration to the exterior finish, architectural details, and building materials of nonconforming structures, excluding alterations to the structural frame of exterior walls and roofs. Examples of minor architectural alteration projects include but are not limited to: changing building materials, changing colors and finishes of materials; replacing wood/aluminum windows for vinyl windows, installing doors and windows in new openings; and modifying the color and type of guardrails.
6. **“MAJOR ALTERATION”** See definition of “Major Remodel.”
7. **“NONCONFORMING ACCESSORY STRUCTURE”** See definitions of “Nonconforming Structure” and “Structure, Accessory”.
8. **“NONCONFORMING BUILDING”** See definitions of “Nonconforming Structure”, “Building, Primary”, and “Building, Accessory.”
9. **“NON-CONFORMING STRUCTURE”** means a structure that was lawfully erected, but which does not currently conform with the property development regulations prescribed in the regulations for the district in which the structure is located by reason of adoption or amendment of this code or by reason of annexation of territory to the City or by natural changes to the landscape or landform such as erosion.
10. **“NON-CONFORMING USE”** means a use of a structure or land that was lawfully established and maintained according to land use requirements that were in effect when the use was initiated, but which does not currently conform with the use regulations or required conditions for the district in which it is located. Any of the following criteria apply:
 - a. The use is not consistent with the purpose and intent of the zoning district in which the use is located.
 - b. The use is specifically prohibited or is not identified and interpreted to be a permitted or conditionally permitted use of the zoning district in which the use is located.
 - c. The use does not provide the number of parking spaces required.
 - d. The use does not have an entitlement required to establish the existing use.
11. **“REPAIR”** means the refinishing, restoring, reinstalling, or replacing building materials to maintain a structure. Repairs exclude the replacement of: accident damage, the structural frame of exterior walls or roofs, and accessory structures. Examples of repair projects include, but are not limited to: replacing siding, replacing existing paint colors and exterior finishes, replacing

drywall or stucco on exterior walls; and replacing roof tiles, roof sheathing, and roof weather proofing.

12. **“REPLACEMENT”** means the act of partially or entirely reconstructing or rebuilding a structure to the condition that existed before construction work is initiated or a structure is damaged by an accident.
13. **“REPLACEMENT COST”** means the value of work to replace a structure according to current City and State of California policies, codes, and guidelines.
14. **“RESIDENTIAL ACCESSORY BUILDING”** means an Accessory Building for a residential Principal Use. Also, refer to the definitions of "Building, Accessory" and “Principal Use.”
15. **“STRUCTURAL FRAME”** means structural members that are integral to resisting lateral forces and or horizontal or vertical loads, including but not limited to: joists, beams, studs, blocks, and headers.

“NONINVASIVE” means a plant that does not invade a habitat to the detriment of native species.

“NOURISHMENT” means the process of replenishing or enlarging a beach. It may be brought about naturally by longshore transport of sand or artificially by the deposition of dredged or opportunistically available upland materials.

O

“OFFICE, MEDICAL” “Medical office” means a facility where medical services, and managerial, administrative, and clerical functions relating to medicine, are conducted. Medical office include: chiropractors, chiropractors, dentists, clinical service uses (defined in this section), optometrists, osteopaths, physicians, psychologists, surgeons, and other uses which the decision-making body determines are of a medical nature and similar. Medical office does not include group-counseling uses (defined in this section).

“OFFICE, PROFESSIONAL” “Professional office” means a location where the managerial, administrative, professional and clerical functions of a business or industry are conducted. Professional offices include: accountants, architects, attorneys, designers, drafting services, engineers, financial planners, insurance agents, real estate brokers, stockbrokers, and other uses which the decision-making body determines are similar and of a professional nature.

“OFFICE, VETERINARY” “Veterinary office” means a place where animals are given medical or surgical treatment by a duly licensed veterinarian and are cared for during the time of such treatment. Use as a kennel shall be limited to short-time boarding and shall be only incidental to such hospital use.

“OPEN AREA, USABLE RESIDENTIAL” “Usable residential open area” means outdoor or unenclosed area on the ground or on a balcony, deck, porch, terrace or similar structure designed and

accessible for outdoor living, recreation, pedestrian access or landscaping. Usable open area does not include parking facilities, driveways, utility or service areas, any required front or street side yard slopes greater than 10 percent, any space with a dimension of less than six feet in any direction or an area of less than 60 square feet.

“OPEN SPACE” means land that will remain essentially undeveloped (with the exception of permitted and conditionally permitted uses associated with individual zones) and provide for the preservation of environmental and aesthetic resources including topographical features, the protection of life and property from environmental hazards, and passive and active recreational opportunities for both the residents of and visitors to San Clemente. Passive recreational activities, which can include hiking, swimming and surfing, require little permanent alteration of open-space areas. Active recreational activities, which can include basketball, tennis and golf, require more extensive permanent alteration of open-space areas and can include both indoor and outdoor recreational facilities, such as a recreation center, public pier, basketball courts and golf courses.

“ORIGINAL GRADE” means the grade of a property that existed before the ground was disturbed or development occurred.

“OTD (OFFER TO DEDICATE)” is a document, recorded against the title to a property, which is an offer to dedicate to the people of the State of California an easement or use restriction over the property or a portion of the property. An OTD may allow for specific public access-oriented uses in or of the area of the property involved (for example, allowing the public to walk across the area). The OTD conveys an easement in perpetuity only upon its acceptance on behalf of the people by a public agency or by a nonprofit private entity subject to the approval of the Executive Director of the Coastal Commission.

“OUTDOOR DINING AREA” means for the purpose of standards within this title, an area for dining which is not located within an enclosed structure and where patrons may consume food and/or beverages provided by an abutting restaurant. Such restaurants may either provide table service in the outdoor dining area or sell take-out items to be consumed in the outdoor dining area. “Enclosed” may be defined differently by building and fire codes. Please refer to the Building Division and the Orange County Fire Authority for building permit and safety requirements.

“OUTDOOR DISPLAY AREA” means any permanently maintained outdoor area used for the display of merchandise intended for on-premises sale.

“OUTDOOR DISPLAY, PERMANENT” “Permanent outdoor display” means outdoor display which does not comply with the temporary use provisions in Section 17.28.300, Temporary Uses and Structures, of this Implementation Plan or have not received approval of a Special Events Permit.

“OVERLAY DISTRICT” signifies an area or site with distinct characteristics, requiring special development standards or guidelines beyond those for the underlying zoning designation. These

designations are to be used along with underlying land-use designations, such as residential, commercial, mixed-use, and open-space designations, also established in Chapter 18.60 Overlay Districts and Standards, of this Implementation Plan, for the purpose of adding special regulations.

P

“PARCEL” means a lot or plot of land owned meant to divide property or ownership.

“PASSIVE RECREATIONAL AREA” means areas used primarily for uses such as open quiet areas, walking/hiking paths, stationary benches, picnic facilities and hiking and riding trails, and does not include recreational sports or playing fields such as those listed in “Active Recreational Area.”

“PEDESTRIAN-ORIENTED SPACE” means commercial floor area in a building at street level of a site that meets either of the following criteria:

1. The commercial space has a wall that is contiguous with the front property line.
2. The entrance to commercial space is located within 15 feet of the front property line.

“PERMIT” means any license, certificate, approval, or other entitlement for use granted or denied by any public agency. (Reference California Public Resources Code Section 30110.)

“PERMIT AND APPEAL JURISDICTION MAP” means a map depicting those areas where the Coastal Commission retains original jurisdiction and permitting authority, areas under local government permit authority, and areas where the local government’s permit action may be appealed to the Coastal Commission. Also referred to in the LCP Post Certification Map.

“PERSON” means an individual, organization, partnership, limited liability company, or other business association or corporation, including a utility, and a Federal, State, local government, or special district or agency.

“PIER” means any fixed or floating structure for securing vessels, loading or unloading persons or property, or providing access to or over the water. A pier includes wharf, dock, slip or float, or any other landing facility and floating dry dock.

“PLATE LINE” The top of the highest horizontal framing member or solid wall of a building or structure or part thereof, upon which roof beams or ceiling rafters rest. Features excluded from measurement under this definition shall include gable ends, sloping roofs, parapet walls and other vertical extensions which are normally controlled by limits on roof height as set forth in the LUP and IP.

“PRIMARY BUILDING” means a building within which the principal use or principal occupancy of a lot is conducted.

“PRINCIPAL USE” means the primary use on a property based on gross floor area occupied by the use.

“PRIVATE STORAGE, URBAN” means a controlled-access commercial storage facility located at the basement level of a commercial or mixed-use building and providing rental space to tenants who secure their individual storage areas with their own lock and key. Such facilities are restricted by the standards outlined in [Section 17.28](#), Special Uses, of the SCMC.

“PROJECT” means an enterprise involving the development, structural modification, or redevelopment of commercial, industrial, mixed-use, residential, or other properties.

“PUBLIC ACCESS” means the ability of the public to pass to and from the ocean, harbor, bay, channels, estuaries, salt marshes, sloughs, coastal bluff tops, and coastal recreation areas and trails.

“PUBLIC BENEFIT” means project elements that exceed standards mandated by the IP and other City documents and provide a physical or aesthetic benefit to the public. Additional public benefit might include: public parking spaces exceeding the number required for the project, public art and other types of public amenities or exemplary design features. Public benefit shall be evaluated through the discretionary review process.

“PUBLIC RIGHT-OF-WAY, or ROW” means the improved or unimproved surface or subsurface of any public street, or similar public way of any nature, dedicated or improved for vehicular, bicycle, and/or pedestrian related use. The ROW includes public streets, roads, lanes, alleys, sidewalks, medians, parkways, public utility easements, and landscaped lots.

“PUBLIC TRUST LANDS” shall be defined as all lands subject to the Common Law Public Trust for commerce, navigation, fisheries, recreation, and other public purposes. Public Trust Lands include tidelands, submerged lands, the beds of navigable lakes and rivers, and historic tidelands and submerged lands that are presently filled or reclaimed and which were subject to the Public Trust at any time. (Reference Title 14 California Code of Regulations Section 13577(f).)

“PUBLIC VIEW CORRIDOR” (also, **“DESIGNATED PUBLIC VIEW CORRIDOR”**) A view from a public right-of-way, public-owned facility, other publicly-available use area, or public-owned easement which is specifically designated in LUP Figure 6-2-A, Figure 6-2-B and Figure 6-1, or by newly added by permit conditions. Public View Corridors provide and which provides the public at large with views of the Pacific Ocean, shoreline, coastal ridgelines, coastal canyons, coastal bluffs or other designated scenic and visual resources. Approximate boundaries of a view corridor are identified using a motorist's, cyclist's or pedestrian's line of vision and are typically defined or framed by landforms, structures and vegetation.

“PUBLIC WORKS” means:

1. All production, storage, transmission, and recovery facilities for water, sewerage, telephone, and other similar utilities owned or operated by any public agency or by any utility subject to the jurisdiction of the California Public Utilities Commission, except for energy facilities;
2. All public transportation facilities, including streets, roads, highways, mass transit facilities and stations and bridges, trolley wires, public parking lots and structures, ports, harbors, airports, railroads, and other related facilities;
3. All publicly financed recreational facilities and projects of the State Coastal Conservancy and any development by a special district; and
4. All community college facilities (Reference California Public Resources Code Section 30114).

R

“RECOMMEND” means that the review authority makes a recommendation to the decision making body.

“RECREATIONAL USES” means activities, including golf, tennis, swimming, trails, or other outdoor sports or recreation, operated predominantly in the open, including incidental enclosed services or facilities.

