

Language proposed to be deleted is identified in ~~strike thru~~. Language proposed to be added is identified in underline. Within the zoning tables, land uses with proposed revisions to permitted or conditional uses are identified in **red text** in addition to ~~strike thru~~ and underline within specific cells.

Update Zoning Code Section 17.56.090 ~~Affordable Housing Overlay District~~

- A. Purpose and Intent. The purpose of this section is to provide for the development of qualified affordable housing development, including rental and for sale housing, in residential, commercial and mixed-use zones. The intent is to facilitate the development of affordable housing, enable the City to meet its housing goals, and ensure that affordable developments will be compatible with surrounding land uses by establishing an overlay district and standards.
- B. Applicability. This section applies to properties identified in the Affordable Housing [AH] Overlay and Zoning Maps. ~~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 multi-~~ple~~ family rental or for sale housing project consisting of efficiency, studio, one-, two-, three-, and/or four-bedroom units, which shall include at least the following percentage of affordable housing units:
- i. At least 20% of the housing units are restricted to very low-income households; or
 - ii. At least 30% of the housing units are restricted to low-income households; or
 - iii. At least 40% of the housing units are restricted to moderate-income households
- All affordable housing units may be in a single category (very low, low, or moderate) or part of a mixture of affordable housing types. An in lieu fee may replace a fraction of a single housing unit above the nearest whole number that would otherwise be provided, but shall not be used in lieu of providing actual affordable housing units on site. Once a qualifying percentage of affordable housing units have been provided, the remaining units on site may be market rate rental units or sold as market rate condominiums.
2. Projects within the Housing Overlay must provide at least 75% of the maximum number of housing units that may be developed on a site pursuant to the Housing Element, as specified in the Zoning Code, in order to qualify for ministerial review subject to the Objective Design Standards (Zoning Code Section 17.XX).

3. If units within a project are proposed to be sold as condominiums, then 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~~ All condominiums must be regulated by a legal homeowners association for the maintenance of the units.
- D. Review Requirements. Affordable housing projects are a permitted use in the ~~[AH]~~ Housing Overlay. Refer to use tables in Sections 17.32.030 (Residential Use Regulations), 17.36.030 (Commercial Zone Uses) and 17.40.030 (Mixed-Use Zone Uses). Qualified Affordable Housing Development shall be eligible for ministerial review, subject to the applicable objective design standards contained in Chapter XX.XX (Objective Multi-family Residential Design Standards).
- E. ~~Affordable housing projects in commercial and mixed use zones require either a Cultural Heritage Permit or Architectural Permit per Section 17.16.100, Depending on the project, other discretionary processes may apply per Chapter 17.16.~~
- F. Minimum Standards. Affordable housing projects shall conform to ~~applicable the underlying~~ development standards of the underlying zone, with the exception of incentives, concessions and density bonuses as required by Government Code § 65915 or other applicable State law.~~the following exceptions below:~~
- ~~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. Affordable housing projects outside of the Coastal Zone may be located at street level.~~
- G. Affordable Housing Agreement. ~~In addition to subsection D. above, the following shall apply to all qualified affordable housing projects proposed within the [AH] Overlay:~~

A Qualified Affordable Housing Development project shall ~~have~~ include a legally binding agreement between the applicant and the City, which shall be required to be executed and be recorded against the property on which the Qualified Affordable Housing Development project 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. The Affordable Housing Agreement shall include, but not be limited to, the following:

1. Term. A term consistent with the ~~of~~ a minimum number of ~~30~~ years specified by State law or applicable project funding source, or greater, depending upon whether non-City funding sources require a longer affordability term. Where other public financing has a longer term, the longest term of affordability shall prevail.
2. 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;
3. 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;
4. 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.
5. 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.

