



# AGENDA REPORT

## CITY OF SAN CLEMENTE

### CITY COUNCIL MEETING

910 Calle Negocio  
2nd Floor  
San Clemente, California  
www.san-clemente.org

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**Meeting Date:** November 19, 2024

Agenda Item: 8B

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**Submitted By:** Planning Division

**Prepared By:** Zach Rehm, Principal Planner

**Subject:**

**INTRODUCTION (FIRST READING) OF AN ORDINANCE APPROVING ZONING AMENDMENT ZA24-193 TO TITLE 17 (ZONING) OF THE SAN CLEMENTE MUNICIPAL CODE TO ADD CHAPTER 17.26 OBJECTIVE DESIGN STANDARDS FOR MULTI-FAMILY RESIDENTIAL AND RESIDENTIAL MIXED-USE DEVELOPMENT, AMENDING SECTION 17.32.030 RESIDENTIAL ZONE USES, AMENDING SECTION 17.36.020 COMMERCIAL ZONE USES, AMENDING SECTION 17.40.030 MIXED-USE ZONE USES, AND AMENDING SECTION 17.56.090 HOUSING OVERLAY TO ADD CERTAIN SITES PREVIOUSLY IDENTIFIED IN THE HOUSING ELEMENT, IN ACCORDANCE WITH CALIFORNIA HOUSING LAWS AND THE CITY OF SAN CLEMENTE'S CERTIFIED HOUSING ELEMENT; AND FINDING THAT THE ZONING AMENDMENT IS EXEMPT FROM CEQA PER THE COMMUNITY PLAN EXEMPTION PURSUANT TO PUBLIC RESOURCES CODE SECTION 21083.3 AND CEQA GUIDELINES SECTIONS 15183, 15060(C) AND 15061(B)(3)**

**Fiscal Impact:**

There are no direct fiscal impacts. The rezoning project is grant funded through the California Department of Housing and Community Development. If approved, there could be increases in property tax base if the rezoning encourages new development or redevelopment. There could also be sales tax reductions where housing developments occur on commercially zoned properties.

If not approved, the City would not meet its obligations under the Housing Element, and the California Department of Housing and Community Development would seek decertification of the City's Housing Element, which would undermine the City's ability to issue any permits and eliminate revenues from permit fees.

**Summary:**

The ordinance would amend San Clemente Municipal Code Title 17 – Zoning (“Zoning Code”) to implement goals and action items from the City's Housing Element, which the City Council approved and the State certified in 2022. The project was initiated at two community workshops and a community survey in 2023, reviewed twice by the Design Review Subcommittee, and the Planning Commission held a study session on March 6, 2024 and public hearings on May 8, 2024 and October 2, 2024 to provide recommendations to the City Council. At the conclusion of the October 2, 2024 hearing, the Planning Commission voted unanimously (5-0 with two absent) to pass a resolution recommending the City Council adopt Objective Design Standards, which will apply to multi-family residential and mixed-use projects on a selection of sites previously identified in the Housing Element, and to recommend updates to the Zoning Code to comply with relevant State laws and incentivize mixed income housing within a Housing Overlay.

**Background:**

The State of California continues to enact new laws to accelerate housing production by streamlining the approval of housing development at the local level. In 2017, the Housing Accountability Act (HAA) was significantly strengthened through the passage of three bills, SB 167, AB 678, and AB 1515. These bills were part of a comprehensive group of laws enacted by the State to address California’s housing shortage. In 2018, AB 3194 declared that when there are inconsistencies between the General Plan and zoning regulations, the General Plan policies take precedence. In 2018, SB 35 went into effect, requiring a streamlined and ministerial review process for multi-family housing projects meeting specific qualifications. In 2019, AB 2162 went into effect, requiring a streamlined and ministerial review process for supportive housing meeting specific qualifications. In 2020, SB 330, intended to streamline review and create certainty in the development of housing projects, went into effect and created restrictions on new local regulations. In 2022, SB 9 went into effect, requiring cities to ministerially approve, within single family residential zones, housing developments containing no more than two residential units and parcel maps for urban lot splits.