“RECYCLING FACILITY” includes the following definitions:

1. **“COLLECTION FACILITY”** means a center for the acceptance by donation, redemption or purchase of recyclable materials from the public. Such a facility does not use power-driven processing equipment except. Collection facilities may include reverse vending machines, small collection facilities and large collection facilities.
2. **“COLLECTION FACILITY, LARGE.”** Large collection facility means a collection facility which may occupy an area of more than 500 square feet and may include permanent structures.
3. **“COLLECTION FACILITY, SMALL.”** Small collection facility means a collection facility which occupies an area of not more than 500 square feet, and may include:
 - a. A mobile unit;
 - b. Bulk reverse vending machines or a grouping of reverse vending machines occupying more than 50 square feet;
 - c. Kiosk-type units which may include permanent structures;
 - d. Unattended containers placed for the donation of recyclable materials.
4. **“PROCESSING FACILITY”** means a building or enclosed space used for the collection and processing of recyclable materials. Processing means the preparation of material for efficient shipment, or to an end-user's specifications, by such means as baling, briquetting, compacting,

flattening, grinding, crushing, mechanical sorting, shredding, cleaning, and remanufacturing. Processing facilities include light processing facilities and heavy processing facilities.

5. **“PROCESSING FACILITY, CERTIFIED.”** Certified processing facility means a processing facility certified by the California Department of Conservation as meeting the requirements of the California Beverage Container Recycling and Litter Reduction Act of 1986.
6. **“PROCESSING FACILITY, HEAVY.”** Heavy processing facility means any processing facility other than a light processing facility.
7. **“PROCESSING FACILITY, LIGHT.”** Light processing facility means a processing facility which occupies an area of under 45,000 square feet of gross collection, processing and storage area and has up to an average of two outbound truck shipments per weekday. Light processing facilities are limited to baling, briquetting, crushing, compacting, grinding, shredding and sorting of source-separated recyclable materials and repairing of reusable materials sufficient to qualify as a certified processing facility. A light processing facility shall not shred, compact, or bale ferrous metals other than food and beverage containers.
8. **“RECYCLABLE MATERIAL”** means reusable material including but not limited to metals, glass, plastic and paper, which are intended for reuse, remanufacture or reconstitution for the purpose of using the altered form. Recyclable material may include used motor oil collected and transported in accordance with Sections 25250.11 and 25143.2(b) (4) of the California Health and Safety Code. Recyclable material does not include refuse or hazardous materials.
9. **“RECYCLING FACILITY”** means a center for collection and/or processing of recyclable materials. Recycling facilities include “collection facilities” and “processing facilities. “A recycling facility does not include storage containers or processing activities located on the premises of a residential, commercial or manufacturing use and used solely for the recycling of material generated by that residential property, business or manufacturer.
10. **“RECYCLING FACILITY, CERTIFIED.”** Certified recycling facility means a recycling facility certified by the California Department of Conservation as meeting the requirements of the California Beverage Container Recycling and Litter Reduction Act of 1986.
11. **“RECYCLING UNIT, MOBILE.”** Mobile recycling unit means an automobile, truck, trailer or van, licensed by the Department of Motor Vehicles, which is used for the collection of recyclable materials. A mobile recycling unit also means the bins, boxes or containers transported by trucks, vans or trailers, and used for the collection of recyclable materials.
12. **“REVERSE VENDING MACHINE”** means an automated mechanical device which accepts at least one or more types of empty beverage containers including, but not limited to, aluminum cans, glass and plastic bottles, and issues a cash refund or a redeemable credit slip with a value not less than the container's redemption value as determined by the State. A reverse vending machine may sort and process containers mechanically, provided that the entire process is enclosed within the machine. In order to accept and temporarily store all three container types

in a proportion commensurate with their relative redemption rates, and to meet the requirements of certification as a recycling facility, multiple grouping of reverse vending machines may be necessary.

- a. A “bulk reverse vending machine” is a reverse vending machine that is larger than 50 square feet; is designed to accept more than one container at a time; and will pay by weight instead of by container.

“REDEVELOPMENT” see **“MAJOR REMODEL”**

“RENTER” when used in reference to an STLU (including a STAR) or boarding house, means a person that rents or occupies a lodging unit and who is authorized to sleep and stay there overnight.

“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.”

“RESTAURANTS” means an establishment which prepares and sells foods and/or beverages for immediate consumption, including but not limited to, dining rooms, cafés, cafeterias, coffee shops, and pizza parlors.

1. **“DRIVE-IN”** means an establishment that delivers prepared food and/or beverages to customers in motor vehicles, regardless of whether or not it also serves prepared food and/or beverages to customers who are not in motor vehicles, for consumption either on or off the premises.
2. **“DRIVE-THRU”** means a restaurant which includes one or more drive-through lanes for the ordering and receipt of foods and/or beverages by patrons remaining in their vehicles.
3. **“FAST FOOD”** means an establishment that offers quick food service, which is accomplished through a limited menu of items already prepared and held for service, or prepared, fried or grilled quickly, or heated in a device such as a microwave oven. Orders are generally not taken at the customer's table, and food is generally served in disposable wrapping or containers for consumption either on or off the premises.

“RETAINING WALL” Retaining Walls, the following definitions shall apply:

1. **“FINISHED GRADE”** means the level of the ground surface adjacent to a retaining wall above the footing. For purposes of measuring the height of a retaining wall, finished grade shall include concrete flatwork, earth berming, dirt, sod, or similar ground cover.
2. **“FOOTING”** means that portion of a foundation of a structure which transmits loads directly to the soil.
3. **“GUARDRAIL”** means the structural materials required on or adjacent to a retaining wall which exceeds 30 inches in height for the purposes of minimizing the possibility of an

accidental fall from the higher level to the lower level. Structural materials, for the purpose of this definition, shall include, but not be limited to, glass panel, open wood picket, and open wrought iron.

4. **“GUARDRAIL, OPEN”** means a guardrail constructed from open materials, such as glass panel, open wood picket and open wrought iron.
5. **“PILASTER”** means a column which provides lateral support for walls, fences, and guardrails.
6. **“RETAINING WALL”** means any structural device constructed from metal, brick, block, concrete, or similar material which forms a physical barrier that is designed to resist the lateral displacement of soil or similar material. Retaining walls higher than 30 inches in height require a Building Permit.

“REVERSE VENDING MACHINE” means an automated mechanical device which accepts at least one or more types of empty beverage containers including, but not limited to, aluminum cans, glass and plastic bottles, and issues a cash refund or a redeemable credit slip with a value not less than the container's redemption value as determined by the State. A reverse vending machine may sort and process containers mechanically, provided that the entire process is enclosed within the machine. In order to accept and temporarily store all three container types in a proportion commensurate with their relative redemption rates, and to meet the requirements of certification as a recycling facility, multiple grouping of reverse vending machines may be necessary.

“REVTMENT” is a type of shoreline protective device typically consisting of a sloped retaining wall; a facing of stone, concrete, blocks, rip-rap, etc. built to protect an embankment, bluff, or development against erosion by wave action and currents. This includes both engineered revetments as well as non-engineered revetments.

“REVIEW AUTHORITY” means the City Planner, Community Development Director, City Council, Planning Commission, Zoning Administrator, or California Coastal Commission, as applicable, having the responsibility to review and act upon a CDP application.

“RIGHT-OF-WAY” means an area of land acquired by reservation, dedication, prescription, or condemnation for public road, crosswalk, pedestrian walkway, railroad, electric transmission lines, oil or gas pipeline, water line, sanitary or storm sewer, or other similar uses.

“RIPARIAN VEGETATION” means an environment associated with native plant communities which require high soil moisture conditions maintained by transported fresh water in excess of that otherwise available through local precipitation.

“RIPRAP” means a type of shoreline protective device consisting of a protective layer or facing of rock, concrete blocks or quarry stone, placed to prevent erosion, scour, or sloughing of an embankment or bluff or to protect development (See “Armor Rock”).

S

“SATELLITE ANTENNAS” Satellite Antennas. For purposes of [the IP Section 17.28.080](#), Antennas, Satellites, of Title 17, the following definitions shall apply:

1. **“FLAT PAD AREA”** means that portion of any property which is less than a five percent grade and abuts the foundation of the main structure on the property.
2. **“GRADE LEVEL”** means the level of the grade existing on the date the application for the satellite antenna is submitted.
3. **“SATELLITE ANTENNA”** means any antenna dishes, electronic devices or other equipment used to receive and/or transmit signals from orbiting communication satellites. For other types of antennas, please see “antenna.”
4. **“SCREENING”** means the placement of walls, fences, landscaping and any other approved material in such a manner so as to obscure the satellite antenna from public view to the greatest extent feasible providing, however, screening shall not significantly interfere with the reception of unencoded satellite signals or impose costs which are excessive in light of the purchase and installation cost of the satellite antenna. Satellite antennas which appear as patio umbrellas need not be screened.
5. **“SUPPORTING STRUCTURES”** means poles, masts, bases, guy wires, eyelets, and any and all other appurtenances to satellite antennas whether used to anchor the antenna, enhance reception or any other use whatsoever.

“SCENIC CORRIDOR” or **“SCENIC ROADWAYS”** A linear segment of major or minor streets. Scenic corridors are designated to: 1) identify scenic highways and local arterials, 2) describe significant visual linkages between the resources and amenities of San Clemente, and 3) establish objective design and landscaping criteria to maintain quality visual experiences along such corridors through appropriate landscaping, enhancement and protection of public views. “Major” and “Minor” scenic corridors shall correspond to the Master Landscape Plan for Scenic Corridor’s definitions of “Major Urban/Recreation Corridor” and “Minor Urban/Recreation Corridor,” respectively.

“SCHOOL” means an institution of learning for minors, whether public or private, which offers instruction in those courses of study required by the California Education Code or which is maintained pursuant to standards set by the State Board of Education. This definition includes a nursery school, kindergarten, elementary school, junior high school, senior high school or any special institution of education, but it does not include a vocational or professional institution of higher education, including a community or junior college, college or university.

“SEA LEVEL RISE / SEA LEVEL CHANGE” Sea level can change, both globally and locally, due to changes in the shape of the ocean basins, changes in the total mass of water due to thermal expansion, changes in water density, and other factors. Factors leading to sea level rise under global warming

include both increases in the total mass of water from the melting of land-based snow and ice, and changes in water density from an increase in ocean water temperatures and salinity changes. Relative sea level rise occurs where there is a local increase in the level of the ocean as measured over time at established/representative local tidal gauges relative to the land, which might be due to ocean rise and/or land level subsidence.

“SEA” means the Pacific Ocean and all harbors, bays, channels, estuaries, salt marshes, sloughs, and other areas subject to tidal action through any connection with the Pacific Ocean, excluding nonestuarine rivers, streams, tributaries, creeks, and flood-control and drainage channels (Reference California Public Resources Code Section 30115.).

“SEAWALL” is a type of shoreline protective device consisting of a structure separating land and water areas, primarily designed to prevent erosion and other damage to the shoreline and existing development due to wave action. It is usually a vertical wood or concrete wall as opposed to a sloped revetment.

“SECOND RESIDENTIAL UNIT” See “Accessory Dwelling Unit.”

“SEDIMENT” means grains of soil, sand, or rock that have been transported from one location and deposited at another.

“SENIOR HOUSING” means housing for senior citizens that are qualified residents per criteria defined in State of California Civil Code and the Federal Housing Act, as may be amended from time to time. People qualified to reside in senior housing projects, per State and Federal statutes, include:

1. Persons 62 years of age or older;
2. Persons 55 years of age or older in a senior citizen housing development as defined by California Civil Code;
3. Qualified Permanent Residents as defined by California Civil Code; and
4. Permitted Health Care Residents as defined by California Civil Code.

“SERVICE STATION” means any premises where vehicle-related gasoline and other fuel products are sold and/or light maintenance activities such as engine 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.

“SETBACK” means the required distance that a building, structure, parking, or other designated element must be located from a lot line or boundary, such as a coastal bluff or coastal canyon edge.

“SHORE” means the strip of land in immediate contact with the sea, including the zone between high and low water. A shore of unconsolidated material is usually called a beach.

“SHORELINE PROTECTIVE DEVICE” includes any type of shoreline armoring or protective structures, such as seawalls, revetments, riprap, breakwaters, groins, bluff protective devices, deep piers/caissons, bulkheads, or other structures built for the purpose of protecting land or structures against sea level rise, coastal hazards, and erosional forces.