Update Zoning Code Section 17.32.030 (Residential Zone Uses)

Use	RVL	RL	RML	RM	RH
1. Agricultural					
Animals, Commercial Grazing of Large Species ¹	C				
Apiaries (Bee Farming)	C				
Crop and Tree Farming	C				
Marijuana Cultivation					
Nurseries (Farming Only)	C				
2. Lodging					
Bed-and-Breakfast Inns: ²					
a. 5 or Fewer Guest Rooms	C	C	MC	MC	MC
b. 6 or More Guest Rooms	C	C	C	C	C
Boardinghouse ¹⁸				C ²²	C ²²
STLU ¹⁹		-			O ²⁰
STAR ^{19, 21}	O	O	O	O	O
3. Public/Quasi-Public and Institutional					
Arboretums (Public/Private)	C				
Churches	C	C	C	C	C
Congregate Care Facility ³			C	C	C
Convalescent Care			C	C	C
Day Care Facilities, Children's: ⁴					
a. Small-Family Day Care Home ⁵	P	P	P	P	P
b. Large-Family Day Care Home ⁵	P	P	P	P	P
c. Day Care Center			C	C	C
Home Occupations ⁹	P	P	P	P	P
Parking Lots ⁶		C	C	C	C
Parks ⁷	O		O	O	O
Preserves (Archaeological, Botanical, Geological, Wildlife)	C	C	C	C	C
Public Utilities ⁸					
a. City-Initiated Project	O	O	O	O	O
b. Projects Initiated by Outside Agencies					
i. Major Utilities	C	C	C	C	C
ii. Minor Utilities	P	P	P	P	P
Recreational/Uses (Public/Private, Nonprofit)	C	C	C	C	C
Schools (Public/Private)	C	C	C	C	C
4. Residential Uses					
Accessory Dwelling Units ¹³	P	P	P	P	P
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 ⁹	P	P	P	P	P
Mobile Homes ¹¹					

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a. Units	C	C	C	C	C
b. Subdivisions and Parks ¹²	C	C	C	C	C
Multi-Family Dwellings Market Rate Residential Project:					
a. 4 Units or Fewer ^{24, 25}			P	P	P
b. 5 Units or More ^{24, 25}			C	C	C
Residential Care Facilities, when licensed to serve six or fewer persons	P	P	P	P	P
<u>Qualified Affordable Housing Development Projects^{23, 25}</u>					
Senior Housing Projects ^{14, 23, 25}			€P	€P	€P
Single-Family Dwellings	C	P	P	P	P
5. Unclassified Uses					
Accessory Buildings, Residential ¹⁵ Detached, Over 15 Feet in Height	C	C	C	C	C
a. All Others	P	P	P	P	P
b. Accessory Buildings, Nonresidential ¹⁶	C	C	C	C	C
Grading ¹⁷ (Not Accompanying a Development Request):					
a. Emergency	P	P	P	P	P
b. Major	C	C	C	C	C
c. Minor	P	P	P	P	P
Marijuana Delivery					
Marijuana Dispensary					
Marijuana Manufacturer					
Marijuana Testing Laboratory					

Update Zoning Code Section 17.36.020 (Commercial Zone Uses)

Use	Zones										
	NC 1.1	NC 1.2	NC 1.3	NC 2	NC 3	CC 1	CC 2	CC 3	CC 4	RMF 1	NOTE
1. Commercial											
Antiques (Retail Sales)	P	P	P	P	P	P	P	P	P		
Art Galleries	P	P	P	P	P	P	P	P	P		
Bakery Goods/Sales (No Wholesale Distributors)	P	P	P	P	P	P	P	P	P		
Barber Shops	P	P	P	P	P	P	P	P	P		
Bicycle Shops	P	P	P	P	P	P	P	P	P		
Bookstores	P	P	P	P	P	P	P	P	P		
Carpet Sales	MC	MC	P	P	P	P	P	P	P		
Ceramics (Retail Sales)	MC	MC	P	P	P	P	P	P	P		
Cleaners & Laundromats (No Linen Service)	P	P	P	P	P	P	P	P	P		
Clothing (Retail Sales)	P	P	P	P	P	P	P	P	P		
Confectionery Stores (Small Scale Production with Retail Sales)	P	P	P	P	P	P	P	P	P		