With certain limitations, the above-referenced laws permit the City to impose design standards on housing projects, so long as those standards are objective and involve no personal or subjective judgment by a public official and are uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant or proponent and the public official prior to submittal.

When the City Council adopted the Housing Element Update on September 20, 2022 and the Department of Housing and Community Development (HCD) certified the City’s Housing Element in conformance with State law on October 12, 2022, the City committed to implementing the goals through a Housing Action Plan. Completion of the Objective Design Standards and expansion of the City’s existing “Affordable Housing Overlay” into a new “Housing Overlay,” with six “rezone sites” previously identified in the Housing Element to be added to the Housing Overlay, are programs identified in the Housing Action Plan. The Environmental Impact Report approved in support of the Housing Element considered the effects of implementation of these programs and identified them as consistent with the General Plan and necessary to comply with State housing laws.

The Objective Design Standards were drafted consistent with State housing laws as well as City documents that pertain to design standards for residential developments, including the Design Guidelines, Zoning Code, Specific Plans, and General Plan. Numerical standards were derived from review of best practices, analysis of existing development design features and constraints, and discussion with staff, consultants, the public, the Design Review Subcommittee, and the Planning Commission<sup>1</sup>.

In order to ensure that the Objective Design Standards can be satisfied and will result in attractive development compatible with the existing discretionary design guidelines, the consultant analyzed multi-unit residential and mixed-use projects that have been approved and developed in San Clemente, and found that those projects are generally consistent with the standards. Staff

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<sup>1</sup> Public outreach materials, DRSC and Planning Commission comments and revisions, and Planning Commission Study Session slides, and additional materials related to the Housing Action Plan may be reviewed on the City’s website: <https://www.san-clemente.org/departments-services/planning-services/active-planning-projects>

and consultants also considered feedback from 40 residents and stakeholders who participated in two community workshops in February and March, 2023. Staff worked with the consultant to establish four Architectural Design Districts with more specific Objective Design Standards.

Architectural Design Districts would require either Spanish Colonial Revival (SCR) architecture, SCR or Mission architecture, eclectic industrial architecture within the Los Molinos Design District, or contemporary, Polynesian, Australian, or Seaside/Fishing architecture within the Surf Zone Design District. Objective Design Standards for Spanish Colonial Revival and Mission architecture are derived from the City's Design Guidelines, Henry Lenny Design Guidelines, and General Plan Focus Areas. Objective Design Standards for Los Molinos architecture are derived from the West Pico Corridor Specific Plan. Objective Design Standards for Surf Zone architecture are derived from General Plan policies and the predominant design of existing development. The Objective Design Standards are proposed as a new Chapter 17.26 to be added to the Zoning Code, to supplement the development standards of the code and further the goals, policies, and implementation of the General Plan, which encourages an elevated design and fosters an enhanced quality of life through the built environment.

In addition to the Objective Design Standards and expanded Housing Overlay, the zoning amendment includes changes to the zoning tables to ensure Qualified Affordable Housing Development Projects and Senior Housing projects can be developed subject to ministerial review in areas where they are either currently restricted or require discretionary review. Projects within the Housing Overlay subject to the zoning table changes and represented on the maps would still be reviewed by City staff for consistency with the Objective Design Standards to ensure an attractive design and would only qualify for this ministerial review if they meet specific standards for design, density, and affordability. Chapter 17.56.090 contains the current standards for the Affordable Housing Overlay, which, through this process, will be amended and retitled the Housing Overlay. Between 20% and 40% of all units in a qualifying project must be restricted to low- or moderate-income households, and 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, which must rent out the enforceably-restricted affordable units to households at the applicable income level. The project proponent would also be required to enter into a legal agreement with the City, approved by the City Council, to ensure management of the site and the affordable units.