“SHORT TERM” means for a period of 29 or fewer consecutive calendar days. When applied to lodging, “short-term” refers to the duration of occupancy.

“SHORT-TERM APARTMENT RENTAL” or **“STAR”** means a type of STLU that is a multi-family-dwelling structure on a single parcel, under single ownership, where some or all individual units are rented as STLUs and where the STAR owner being a person that holds legal or equitable title to the property lives on-site in one of the other units not being rented short term. STAR does not include an STLU in a multi-family-dwelling structure where the units are under multiple separate ownerships, such as a condominium development, unless the STAR owner owns all the units in the structure and on the parcel and resides in one of the other units not being rented short term. Multi-family-dwelling structures containing six or more STARS or STLUs, whether under individual or separate ownership for the purposes of this title, are considered “hotels” or “motels.”

“SHORT-TERM LODGING UNIT” or **“STLU”** means any lodging unit that is occupied or intended or designed to be occupied on a short-term basis other than a hotel, motel, or bed-and-breakfast inn and in accordance with Section 18.20.160, is limited to a single rental contract. Among other things, “STLU” includes (1) a STAR, which is subject to special regulations specified in [Section 18.20.160](#) of this title, and (2) home-exchanges where homeowners temporarily occupy one another's property simultaneously during the same short-term period without rent or other exchange of money more than once in any 12-month period.

“SIGN” means any card, cloth, paper, metal, painted, wooden or other medium affixed or applied on or to the ground, tree, wall, fence, building, structure, figure, person, animal, or similar object which is used or intended to be used to attract attention to the subject matter for advertising, directional or informational purposes.

“SIGNIFICANT ENVIRONMENTAL IMPACT (SIGNIFICANT ADVERSE IMPACT ON THE ENVIRONMENT)” means a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project, including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance. An economic or social change by itself shall not be considered a significant effect on the environment. A social or economic change related to a physical change may be considered in determining whether the physical change is significant. (CEQA Guidelines, 14 California Code of Regulations Section 15382.)

“SINGLE HOUSEKEEPING UNIT” means that the residents of a dwelling unit satisfy the following criteria:

1. They have established ties and familiarity and interact with each other.
2. Membership in the single housekeeping unit is fairly stable as opposed to transient or temporary.
3. They share meals, household activities, expenses, and responsibilities.
4. All adult residents have chosen to jointly occupy the entire premises of the dwelling unit, and they each have access to all common areas.
5. If the dwelling unit is rented, all adult residents are named on and party to a single written lease that gives them each joint use and responsibility for the premises.
6. Membership of the household is determined by the residents not by a landlord, property manager, or other third party.
7. The residential activities of the household are conducted on a nonprofit basis.
8. They do not have separate entrances nor do they have separate food-storage facilities, such as separate refrigerators or food-prep areas.

“SITE” means a lot or adjoining lots under single ownership or single control, considered as a unit for the purposes of development or other use.

“SKIRT WALL” is material used to enclose or partially enclose the area under a building or structure crawlspace or raised floor which serves as a protective or decorative feature.

“SLAB FOUNDATION” a foundation type that supports a building on a layer of steel reinforced concrete.

“SPECIALTY HOSPITAL” means any facility place, or building that is maintained and operated exclusively to provide 24-hour paid in-patient services for the specialized treatment and recovery of chronic health or mental health conditions or elective procedures or treatments. Services provided may include, but are not limited to, food service nutrition counseling acupuncture, massage fitness and physical therapy, and pharmaceutical and medical attention. This type of facility is distinct from an acute care general hospital and from a residential use where these services are occasional or otherwise incidental to a primarily residential occupancy.

“SPECIFIC PLAN” means a detailed plan for the development of a specific area. Specific plans are a significant tool to implement the General Plan. A specific plan documents the proposed distribution, location, extent and intensity of major components of public and private transportation, sewage, water, drainage, solid waste disposal, energy, parks and other essential facilities proposed to be located within or needed to support the land uses described in the plan, as well as implementation and financing methods and added benefits to the City as a whole.

“SPHERE OF INFLUENCE (SOI)” The probable, ultimate physical boundaries and service area of the City, as determined by the Local Agency Formation Commission (LAFCO) of the County.

“STACKED PARKING” Stacked parking is a method of parking that takes advantage of aisle space and a mechanical lift within designated parking facilities to double-park vehicles without disrupting traffic circulation.

“STANDALONE EMERGENCY DEPARTMENT” means a medical facility that satisfies each of the following criteria:

1. The emergency department shall operate under the consolidated license of a general acute care hospital and meet all of the requirements imposed under that license, including being within 15 miles of its parent hospital.
2. The emergency department shall be a conversion from a previously existing acute care campus and may not be a newly developed freestanding emergency department.
3. The emergency department shall be open 24 hours a day, 365 days a year.
4. The emergency department shall be staffed by at least one board-certified emergency physician at all times.
5. The emergency department shall be staffed with properly trained emergency room nurses and meet the minimum staffing requirements for emergency departments in this state.
6. The emergency department shall have a complete range of laboratory and diagnostic radiology services, including a complete array of laboratory test, basic X-ray, computerized tomography (CT) scan, and ultrasound capabilities.
7. The emergency department shall meet the specialty call requirements, as defined by the Orange County Emergency Medical Services Agency, under its consolidated license.
8. The emergency department shall have transfer agreements with specialty centers, such as trauma, burn, and pediatric centers, to meet the needs of the injury or patient population served in the community.
9. The emergency department shall have the capabilities to stabilize patients with emergency medical conditions and to transport them to its parent hospital or other higher level of care facilities in a safe and timely manner, consistent with the standards of care in the local communities.
10. The emergency department shall have a fully functioning transport program with a proven track record of safely transporting patients who require admission to its parent hospital or other higher level of care and specialty services facilities, such as trauma, burn, and pediatric facilities.
11. All applicable federal and state regulatory requirements shall be met under the consolidated license of a general acute care hospital, including all applicable regulations of the Centers for Medicare and Medicaid Services and Title 22 of the California Code of Regulations.

“STAND ALONE RESIDENTIAL” means the use of a lot or joined lots exclusively for residential and residential ancillary purposes.

“STEM WALL” is a supporting structure that joins the foundation of a building with the vertical walls constructed on the foundation.

“STEPBACK” means a vertical offset on a building wall, usually from one story to another.

“STORM SURGE” A rise above normal water level on the open coast due to the action of wind stress on the water surface. Storm surge resulting from a winter storm or hurricane also includes the rise in water level due to atmospheric pressure reduction as well as that due to wind stress.

“STORY” means that portion of a building included between the surface of any floor and the surface of the floor above it. If there is no floor above the surface floor, then a story shall be the space between the surface of a floor and the ceiling above it.

“STREAM” means a natural watercourse that either permanently or ephemerally has water running through the bank and shall be field verified and generally defined as the watershed and relatively permanent elevation or upward slope at the outer line of the stream channel which separates the bed from the adjacent upland, whether valley or hill, and serves to confine the water within the bed and to preserve the course of the stream. In areas where the stream has no discernible bank, the boundary shall be measured from the line closest to the stream where riparian vegetation is permanently established.

“STREET FRONTAGE” means that portion of a business, building or site fronting on a public street.

“STRINGLINE” means in a developed area where new construction is generally infill and is otherwise consistent with the policies of the LUP, no part of a proposed new structure, including decks, shall be built closer to a bluff edge, canyon edge or beach-front than a line drawn between the nearest adjacent corners of the adjacent structures for a structural stringline and to the nearest corner of an accessory structure for an accessory stringline.

“STRUCTURE, ACCESSORY, ATTACHED” An “accessory structure” shall be considered “attached” when it is structurally a part of a building or structure or similar development, either accessory or primary, that requires foundation, footing, or comparable construction below grade ensuring the structure’s stability.

“STRUCTURE, ACCESSORY” An Accessory Structure means a structure that is incidental to the primary building on a site. The classification includes fences, walls, decks, landings, swimming pools, outdoor fireplaces, patios, platforms, porches and terraces and similar minor structures other than buildings.

“STRUCTURE, PRIMARY” See definition of “Primary Building.”

“STRUCTURE” means any physical construction, including but not limited to, any building, road, pipe, flume, conduit, siphon, aqueduct, telephone line, and electrical power transmission and distribution line (Reference California Public Resources Code Section 30106.).

“SUBDIVISION” means the division by any subdivider of any unit or units of improved or unimproved land, or any portion thereof, shown on the latest equalized county assessment roll as a unit or as contiguous units, for the purpose of sale, lease or financing, whether immediate or future. Property shall be considered as contiguous units even if it is separated by roads, streets, utility easement or railroad rights-of-way. See Section 15.76.190 (Standards for subdivisions) of the SCMC.

“SUBMERGED LANDS” means lands that lie below the line of mean low tide (Reference Title 14 California Code of Regulations Section 13577(e).).

“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.”

T

“TEMPORARY EVENT” is an activity or use that constitutes development as defined in Section 30106 of the Coastal Act, but which is an activity or function which is or will be of limited duration and may involve the placement of non-permanent structures, such as but not limited to bleachers, vendor tents/canopies, portable toilets, stages, film sets; and/or involves the use of sandy beach, parkland, filled tidelands, water, streets, or parking areas which are otherwise open and available for general public use.

“TIDE” means the periodic rising and falling of the water that results from gravitational attraction of the moon and sun, and other astronomical bodies, acting upon the rotating earth. The California coast has a mixed tidal occurrence, with two daily high tides of different elevations and two daily low tides, also of different elevations. Other tidal regimes are diurnal tides, with only one high and one low tide daily, and semidiurnal, with two high and two low tides daily, with comparatively little daily inequality between each high or each low tide level.

“TIDELANDS” means lands which are located between the lines of mean high tide and mean low tide. (Reference Title 14 California Code of Regulations Section 13577(d)).

“TIMESHARE” Any arrangement, plan, or similar program, other than an exchange program, whereby a purchaser receives ownership rights in or the right to use accommodations, commonly in vacation or recreation properties, for a period of time less than a full year during any given year, on a recurring basis from more than one year, but not necessarily for consecutive years.

“TOE” means the lowest part of a slope.

“TRANSITIONAL HOUSING” as defined by Government Code Section 65582(j) means buildings configured as rental housing developments, but operated under program requirements that require the termination of assistance and recirculating of the assisted unit to another eligible program recipient at a predetermined future point in time that shall be no less than six months from the beginning of the

assistance. Transitional housing may take various forms. See, e.g., “Single housekeeping unit” and “Boarding house.”

“TREATMENT CONTROL BEST MANAGEMENT PRACTICES” are structural systems designed to remove pollutants from runoff by processes such as gravity settling of particulate pollutants, filtration, biological uptake, media absorption or any other physical, biological or chemical process. Examples include vegetated swales, detention basins, and storm drain inlet filters.

“TRIPLEX” means a multifamily dwelling containing three dwelling units.

U

“UNIVERSAL ACCESS” Access for people with disabilities, or special needs, or enabling access through the use of assistive technology.

“USE, ABANDONED” “Abandoned use” means a use wholly discontinued for any reason, except pursuant to a valid order of a court of law, for a period of one year.

“USE, ALTERATIONS OF” means any change of use, intensification of use, or any other situation where there is an increase in the required parking caused by reasons other than the creation or addition of square feet of development.

V

“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 repair.

“VEHICLE PARTS STORES” means retail sales of vehicle-related parts with no on site installation of parts or other vehicle services.

“VEHICLE RENTAL” means a place of business limited to an office use and engaged in renting vehicles.

“VEHICLE REPAIR, MAJOR” means establishments which provide major repair and maintenance related to motor vehicles. Typical uses would include, but not be limited to, auto-body repair shops, auto glass shops, automotive painting shops, customizing shops, engine rebuilding, transmission shops, and upholstery shops.

“VEHICLE REPAIR, MINOR” means establishments which provide routine care and maintenance related to motor vehicles. Typical uses would include, but not be limited to, brake shops, tire stores, muffler shops, alignment shops, detail shops, radiator shops, stereo installation shops, and tune-up services and oil and lubrication services.