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Convenience Stores	C	C	C	C	C	C	C	C	C		1
Drugstores/Pharmacies	P	P	P	P	P	P	P	P	P		
Electronics (Retail Sales and Repair)	P	P	P	P	P	P	P	P	P		
Fabric Stores	P	P	P	P	P	P	P	P	P		
Florists (Retail Sales)	P	P	P	P	P	P	P	P	P		
Floor Covering Stores	MC	MC	P	P	P	P	P	P	P		
Furniture Stores (Retail Sales)	MC	MC	P	P	P	P	P	P	P		
Glass/Mirror Sales	MC	MC	P	P	P	P	P	P	P		
Grocery/Food Stores (Not Convenience Stores)	P	P	P	P	P	P	P	P	P		
Gunsmith/Gun Shops			C	C	C	C	C	C	C		
Hardware Stores	P	P	P	P	P	P	P	P	P		
Home Appliance Stores (Retail Sales and Repair)	MC	MC	P	P	P	P	P	P	P		
Ice Cream Parlors (Retail Sales with Small Production)	P	P	P	P	P	P	P	P	P		
Interior Decorating Stores	MC	MC	P	P	P	P	P	P	P		
Janitorial Supplies			P	P	P	P	P	P	P		
Jewelry Stores	P	P	P	P	P	P	P	P	P		
Lawnmower Sales/Service	MC	MC	P	P	P	P	P	P	P		
Liquor Sales:											
a. Hard Alcohol	C	C	C	C	C	C	C	C	C		
b. Beer and Wine (Off-Site Consumption Only)	MC	MC	MC	MC	MC	MC	MC	MC	MC		
Locksmith Shops	MC	MC	P	P	P	P	P	P	P		
Mail-Order Stores	MC	MC	P	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	P		
Music Sales	P	P	P	P	P	P	P	P	P		
Newsstands (On Private Property)	P	P	P	P	P	P	P	P	P		

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Nurseries (Indoor Garden Retail Sales)	MC	MC	P	P	P	P	P	P	P		
Nurseries (Outdoor Garden Retail Sales)			C	C	C	C	C	C	C		
Office Equipment/Supplies	C	C	P	P	P	P	P	P	P		
Paint/Wallpaper Sales	MC	MC	P	P	P	P	P	P	P		
Patio/Outdoor Furniture Sales	MC	MC	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	MC	MC		
Pet Supply Stores	MC	MC	P	P	P	P	P	P	P		
Photographic Equipment Sales	MC	MC	P	P	P	P	P	P	P		
Pottery (Retail Sales with Small Production)	MC	MC	P	P	P	P	P	P	P		
Shoe Stores (Retail Sales and Repair)	P	P	P	P	P	P	P	P	P		
Smoke or Tobacco Shops			C			C	C	C	C		1
Specialty Food Stores	P	P	P	P	P	P	P	P	P		
Sporting Goods (Retail Sales)	MC	MC	P	P	P	P	P	P	P		
Stationery Stores	P	P	P	P	P	P	P	P	P		
Surfboard (Custom Manufacturing)			C	C	C	C	C	C	C		
Swimming Pool Accessory Shops	MC	MC	P	P	P	P	P	P	P		
Tailors/Dressmakers	P	P	P	P	P	P	P	P	P		

Use	Zones										
2. Hospital Uses	NC 1.1	NC 1.2	NC 1.3	NC 2	NC 3	CC 1	CC 2	CC 3	CC 4	RMF 1	NOTE
Ambulance Services							C	C	C	C	
Accessory Uses to Hospital (e.g. laboratories, medical offices, florists, and parking lots).										P	2
Hospital										C	
Specialty Hospital									C		

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Use	Zones										
	NC 1.1	NC 1.2	NC 1.3	NC 2	NC 3	CC 1	CC 2	CC 3	CC 4	RMF 1	NOTE
3. Lodging											
Bed and Breakfast Inns:											3
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		

Use	Zones										
	NC 1.1	NC 1.2	NC 1.3	NC 2	NC 3	CC 1	CC 2	CC 3	CC 4	RMF 1	NOTE
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

Use	Zones										
	NC 1.1	NC 1.2	NC 1.3	NC 2	NC 3	CC 1	CC 2	CC 3	CC 4	RMF 1	NOTE
5. 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		

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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		

Use	Zones										NOTE
	NC 1.1	NC 1.2	NC 1.3	NC 2	NC 3	CC 1	CC 2	CC 3	CC 4	RMF 1	
6. 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		4
Convalescent Homes		C	C	C	C	C	C	C	C		
Day Care Facilities:											5
a. Small-Family Day Care Home	P	P	P	P	P	P	P	P	P		6
b. Large-Family Day Care Home	P	P	P	P	P	P	P	P	P		6
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	7
Libraries	P	P	P	P	P	P	P	P	P		
Parking Lots	MC	MC	MC	MC	MC	MC	MC	MC	MC		8
Parking Structures	C	C	C	C	C	C	C	C	C		
Parks	O	O	O	O	O	O	O	O	O		9
Public Utilities:											10
a. City-Initiated Projects	O	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		