Through the Housing Action Plan, the City committed to analyzing potential changes to the Zoning Code to encourage multi-family housing at all price and income levels, including market-rate higher-cost housing. However, based on the Annual Progress Reports completed for the first three years of the 2021-2028 Housing Element Cycle, the City is producing nearly enough market-rate housing to satisfy its Housing Element and Regional Housing Needs Assessment targets, without the application of code changes or incentives. Additionally, based on the proposed incentives for Qualified Affordable Housing Development Projects within the expanded Housing Overlay, including the six "rezone sites" added based on the analysis in the Housing Element, the City is likely to experience development of projects which provide a mix of market-rate and affordable housing units, increasing the City's production of housing at all price and income levels. Thus, staff are not recommending changing the location or intensity of allowable development of housing projects which are entirely market-rate.

Finally, the proposed zoning amendment includes a provision to preserve motels and hotels within the coastal zone as required by the Coastal Act of 1976, and to preserve motels and hotels just outside the coastal zone but within the Housing Overlay along South El Camino Real, which the City relies on to support visitors, maintain stock of affordable overnight accommodations, and generate transient occupancy tax revenue. Qualified Affordable Housing Developments, Senior Housing, and market-rate residential projects would 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 the proposed development is required to be approved pursuant to State law.

The Planning Commission recommended that the City Council adopt Objective Design Standards, which will apply to multi-family residential and mixed-use projects on a selection of sites previously identified in the Housing Element, and recommended updates to the Zoning Code to comply with relevant State laws and incentivize mixed income housing within a Housing Overlay. Those recommendations would be carried out through the attached Ordinance and Zoning Amendment. The Zoning Amendment has been modified since the Planning Commission meeting to incorporate Commissioner comments on the objective design standards, especially those specific to Spanish Colonial Revival architecture, for which there was Commissioner concurrence during the October 2, 2024 hearing. Staff also made revisions to correct typos, clarify existing approval processes, updated cells and footnotes within the zoning tables, and revised two sites on the map referenced in the Zoning Amendment Exhibit to be consistent with the adopted Housing Element.

***Council Options:***

- Introduce and conduct the first reading of Ordinance No. 1784 approving the Zoning Amendment.
- Continue the Item with direction to staff to revise the Zoning Amendment or provide additional information. Under this alternative, the City would still be obligated to approve affordable housing projects ministerially (e.g., SB 35 projects), but could not impose design standards until objective design standards are adopted into the Zoning Code.
- Direct staff to close the project and abandon the Zoning Amendment. Under this alternative, the City would not meet its obligations under the Housing Element. The California Department of Housing and Community Development would seek decertification of the City's Housing Element, which would undermine the City's ability to issue any permits.

***Environmental Review/Analysis:***

The City, as Lead Agency, has conducted an environmental review of the proposed Ordinance for compliance with the CEQA and the State CEQA Guidelines. The SCMC amendments within the Ordinance are exempt from CEQA and/or not subject to further environmental review pursuant to Public Resources Code (PRC) Section 21083.3 and CEQA Guidelines Section 15183, as well as Guidelines Sections 15060(C) and 15061(B)(3). Since the project would adopt development standards consistent with the land uses and development intensities analyzed in the certified Environmental Impact Report (EIR) for the Housing Element Update, the SCMC amendments are eligible for the Community Plan exemption from CEQA pursuant to PRC Section 21083.3 and CEQA Guidelines Section 15183.

Additionally, the project is covered by the general rule that CEQA applies only to projects which have the potential to cause a significant effect on the environment, and where it can be seen with certainty that there is no possibility that the project may have a significant effect on the environment, the project is not subject to CEQA. The proposed zoning amendment involves a policy action that is administrative in nature, related to the requirements to implement Housing Element Programs. Therefore, it can be seen with certainty that there is no possibility that this project may have a significant effect on the environment and is not subject to CEQA. It is not possible to predict which properties in the City, if any, may be proposed to be developed with a project that is subject to the Objective Design Standards and Housing Overlay, whether any development or density will result from the proposed changes, whether any development or density will result that would not already have occurred under the existing Zoning Ordinance, whether any project may elect to submit eligible projects, or any possible significant environmental impacts peculiar to the adoption of the Housing Action Plan updates, and therefore will not result in any direct or reasonably foreseeable indirect physical change in the environment (CEQA Guidelines Section 15060(c).) Finally, the project can be seen with certainty based on review of the facts to have no possible significant effect on the environment, including impacts to water or traffic (CEQA Guidelines Section 15061(b)(3).)