“VEHICLE SALES” means a business, other than a vehicle dealership, engaged solely in buying and selling used vehicles.

“VEHICLE SERVICE AND REPAIR-RELATED FACILITIES” means uses which service or repair vehicles, including car washes, minor and major vehicle repair facilities, and other similar uses. Vehicle dealerships (with strictly sales and no service and repair facilities), service stations, and vehicle parts/accessories retailers are not, for the purposes of this title, considered vehicle service and repair-related facilities.

“VEHICLE, OVERSIZED” means a vehicle which exceeds any of the following dimensions: 20 feet in length, nine feet in height, or seven feet in width.

“VERNAL POOLS” are seasonal depressional wetlands that occur under the Mediterranean climate conditions of the California coast and in glaciated areas of northeastern and mid-western states. They are covered by shallow water for variable periods of time from winter to spring, but may be completely dry for most of the summer and fall (EPA 2015). These wetlands range in size from small puddles to shallow lakes and are usually found in a gently sloping plain of grassland. Western vernal pools are sometimes connected to each other by small drainages known as vernal swales, forming complexes.

“VERTICAL ACCESS” means an area of land providing a connection between the first public roadway or use area nearest the sea and the publicly-owned tidelands, beach or established lateral accessway which may be used for public access pass and repass, passive recreational use, or as otherwise designated in the LUP and this IP.

“VISITOR ACCOMMODATIONS” means overnight uses intended for visitors such as hotel, hostel, motel, bed and breakfast inn, campground, recreational vehicle park, short-term lodging, and timeshare facilities.

“VISITOR SERVING LAND USE” means visitor serving commercial and/or recreational land uses or facilities designed to enhance public opportunities for coastal recreation and generally includes but is not limited to beach areas, parks, hotels, motels, restaurants, music venues, entertainment attractions and specialty/artisan retail commercial uses.

W

“WATERSHED” means a drainage basin defined by high points and ridges that is drained by a river and its connecting tributaries into a common outlet. A watershed may, and often does, cover a very large geographical region.

“WAVE” means a ridge, deformation, or undulation of the surface of a liquid. On the ocean, most waves are generated by wind and are often referred to as wind waves. Waves are characterized by length, amplitude, and speed.

“WETLAND” means lands within the Coastal Zone which may be covered periodically or permanently with shallow water and include saltwater marshes, freshwater marshes, open or closed brackish water marshes, swamps, mudflats, and fens (see Public Resources Code section 30121). Wetlands are lands transitional between terrestrial and aquatic systems where the water table is usually at, near, or above the land surface long enough to promote the formation of hydric soils or the land is covered by shallow water. For purposes of this classification, wetlands must have one or more of the following attributes:

1. The substrate is predominantly undrained hydric soil; or
2. At least periodically, the land supports predominantly hydrophytes; or
3. The substrate is non-soil and is saturated with water or covered by shallow water at some time during the growing season of each year. (Reference Title 14 California Code of Regulations Section 13577(b).)

“WETLAND BUFFER” measurements for wetland buffers are as follows:

1. Measure 100 feet landward from the upland limit of the wetland. Wetland shall be defined as land where the water table is at, near, or above the land surface long enough to promote the formation of hydric soils or to support the growth of hydrophytes, and shall also include those types of wetlands where vegetation is lacking and soil is poorly developed or absent as a result of frequent and drastic fluctuations of surface water levels, wave action, water flow, turbidity or high concentrations of salts or other substances in the substrate. Such wetlands can be recognized by the presence of surface water or saturated substrate at some time during each year and their location within, or adjacent to, vegetated wetlands or deep-water habitats. For purposes of this section, the upland limit of a wetland shall be defined as:
 - a. the boundary between land with predominantly hydrophytic cover and land with predominantly mesophytic or xerophytic cover;
 - b. the boundary between soil that is predominantly hydric and soil that is predominantly nonhydric; or
 - c. in the case of wetlands without vegetation or soils, the boundary between land that is flooded or saturated at some time during years of normal precipitation, and land that is not.
2. For the purposes of this section, the term “wetland” shall not include wetland habitat created by the presence of and associated with agricultural ponds and reservoirs where:
 - a. the pond or reservoir was in fact constructed by a farmer or rancher for agricultural purposes; and
 - b. there is no evidence (e.g., aerial photographs, historical survey, etc.) showing that wetland habitat pre-dated the existence of the pond or reservoir. Areas with drained

hydric soils that are no longer capable of supporting hydrophytes shall not be considered wetlands.

“WITHOUT PREJUDICE” means an applicant can resubmit an application and fee for the same project without waiting one year to resubmit.

“WINE TASTING” means the sale or offering of wine for sampling on the premises of establishments in which wine and wine-related products are primarily available for off-site sale, distribution, and consumption.

Y

“YARD”

1. **“FRONT YARD”** means an area extending across the full width of the lot between the front lot line and a structural setback line parallel to the front lot line.
2. **“INTERIOR SIDE YARD”** means an area extending from the required front yard to the required rear yard and from the interior side lot line to a structural setback line parallel to the side lot line. Where there is no required front and/or rear yard, the interior side yard shall be measured from the required front lot line and/or rear lot line, respectively.
3. **“REAR YARD”** means an area extending across the full width of the lot between the rear lot line and a setback line parallel to the rear lot line.
4. **“STREET SIDE YARD”** means an area extending from the required front yard to the rear lot line and from the street-side lot line to a structural setback line parallel to the street-side lot line. Where there is no required front and/or rear yard, the street side yard shall be measured from the front lot line and/or rear lot line, respectively.

Z

“ZONE” means a portion of the City within which certain uses of land and buildings are permitted or prohibited and within which certain development standards are established as set forth and specified in this title.

PART 6 MAPS AND FIGURES

CHAPTER 18.88 - MAPS AND FIGURES



Legend

Capistrano Shores Mobile Home Park



Figure 18.88.010

Deferred Certification Area Per the LUP

Scale: 1:10,000

0 430 860 Feet





Figure 18.88.020

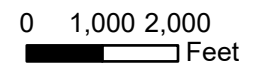
Existing Categorical Exclusion Order E-82-01

Legend

- Categorical Exclusion Order Area Properties
- Properties outside Categorical Exclusion Areas
- Coastal Zone boundary