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Use	Zones										
	NC 1.1	NC 1.2	NC 1.3	NC 2	NC 3	CC 1	CC 2	CC 3	CC 4	RMF 1	NOTE
7. Residential Uses											
<u>Qualified Affordable Housing Development Projects</u>		P	P	P	P	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>		<u>11, 26</u>
Senior Housing Projects		<u>€P</u>	<u>€P</u>	<u>€P</u>	<u>€P</u>	C	C	C	C		<u>11, 12, 26</u>
<u>Market Rate Residential or Mixed Use Project with Residential Units</u>											
a. <u>4 Units or Fewer</u>		<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>						<u>11, 25, 26</u>
b. <u>5 Units or More</u>		<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>						<u>11, 25, 26</u>

Use	Zones										
	NC 1.1	NC 1.2	NC 1.3	NC 2	NC 3	CC 1	CC 2	CC 3	CC 4	RMF 1	NOTE
8. 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) as defined in Section 17.88	C	C	C	C	C	C	C	C	C		
Taprooms as defined in Section 17.88	C	C	C	C	C	C	C	C	C		
Restaurants:											
a. With drive-through			C	C	C	C	C	C	C		13
b. With no on-site consumption of liquor, no dancing, no entertainment	P	P	P	P	P	P	P	P	P		

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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		14, 15
iii. Outdoors with more than outdoor 16 seats and/or four tables	C	C	C	C	C	C	C	C	C		14, 15
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		

Use	Zones										
	NC 1.1	NC 1.2	NC 1.3	NC 2	NC 3	CC 1	CC 2	CC 3	CC 4	RMF 1	NOTE
9. Unclassified Uses											
Accessory Buildings	C	C	C	C	C	C	C	C	C	C	
Alcohol Beverage Sales Concurrent with Motor Vehicle Fuel-Convenience Store Sales	C	C	C	C	C	C	C	C	C		16
Amusement Centers	C	C	C	C	C	C	C	C	C		17
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			C	C	C	C	C	C	C		

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Permitted in this Zone											
Grading, Not Accompanying a Development Request:											18
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	C	C	C	C	C	C	C	C	C		
Massage			C	C	C	C	C	C	C		19
Accessory Massage	MC	MC	MC	MC	MC	MC	MC	MC	MC		19
Mortuaries			C	C	C	C	C	C	C		
Pool Halls			C	C	C	C	C	C	C		20
Recycling Facilities:											21
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		

Use	Zones										
10. Vehicle-Related Uses	NC 1.1	NC 1.2	NC 1.3	NC 2	NC 3	CC 1	CC 2	CC 3	CC 4	RMF 1	NOTE
Car Washes			C	C	C	C	C	C	C		24
Service Stations	C	C	C	C	C	C	C	C	C		22
Vehicle Parts Stores			P	P	P	P	P	P	P		
Vehicle Dealerships			C	C	C	C	C	C	C		23
Vehicle Sales [fewer than 10 vehicles on site]			MC	MC	MC	MC	MC	MC	MC		23
Vehicle Sales [10 or more vehicles on site]			C	C	C	C	C	C	C		23
Vehicle Rental [5 or fewer vehicles on site]			P	P	P	P	P	P	P		23

Vehicle Rental [6 or more vehicles on site]				MC	MC	MC	MC	MC	MC	23
Vehicle Service and Repair-Related Facilities/Vehicle Repair, Minor or Major			C	C	C	C	C	C	C	24

Footnotes:

1. Refer to Chapter 17.28, Special Uses, of this title for special provisions for the referenced land use.
2. Refer to Section 17.28.220, Parking Lots, of this title, for special provisions for single-use parking lots.
3. Refer to Section 17.28.090, Bed and Breakfast Inns, of this title, for special provisions for bed and breakfast inns.
4. Refer to Section 17.28.110, Congregate Care Facilities of this title for special provisions for congregate care facilities.
5. Refer to Section 17.28.100, Child Day Care Facilities, this title, for special provisions for day care facilities.
6. Small-family 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 multi-family dwelling in which the underlying zoning allows for residential uses, or a legal non-conforming single-family dwelling unit in a nonresidential zone. Small-family and large-family day care homes only shall operate in buildings that were lawfully constructed.
7. 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.
8. Refer to Section 17.28.220, Parking Lots, of this title, for special provisions for parking lots.
9. Refer to Section 17.28.230, Public Park Facilities, of this title for review requirements for parks.
10. Refer to Section 17.28.240, Public Utilities, of this title, for special provisions for public utilities.
11. Qualified Affordable Housing Developments and Senior Housing Projects are permitted uses on properties in the Housing Overlay but not in all Commercial zones. Refer to Section 17.56.090, Affordable Housing Overlay Zone, for projects in Commercial and Mixed-Use Zones, of this title, for special provisions for Affordable Housing Projects.
12. Refer to Section 17.28.280, Senior Housing Projects, of this title, for special provisions for senior housing projects.
13. Refer to Section 17.28.260, Restaurants, Drive-In, Drive-Through, of this title, for special provisions for drive-in/drive-thru restaurants.
14. When a restaurant has an approved CUP for the service of alcohol indoors and a CUP is required for the service of alcohol outdoors, then the applicant may request an amendment to the existing CUP to extend service outdoors. When a restaurant has an approved CUP for the service of alcohol indoors and an MCUP is required for the service of alcohol outdoors, an MCUP is the only application necessary (an amendment to the existing CUP shall not be necessary).

15. 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.

16. Refer to Section 17.28.040, Alcoholic beverages and motor vehicle fuel, concurrent sale of, of this title, for special provisions for concurrent sales of motor fuel and alcoholic beverages.

17. Refer to Section 17.28.050, Amusement Centers, of this title, for special provisions for arcades/amusement centers.

18. Refer to Section 17.28.130, Grading, of this title, for special provisions for grading requests that are not accompanying development requests.

19. Massage is subject to Section 5.28 of the City of San Clemente Municipal Code. Refer to Section 17.28.185, Massage Establishments, of this title, for special provisions for massage establishments and accessory massage establishments.

20. The provisions for amusement centers shall apply to pool halls. Please refer to Section 17.28.050, Amusement Centers, for special provisions for amusement centers.

21. Refer to Section 17.28.250, Recycling Facilities, of this title, for special provisions for recycling facilities.

22. Refer to Section 17.28.290, Service Stations, of this title, for special provisions.

23. Refer to Section 17.28.310, Vehicle Dealerships, Rental, and Sales of this title, for special provisions for vehicle dealerships.

24. Refer to Section 17.28.320, Vehicle Service and Repair-Related Facilities, of this title, for special provisions.

25. Market Rate Residential or Mixed Use projects within the Housing Overlay proposing 4 or fewer units that meet the applicable objective design standards contained in Chapter XX.XX shall be permitted ministerially. Market Rate Residential or Mixed Use projects within the Housing Overlay proposing 5 or more units and those that do not meet the objective design standards shall be considered as part of a discretionary review process.

26 Qualified Affordable Housing Developments, Senior Housing, and Market Rate Residential projects shall not be allowed to convert existing hotel/motel uses which have provided lower cost visitor serving accommodation in the last five years, unless the project provides equivalent new lower cost visitor serving accommodation or unless required to be approved pursuant to State law.

Update Zoning Code Section 17.40.030 (Mixed-Use Zone Uses)

USE	ZONES							
	MU 1	MU 2	MU 3.0	MU 3.1	MU 3.2	MU 3.3	MU 5	NOTE
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	

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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		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	

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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	
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	

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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	

USE	ZONES							
	MU 1	MU 2	MU 3.0	MU 3.1	MU 3.2	MU 3.3	MU 5	NOTE
2. Lodging								
Bed and Breakfast Inns:								2
a. Five or Fewer Guest Rooms	O	P	O	P	P	P	P	2
b. Six to 10 Guest Rooms	O	MC	O	MC	MC	MC	MC	2
c. Over 10 Guest Rooms	C	C	C	C	C	C	C	
Boardinghouse							C	29, 31
STLU	O	O	O	O		O	O	30
STAR	O	O	O	O		O	O	30
Hotel and Ancillary Uses	C	C	C	C	C	C	C	
Motels					C		C	

DRAFT Housing Overlay and Zoning Table Amendments

Timeshares	C	C	C	C	C	C	C	
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USE	ZONES							
	MU 1	MU 2	MU 3.0	MU 3.1	MU 3.2	MU 3.3	MU 5	NOTE
3. Personal Services								
Barber, beauty, nail, and tanning services	P	P	P	P	P	P	P	
Body Art Establishments								
Body Piercing Studios	O	P	O	P	P	P	P	3
Tattoo Parlors	O	MC	O	MC	MC	MC	MC	3