***Recommended Actions:***

1. Determine that the zoning amendment is exempt from CEQA per the Community Plan exemption pursuant to PRC Section 21083.3 and CEQA Guidelines Sections 15183, 15060(C) and 15061(B)(3); and
2. Introduce and conduct a first reading of Ordinance No. 1784, approving Zoning Amendment ZA 24-193.

***Attachments:***

1. Ordinance No. 1784
2. Exhibit A: Zoning Amendment ZA 24-193
3. Public Comments

***Notification and Public Comments:***

Public notices for the zoning amendment were distributed and posted per City and State requirements. Public comments received by the Planning Commission are included as Attachment 2. In those comments, the Kennedy Commission, the San Clemente Affordable Housing Coalition, and San Clemente residents opposed provisions in the zoning amendment that would restrict certain hotels and motels from being converted to affordable or market rate housing and would reduce the proportion of affordable units in qualified affordable housing development projects required to qualify for streamlined review within the proposed Housing Overlay.

## ORDINANCE NO. 1784

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING ZONING AMENDMENT ZA24-193 TO TITLE 17 (ZONING) OF THE SAN CLEMENTE MUNICIPAL CODE TO ADD CHAPTER 17.26 OBJECTIVE DESIGN STANDARDS FOR MULTI-FAMILY RESIDENTIAL AND RESIDENTIAL MIXED-USE DEVELOPMENT, AMENDING SECTION 17.32.030 RESIDENTIAL ZONE USES, AMENDING SECTION 17.36.020 COMMERCIAL ZONE USES, AMENDING SECTION 17.40.030 MIXED-USE ZONE USES, AND AMENDING SECTION 17.56.090 HOUSING OVERLAY TO ADD CERTAIN SITES PREVIOUSLY IDENTIFIED IN THE HOUSING ELEMENT, IN ACCORDANCE WITH CALIFORNIA HOUSING LAWS AND THE CITY OF SAN CLEMENTE'S CERTIFIED HOUSING ELEMENT; AND FINDING THAT THE ZONING AMENDMENT IS EXEMPT FROM CEQA PER THE COMMUNITY PLAN EXEMPTION PURSUANT TO PUBLIC RESOURCES CODE SECTION 21083.3 AND CALIFORNIA ENVIRONMENTAL QUALITY ACT GUIDELINES SECTIONS 15183, 15060(C) AND 15061(B)(3)

WHEREAS, in 2017, the Housing Accountability Act ("HAA") was significantly strengthened through the passage of three bills, Senate Bill ("SB") 167, Assembly Bill ("AB") 678, and AB 1515. These bills were part of a comprehensive group of laws enacted to address California's housing shortage. This signaled a significant shift in the focus of the state's housing policies from planning to production. In 2018, AB 3194 further amended and strengthened the HAA. As clarified by AB 3194, when there are inconsistencies between the General Plan and zoning regulations, the General Plan policies take precedence; and

WHEREAS, on January 1, 2018, SB 35, intended to help address California's housing shortage, went into effect, requiring a streamlined and ministerial review process for multi-family housing projects meeting specific qualifications; and

WHEREAS, on January 1, 2019, AB 2162, intended to help address California's need for supportive and emergency housing, went into effect, requiring a streamlined and ministerial review process for supportive housing meeting specific qualifications; and

WHEREAS, on January 1, 2020, SB 330, intended to create certainty in the development of housing projects, went into effect, speeding up the review of these project, and created restrictions on new local regulations; and

WHEREAS, on January 1, 2022, SB 9 went into effect, that requires cities to ministerially approve, within single family residential zones, housing developments containing no more than two residential units and parcel maps for urban lot splits; and