Scale: 1:30,500



18.88.030 Placeholder for future Post-LCP Certification and Appealable Areas

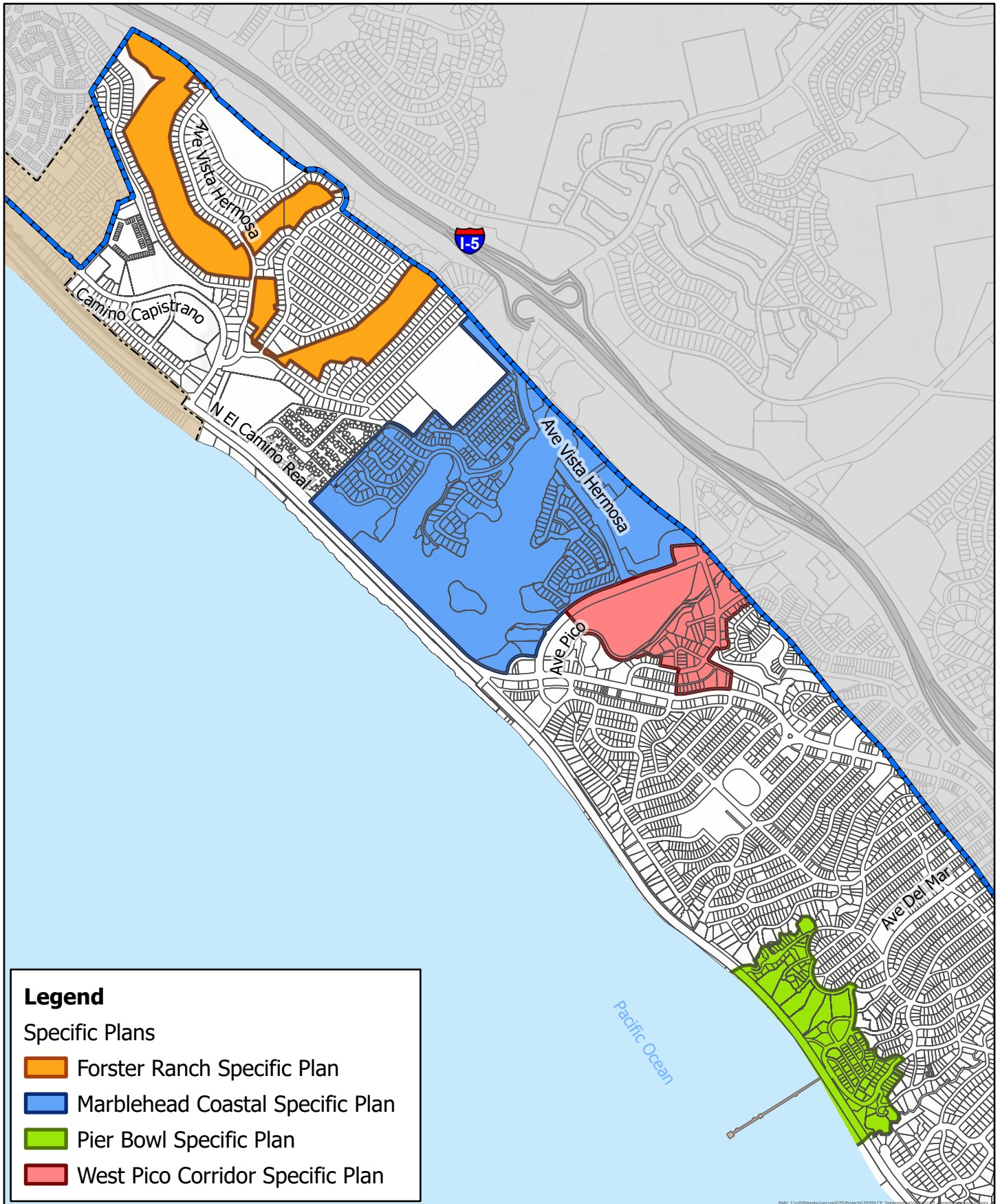


Figure 18.88.040

Specific Plan Boundaries

Local Coastal Program - Implementation Plan

Scale: 1:19,000

0 500 1,000
Feet



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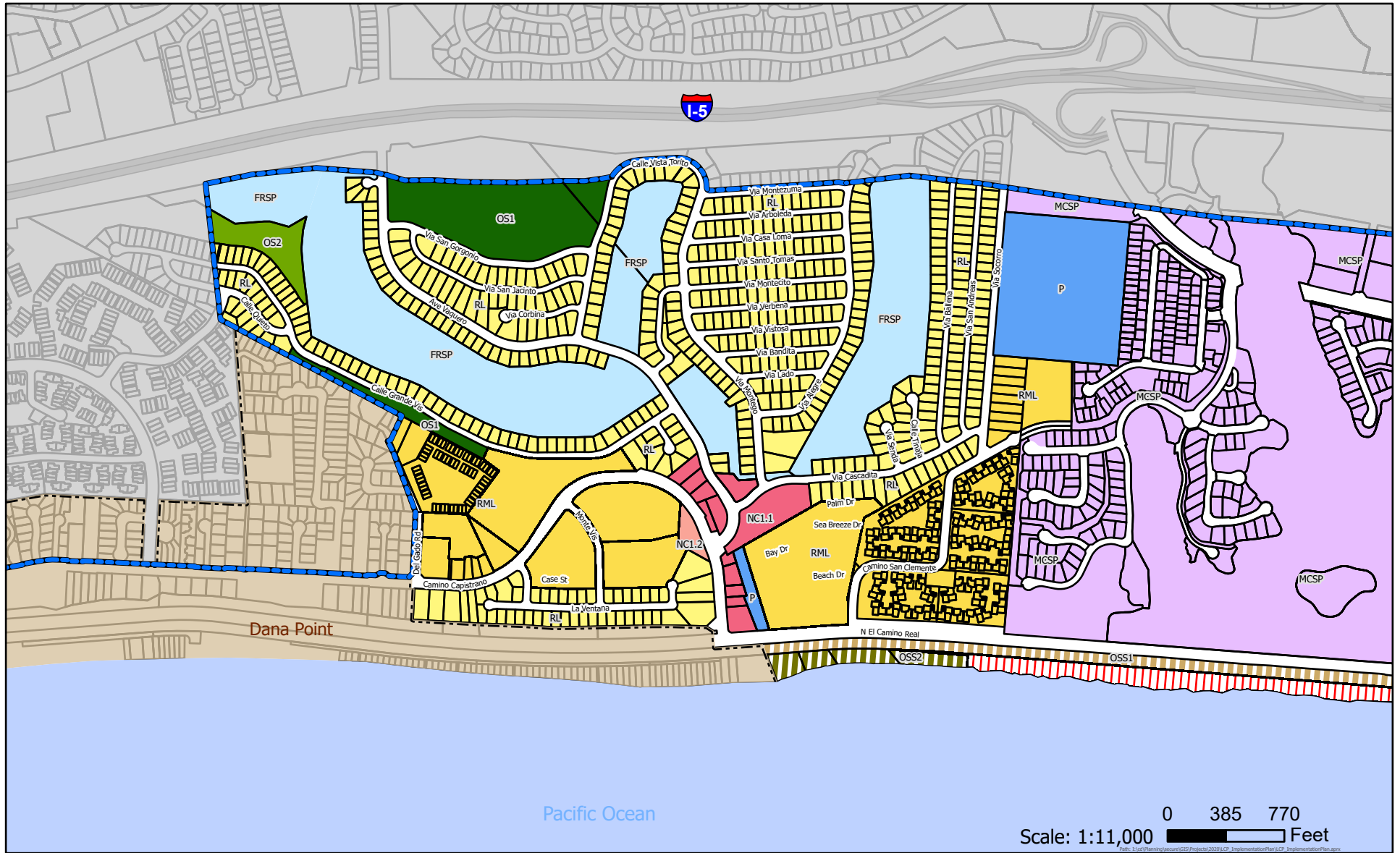


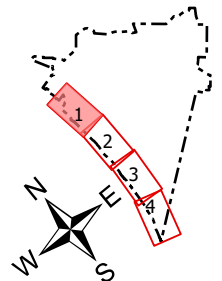
Figure 18.88.050
Zoning Districts

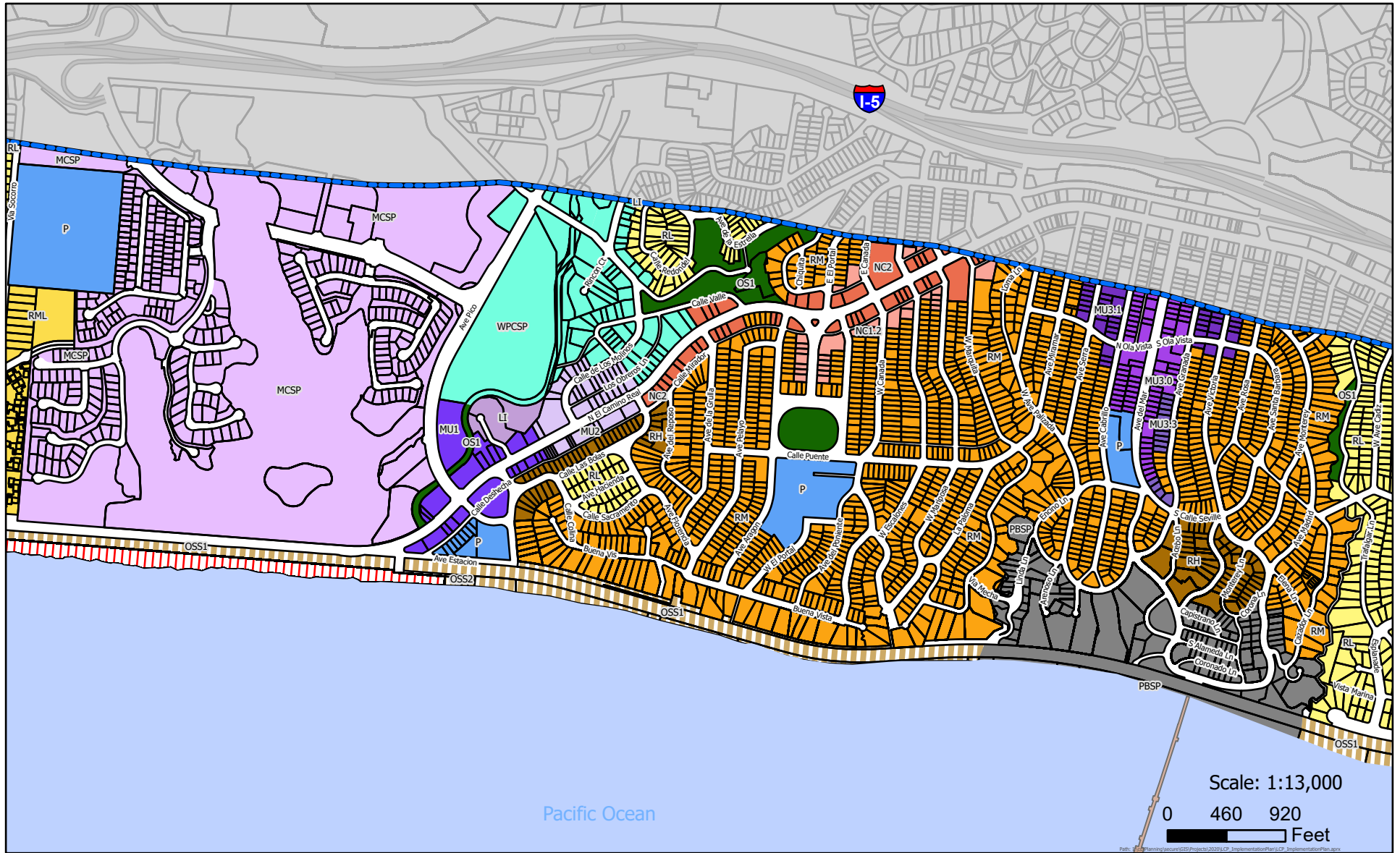
Legend

- Coastal Zone boundary
- Deferred Certification Area
- Zoning Districts
- RL - Residential Low Density

- RML - Residential Medium Low Density
- P - Public
- OS1 - Open Space Public
- OS2 - Open Space Private
- OSS1 - Public Shoreline
- OSS2 - Private Shoreline

- NC1.1 - Neighborhood Commercial 1.1
- NC1.2 - Neighborhood Commercial 1.2
- FRSP - Forster Ranch Specific Plan
- MCSP - Marblehead Coastal Specific Plan





Legend






















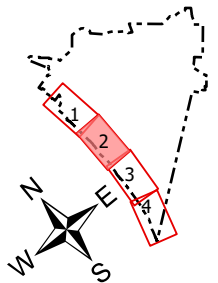
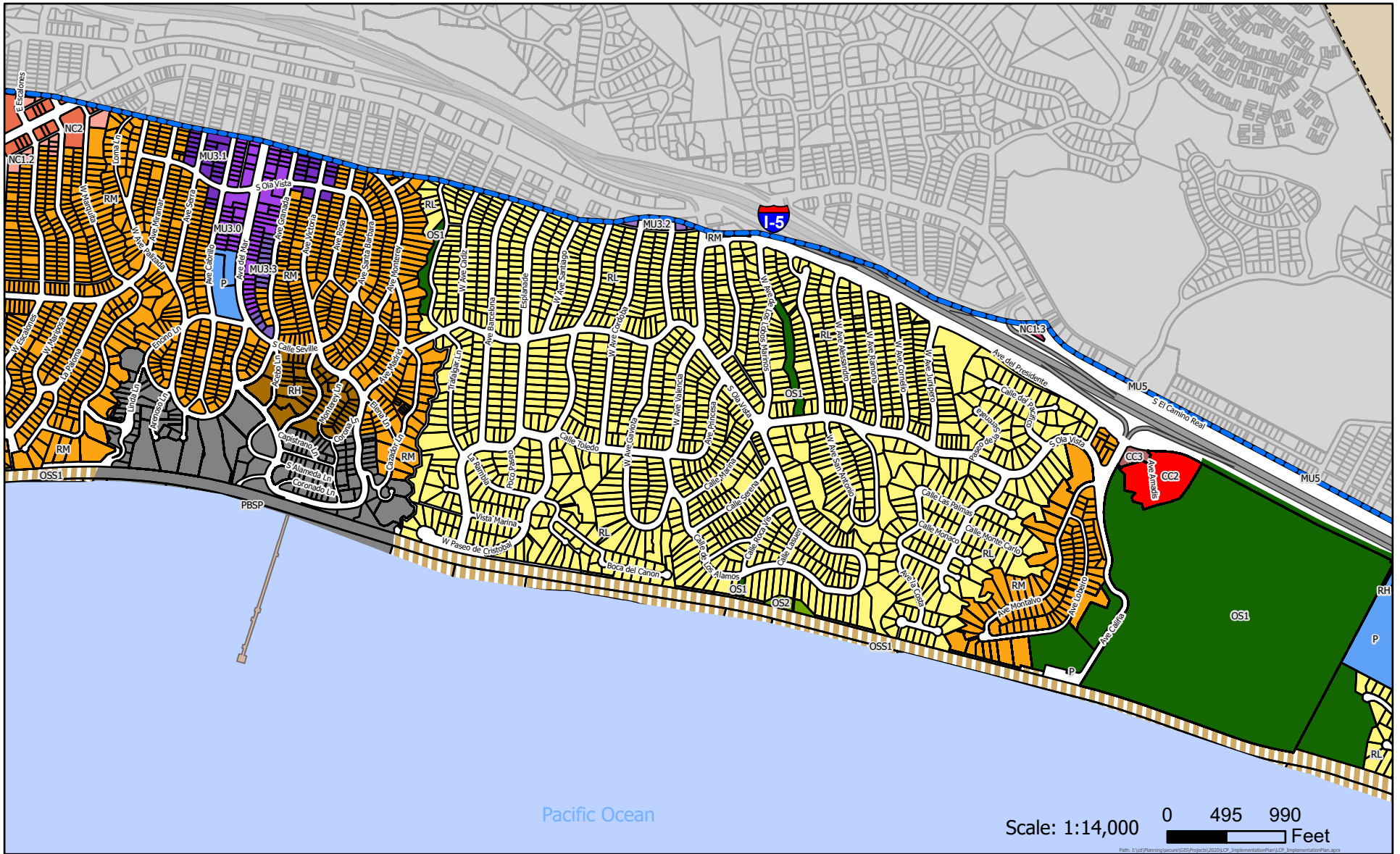
-  Coastal Zone boundary
-  Deferred Certification Area
- Zoning Districts**
-  RL - Residential Low Density
-  RML - Residential Medium Low Density
-  RM - Residential Medium Density
-  RH - Residential High Density
-  LI - Light Industrial
-  MU1 - Mixed Use 1
-  MU2 - Mixed Use 2
-  MU3.0 - Mixed Use 3.0
-  MU3.1 - Mixed Use 3.1
-  MU3.3 - Mixed Use 3.3
-  P - Public
-  OS1 - Open Space Public
-  OSS1 - Public Shoreline
-  OSS2 - Private Shoreline
-  NC1.2 - Neighborhood Commercial 1.2
-  NC2 - Neighborhood Commercial 2
-  MCSP - Marblehead Coastal Specific Plan
-  PBSP - Pier Bowl Specific Plan
-  WPCSP - West Pico Corridor Specific Plan



Figure 18.88.050
Zoning Districts

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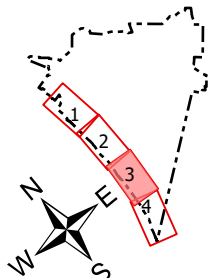
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Legend