USE	ZONES							
	MU 1	MU 2	MU 3.0	MU 3.1	MU 3.2	MU 3.3	MU 5	NOTE
4. Professional Offices, Financial Institutions and Related Uses								
Ambulance Services (Office Only)	O	P	O	P	P	P	P	3
Banks/Financial Institutions	P	P	P	P	P	P	P	
Employment Agencies	O	P	O	P	P	P	P	3
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	3
c. Other Offices	O	P	O	P	P	P	P	3
Offices, Professional and/or General:								
a. Realtors	P	P	P	P	P	P	P	
b. Other Offices	O	P	O	P	P	P	P	3

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Offices, Veterinary/Animal Hospitals	C	C	C	C	C	C	C	
Secretarial Services	O	P	O	P	P	P	P	3
Telemarketing Services	O	P	O	P	P	P	P	3
Travel Agencies	P	P	P	P	P	P	P	

USE	ZONES							
	MU 1	MU 2	MU 3.0	MU 3.1	MU 3.2	MU 3.3	MU 5	NOTE
5. 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	4
Convalescent Homes							C	
Day Care Facilities:								5
a. Small Day Care Homes	P	P	P	P	P	P	P	6
b. Large Day Care Homes	P	P	P	P	P	P	P	6
c. Child Day Care Centers	C	C	C	C	C	C	C	
Group Instruction	MC	MC	MC	MC	MC	MC	MC	3
Group Counseling								
Libraries	P	P	P	P	P	P	P	
Parking Lots	MC	MC	MC	MC	MC	MC	MC	7
Parking Structures	C	C	C	C	C	C	C	
Parks	O	O	O	O	O	O	O	8
Public Utilities								9
a. City-Initiated Projects	O	O	O	O	O	O	O	
b. Projects Initiated by Outside Agencies:								

DRAFT Housing Overlay and Zoning Table Amendments

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	

USE	ZONES							NOTE
	MU 1	MU 2	MU 3.0	MU 3.1	MU 3.2	MU 3.3	MU 5	
6. Residential Uses								
<u>Qualified Affordable Housing Development</u> Projects	<u>P</u>	<u>P</u>	<u>P</u>	P	<u>P</u>	<u>P</u>	P	10
Manufactured Homes							MC	
Mobile Homes:							C	11
a. Units							C	
b. Subdivisions and Parks								12
Residential Units	P	P	P	P	P	P	P	13, 14
Senior Housing Projects	C	C	C	C <u>P</u>	C	C <u>P</u>	C <u>P</u>	10, 15
Stand-Alone Residential				P		P	P	14
<u>Market Rate Residential or Mixed Use Project with Residential Units</u>								
a. <u>4 Units or Fewer</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	10, 13, 14, 32, 33
b. <u>5 Units or More</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	10, 13, 14, 32, 33

DRAFT Housing Overlay and Zoning Table Amendments

USE	ZONES							
	MU 1	MU 2	MU 3.0	MU 3.1	MU 3.2	MU 3.3	MU 5	NOTE
7. 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) as defined in 17.88	C	C	C	C	C	C	C	
Taproom as defined in 17.88	C	C	C	C	C	C	C	
Restaurants:								
a. With drive-through							C	16
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:								17, 18, 19
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 outdoor 16 seats and/or four tables	C	C	C	C	C	C	C	

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e. With dancing and/or entertainment that has:								
i. No amplified sound	MC	MC	MC	MC	MC	MC	MC	
ii. Amplified sound	C	C	C	C	C	C	C	

USE	ZONES							
	MU 1	MU 2	MU 3.0	MU 3.1	MU 3.2	MU 3.3	MU 5	NOTE
8. Unclassified Uses								
Accessory Buildings, Residential								20
a. Detached, Over 15 Feet in Height							C	
b. All Others							P	
Accessory Buildings, Nonresidential	C	C	C	C	C	C	C	20
Alcohol Beverage Sales Concurrent with Motor Vehicle Fuel-Convenience Store Sales							C	21
Amusement Centers	C	C	C	C	C	C	C	22
Animal Grooming Shops							MC	
Bowling Alleys							C	
Drive-Thru Facilities, When in Conjunction with a Use Permitted or Conditionally Permitted in this Zone							C	16
Grading, Not Accompanying a Development Request:								23
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	

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Health/Fitness/Sports Clubs and Facilities	C	C	C	C	C	C	C	
Massage								24
Accessory Massage	MC	MC	MC	MC	MC	MC	MC	24
Mortuaries							C	
Pool Halls	C	C	C	C	C	C	C	25
Recycling Facilities: Reverse Vending Machines	MC	MC	MC	MC	MC	MC	MC	26
Theaters	C	C	C	C	C	C	C	
Urban Private Storage	C	C	C	C	C	C		27
Wine Tasting (Only as an Accessory Use to establishments selling wine or wine related products as a primary use)	MC	MC	MC	MC	MC	MC	MC	

USE	ZONES							NOTE
	MU 1	MU 2	MU 3.0	MU 3.1	MU 3.2	MU 3.3	MU 5	
9. Vehicle-Related Service								
Car Washes							C	28
Vehicle Parts Stores	P	P	P	P	P	P	P	28

Footnotes:

- 1 Refer to Section 17.28.120, Convenience Stores/Retail Establishments Selling Convenience Items, of this title.
- 2 Refer to Section 17.28.090, Bed and Breakfast.
3. Refer to Section 17.56.030 Central Business (-CB) Overlay District. This use is potentially subject to locational criteria within a structure based on its compatibility with the objectives of creating or maintaining pedestrian-oriented space in the Central Business Overlay District. A Minor Conditional Use Permit is required to allow non-pedestrian uses in pedestrian-oriented space, as defined in Section 17.56.030.
- 4 Refer to Section 17.28.110, Congregate Care Facilities.
- 5 Refer to Section 17.28.100, Child Day Care Facilities.
- 6 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 multi-family dwelling in which the underlying

zoning allows for residential uses, or a legal non-conforming single-family dwelling unit in a nonresidential zone. Small-family and large-family day care homes only shall operate in buildings that were lawfully constructed.

7 Refer to Section 17.28.220, Parking Lots.

8 Refer to Section 17.28.230, Public Park Facilities.

9 Refer to Section 17.28.240, Public Utilities.

10. Qualified Affordable Housing Developments and Senior Housing Projects are a permitted use on properties in the Affordable Housing Overlay, pursuant to Section 17.56.090. Also, Qualified Affordable Housing Development Projects may provide residential units on the ground floor if necessary to meet minimum density requirements as set forth in the Objective Design Standards Section 17.56.090.

11. Refer to Section 17.28.190, Mobile Homes.

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

13. Refer to Section 17.40.0230.A.2 for special use requirements that apply to residential uses.

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

15. Refer to Section 17.28.280, Senior Housing Projects.

16. Refer to Section 17.28.260, Drive-Throughs.

17. 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.

18. 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).

19. 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 sixteen (16) seats or four (4) 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.

20. Refer to Section 17.24.040, Accessory Buildings.

21. Refer to Section 17.28.040, Alcoholic beverages and motor vehicle fuel, concurrent sale of, of this title, for special provisions for concurrent sales of motor fuel and alcoholic beverages.

22. Refer to Section 17.28.050, Amusement Centers.

23. Refer to Section 17.28.130, Grading.

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

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

26. Refer to Section 17.28.250, Recycling Facilities.

27. Refer to Section 17.28.305, Urban Private Storage.

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

29. A boardinghouse may not be located within three hundred (300) feet of any other boardinghouse measured by following a straight line without regard to intervening buildings from the nearest point of the parcel on which the proposed boardinghouse is to be located to the nearest point of the parcel that contains the existing boardinghouse. No more than one (1) boardinghouse is allowed on a legal parcel.

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

31. But if the boardinghouse is a Residential Care Facility (as defined by Section 17.88.030), allowed administratively under Chapter 5.38 (Residential Care Facility Boardinghouse—Streamlined Administrative Approval).

32. Market Rate Residential or Mixed Use projects within the Housing Overlay proposing 4 or fewer units that meet the applicable objective design standards contained in Chapter XX.XX shall be permitted ministerially. Market Rate Residential or Mixed Use projects within the Housing Overlay proposing 5 or more units and those that do not meet the objective design standards shall be considered as part of a discretionary review process.

33. Qualified Affordable Housing Developments, Senior Housing, and Market Rate Residential projects shall not be allowed to convert existing hotel/motel uses which have provided lower cost visitor serving accommodation in the last five years, unless the project provides equivalent new lower cost visitor serving accommodation or unless required to be approved pursuant to State law.