- Coastal Zone boundary
- Zoning Districts
- RL - Residential Low Density
- RM - Residential Medium Density
- RH - Residential High Density
- MU3.0 - Mixed Use 3.0
- MU3.1 - Mixed Use 3.1
- MU3.2 - Mixed Use 3.2
- MU3.3 - Mixed Use 3.3
- MU5 - Mixed Use 5
- P - Public
- OS1 - Open Space Public
- OS2 - Open Space Private
- OSS1 - Public Shoreline
- CC2 - Community Commercial 2
- CC3 - Community Commercial 3
- NC1.2 - Neighborhood Commercial 1.2
- NC1.3 - Neighborhood Commercial 1.3
- NC2 - Neighborhood Commercial 2
- PBSP - Pier Bowl Specific Plan



Figure 18.88.050
Zoning Districts



Local Coastal Program - Implementation Plan



Legend

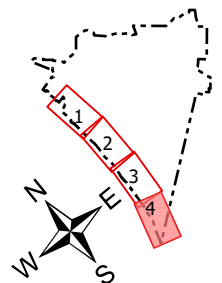
- Coastal Zone boundary
- Zoning Districts**
- RL - Residential Low Density
- RM - Residential Medium Density
- RH - Residential High Density
- MU5 - Mixed Use 5
- P - Public
- OS1 - Open Space Public
- OS2 - Open Space Private
- OSS1 - Public Shoreline
- OSS2 - Private Shoreline
- CC2 - Community Commercial 2
- CC3 - Community Commercial 3
- NC1.3 - Neighborhood Commercial 1.3

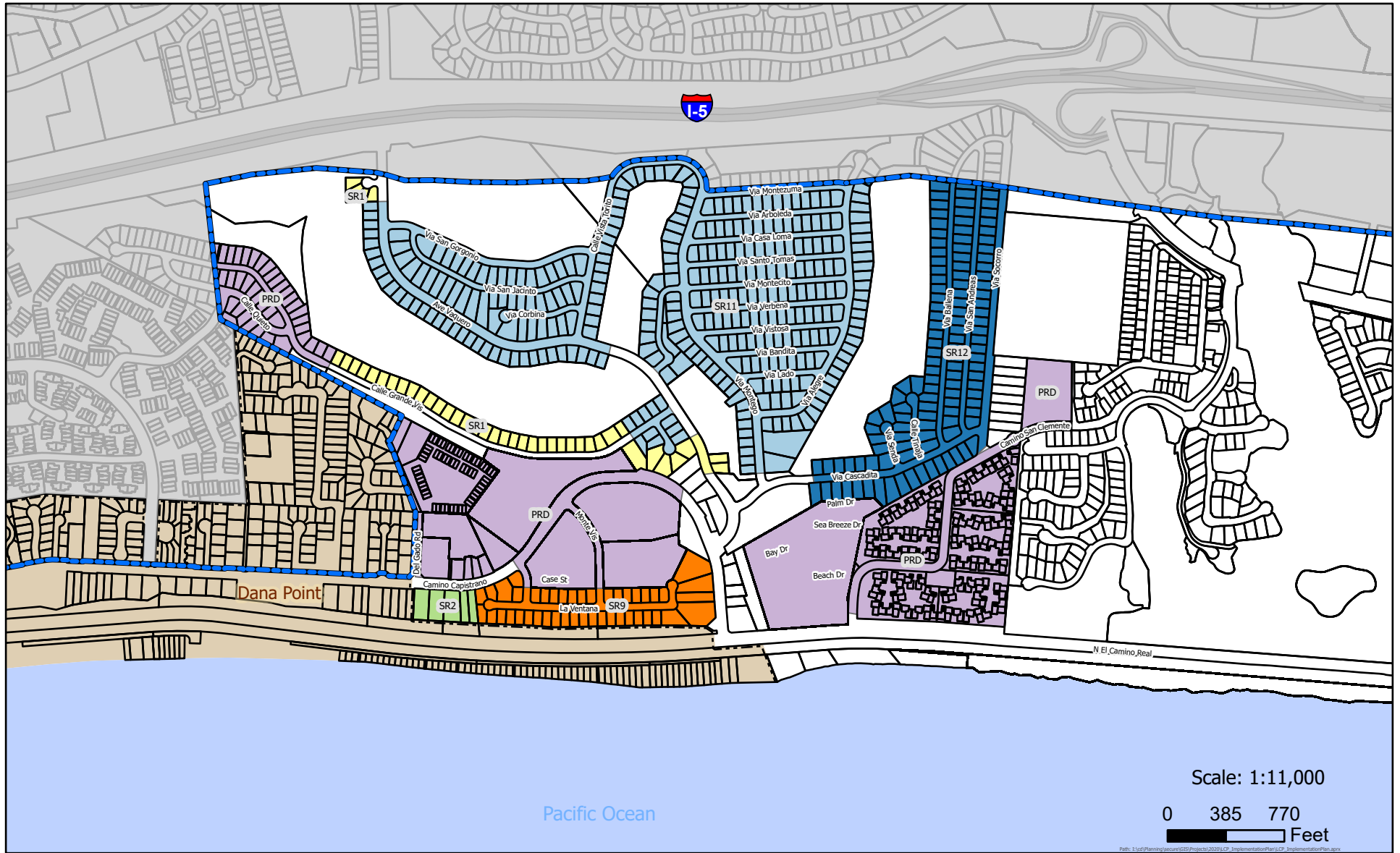


Figure 18.88.050

Zoning Districts

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Legend








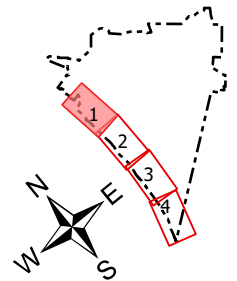
-  Coastal Zone boundary
- Overlays**
-  (PRD) Planned Residential Development
-  (SR1) Special Residential Development 1
-  (SR11) Special Residential Development 11
-  (SR12) Special Residential Development 12
-  (SR2) Special Residential Development 2
-  (SR9) Special Residential Development 9



Figure 18.88.060
Zoning Overlays

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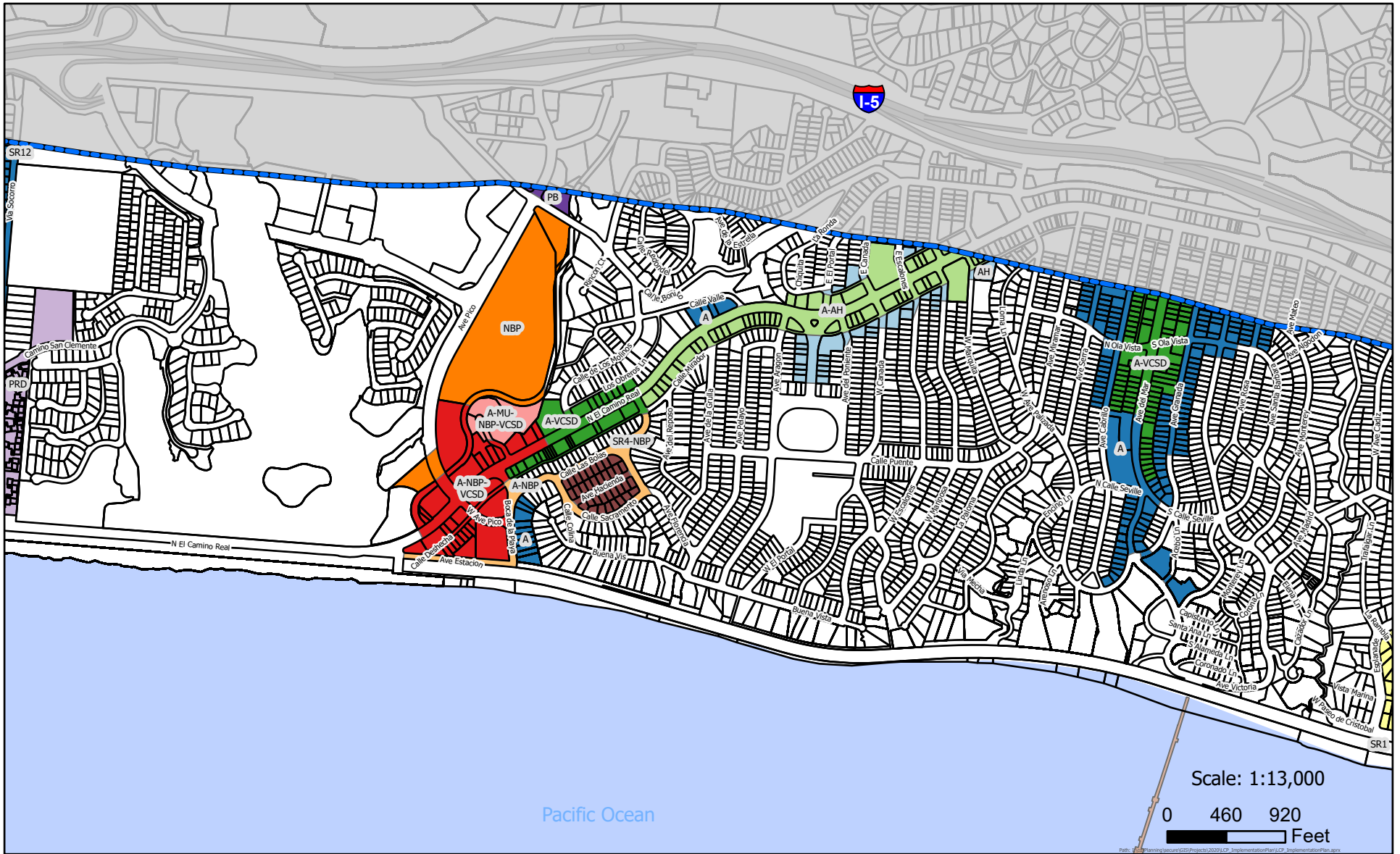














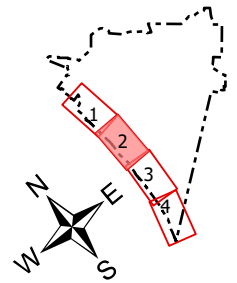


Figure 18.88.060
Zoning Overlays

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Legend

-  Coastal Zone boundary
- Overlays**
-  Affordable Housing (AH)
-  (A) Architectural
-  (A-AH) Architectural, Affordable Housing
-  (A-VCSD) Architectural, Visitor Serving Commercial District
-  (A-MU-NBP-VCSD) Architectural, Mixed Use, North Beach Parking, Visitor Serving Commercial District
-  (A-NBP-VCSD) Architectural, North Beach Parking, Visitor Serving Commercial District
-  (A-NBP) Architectural, North Beach Parking
-  (NBP) North Beach Parking
-  (PRD) Planned Residential Development
-  (PB) Professional Business
-  (SR1) Special Residential Development 1
-  (SR12) Special Residential Development 12
-  (NBP-SR4) North Beach Parking, Special Residential Development 4



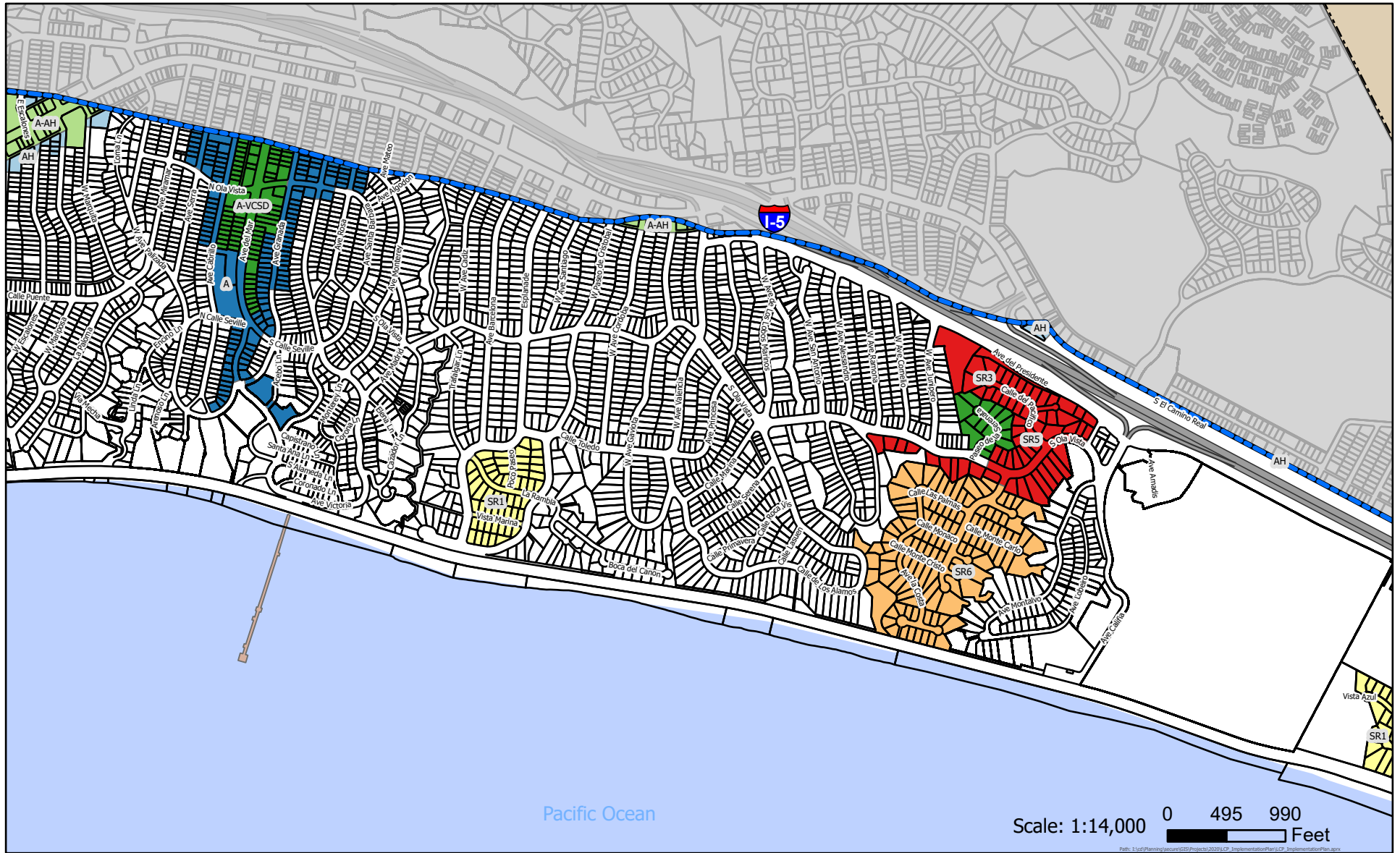
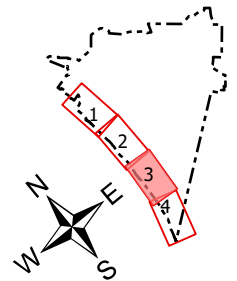


Figure 18.88.060
Zoning Overlays

Legend

- Coastal Zone boundary
- Overlays**
- Affordable Housing (AH)
- (A) Architectural
- (A-AH) Architectural, Affordable Housing
- (A-VCSD) Architectural, Visitor Serving Commercial District
- (SR1) Special Residential Development 1
- (SR3) Special Residential Development 3
- (SR5) Special Residential Development 5
- (SR6) Special Residential Development 6



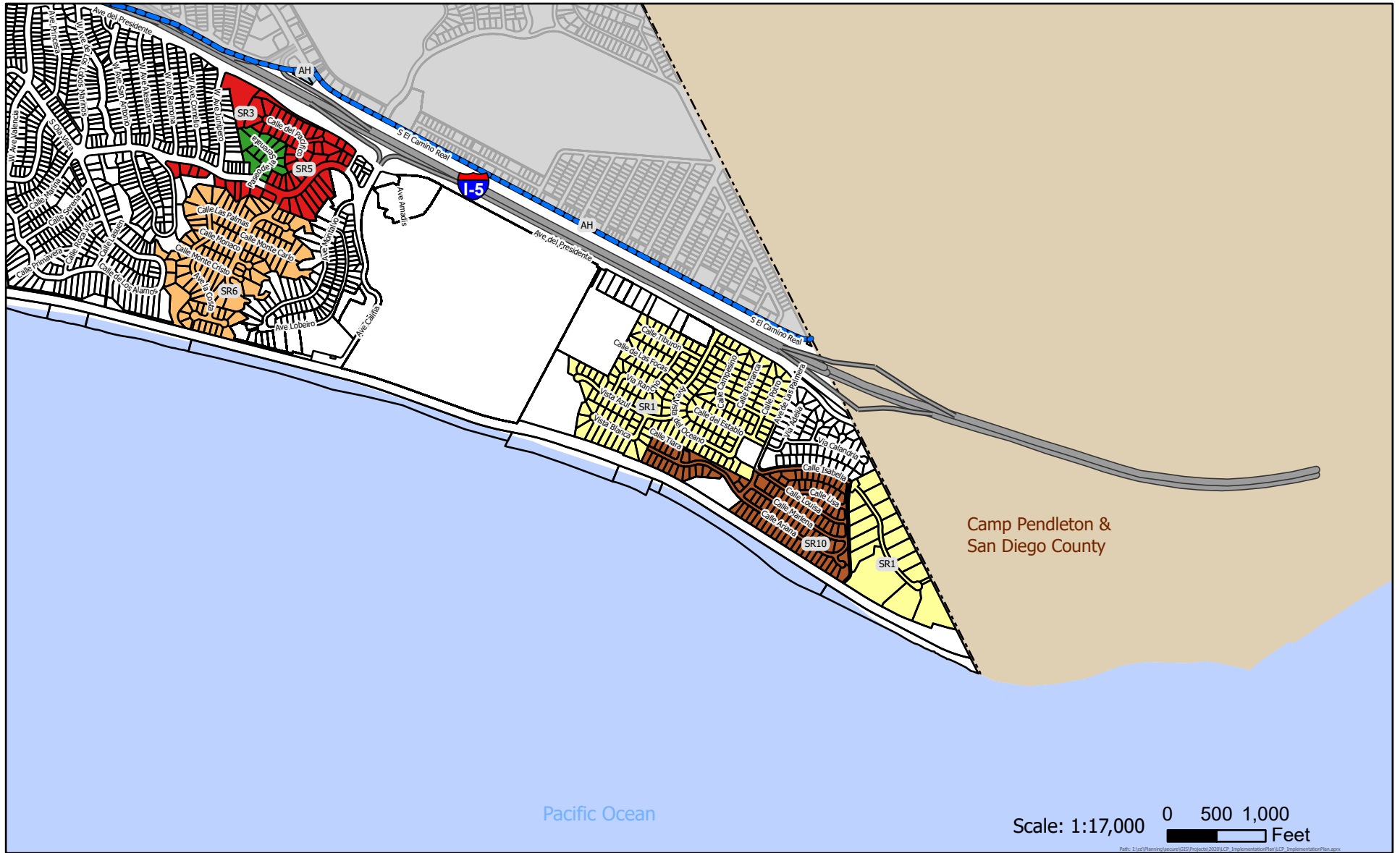







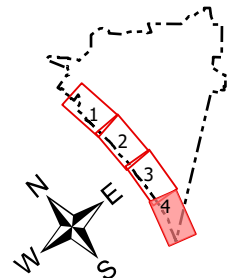


Figure 18.88.060
**Zoning
Overlays**

Legend

-  Coastal Zone boundary
-  Affordable Housing (AH)
-  (SR1) Special Residential Development 1
-  (SR3) Special Residential Development 3
-  (SR5) Special Residential Development 5
-  (SR6) Special Residential Development 6
-  (SR10) Special Residential Development 10



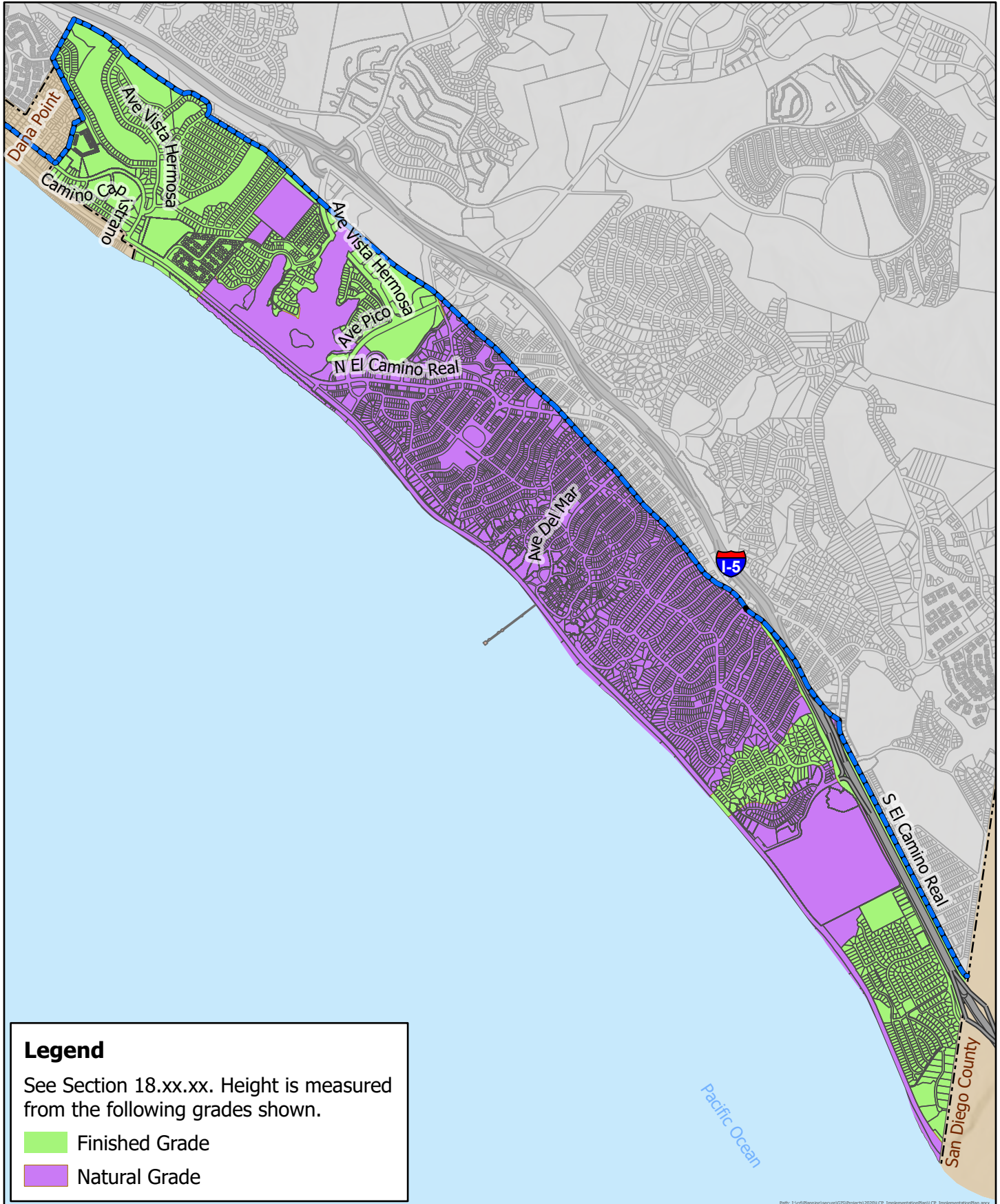


Figure 18.88.070

Height Measurement Grade

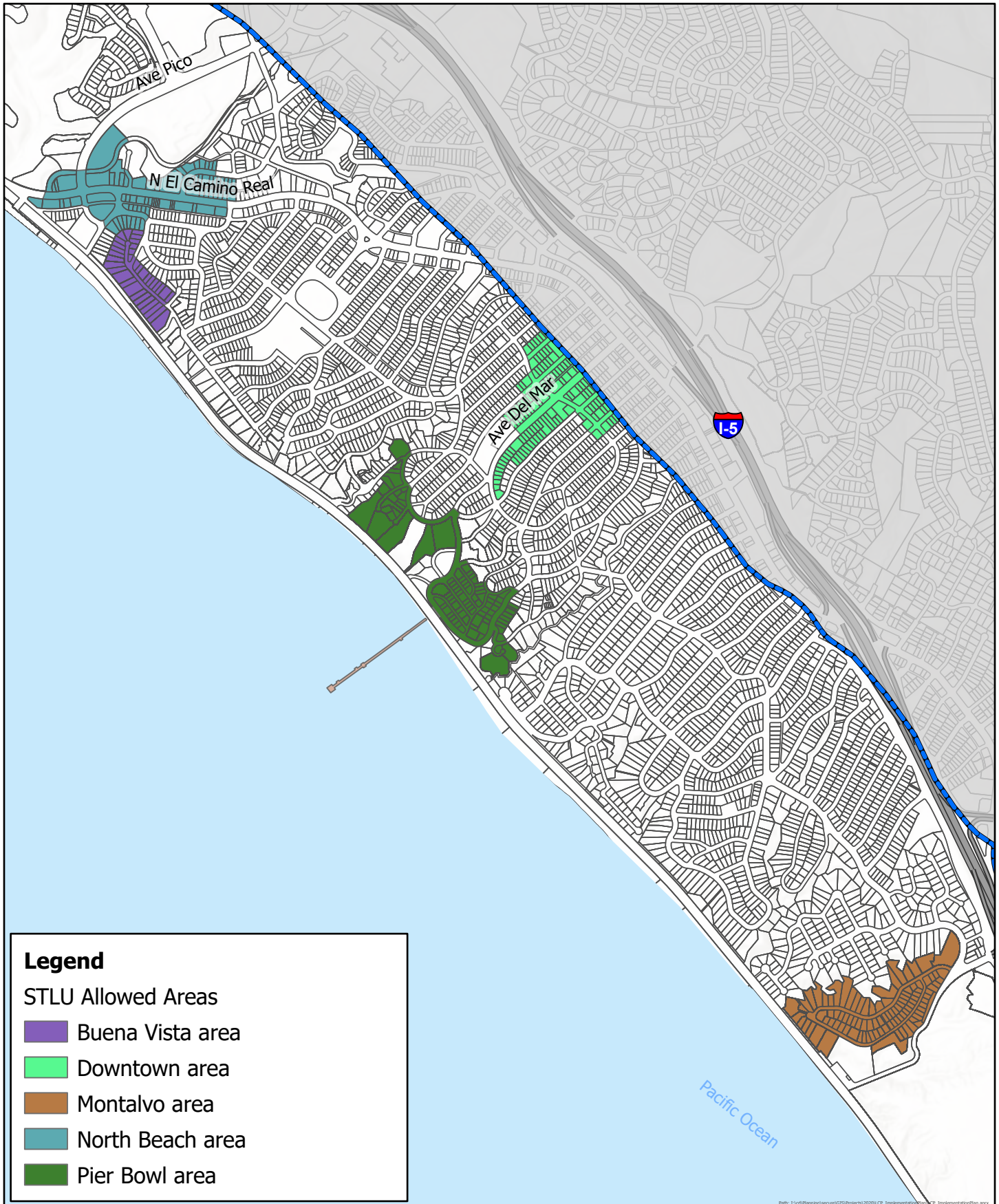
Local Coastal Program - Implementation Plan

Scale: 1:32,000

0 1,250 2,500 Feet



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Legend

STLU Allowed Areas






-  Buena Vista area
-  Downtown area
-  Montalvo area
-  North Beach area
-  Pier Bowl area



Figure 18.88.080

Short-Term Lodging Units (STLUs) Allowed Areas

Local Coastal Program - Implementation Plan

Scale: 1:17,000

0 500 1,000 Feet



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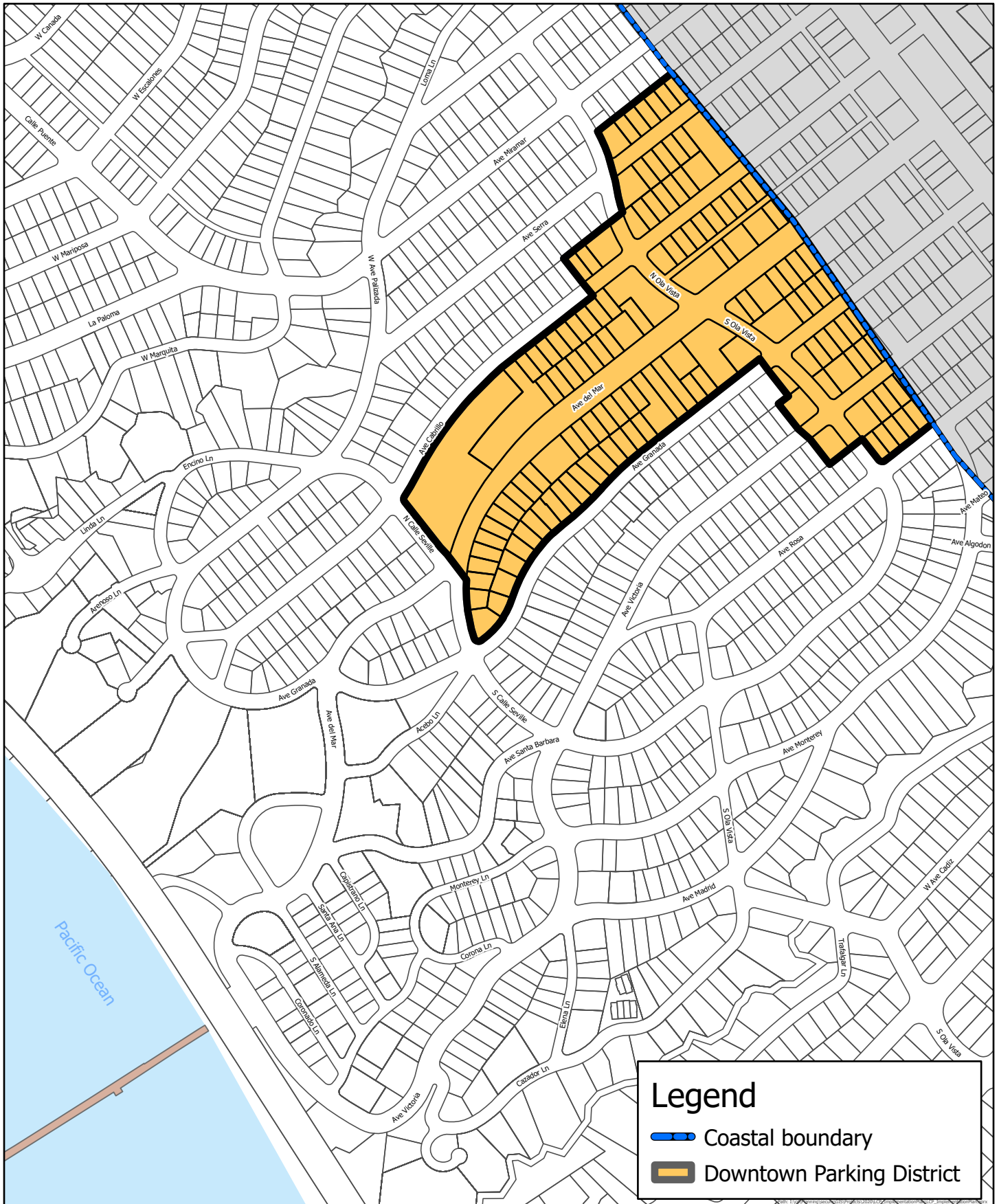


Figure 18.88.090

Downtown Parking District Study Area

Local Coastal Program - Implementation Plan

Scale: 1:5,000

0 215 430 Feet



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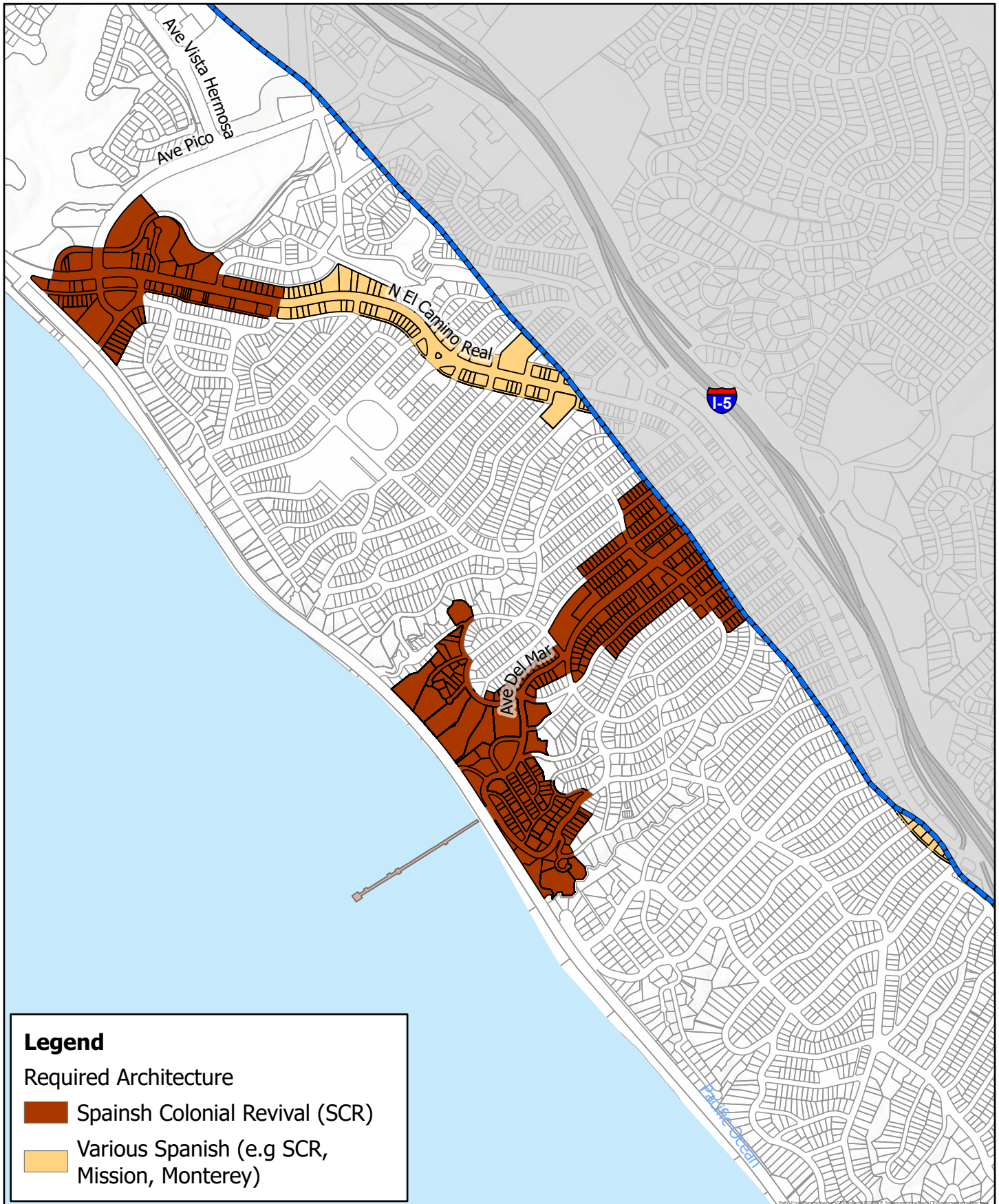


Figure 18.88.100

Architectural Overlay Subareas

Local Coastal Program - Implementation Plan

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Figure 18.88.110

Coastal Canyons

Scale: 1:23,250

0 500 1,000 Feet



APPENDICES

[CATEGORICAL EXCLUSION ORDER E-82-1](#)

[FORSTER RANCH SPECIFIC PLAN](#)

[MARBLEHEAD COASTAL SPECIFIC PLAN](#)

[PIER BOWL SPECIFIC PLAN](#)

[WEST PICO SPECIFIC PLAN](#)

[SPECIAL RESIDENTIAL OVERLAYS](#)