WHEREAS, with certain limitations, the above-referenced laws permit the City to impose design standards on housing projects, so long as those standards are objective and involve no personal or subjective judgment by a public official and are uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant or proponent and the public official prior to submittal. Staff developed the “Objective Design Standards for Multi-Family Residential and Residential Mixed-Use Development” (referred to as “Objective Design Standards”) to ensure new development maintains the unique character and quality of design expected within the City of San Clemente, while providing the City an avenue to process permits for qualifying projects administratively; and

WHEREAS, the City Council adopted the Housing Element Update on September 20, 2022 in accordance with State law and before the deadline of October 2022; and

WHEREAS, the Department of Housing and Community Development (HCD) certified the City’s Housing Element on October 12, 2022; and

WHEREAS, on September 20, 2022, as part of its action on the Housing Element, the City Council certified Program Environmental Impact Report SCH No. 2021020256 (“Housing Element and Safety Element EIR”) pursuant to the California Environmental Quality Act (“CEQA”), approved mitigation measures, and adopted a Statement of Overriding Considerations; and

WHEREAS this Ordinance, through the Zoning Amendment attached as Exhibit A, amends the San Clemente Municipal Code (SCMC) by adding Chapter 17.26 and amending Sections 17.32.030, 17.36.020, 17.40.030, and 17.56.090 with Objective Design Standards, zoning table amendments, and a Housing Overlay, that implement the requirements of State housing laws and the City of San Clemente’s certified Housing Element to effectuate the City Council’s directives on the same; and

WHEREAS, on September 27, 2023 and January 24, 2024, the Design Review Subcommittee (DRSC) conducted public hearings on the Housing Action Plan, focused on whether multiple drafts of the Objective Design Standards encompass all architectural features and design elements related to four architectural styles specified in the City’s Design Guidelines and Specific Plans, with specific numerical standards necessary to facilitate administrative review; and

WHEREAS, on March 8, 2024, the Planning Commission conducted a duly noticed study session to consider a presentation by staff and public testimony concerning the Housing Action Plan items including the Objective Design Standards, zoning amendments, and the Housing Overlay; and

WHEREAS, on May 8, 2024, the Planning Commission conducted a duly noticed public hearing to consider the staff report, recommendations by staff, and public testimony concerning the Ordinance, provided direction to staff, and continued the hearing; and

WHEREAS, on October 2, 2024, the Planning Commission conducted the continued the public hearing to consider the staff report, recommendations by staff, and public testimony concerning the Ordinance, and recommended that the City Council approve the Ordinance and amend the zoning code; and

WHEREAS, on November 7, 2024, the City duly gave notice of a public hearing to be held by the City Council to consider this Ordinance by advertisement in a newspaper of general circulation; and

WHEREAS, on November 19, 2024, the City Council City Council held a duly-noticed public hearing and heard and considered the Ordinance, including: (1) the public testimony and agenda reports prepared in connection with the Ordinance, (2) the policy considerations discussed therein, and (3) the consideration and recommendation by the City's Planning Commission; and

WHEREAS, all legal prerequisites to the adoption of this Ordinance have occurred.

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

Section 1. Incorporation of Recitals.

The City Council hereby finds that all of the facts in the Recitals are true and correct and are incorporated and adopted as findings of the City Council as fully set forth in this Ordinance.

Section 2. Compliance with the California Environmental Quality Act.

Based upon its review of the entire record, including, but not limited to, the staff report, any public comments or testimony, and all related information presented to the City, and the facts outlined below, the City Council finds the SCMC amendments included in the Ordinance are exempt from CEQA and/or not subject to further environmental review pursuant to Public Resources Code (PRC) Section 21083.3 and CEQA Guidelines Section 15183, as well as Guidelines Sections 15060(C) and 15061(B)(3). Since the project would adopt development standards consistent with the land uses and development intensities analyzed in the certified EIR for the Housing Element Update, the SCMC amendments are eligible for the Community Plan exemption from CEQA pursuant to PRC Section 21083.3 and CEQA Guidelines Section 15183.

Additionally, the project is covered by the general rule that CEQA applies only to projects which have the potential to cause a significant effect on the environment, and where it can be seen with certainty that there is no possibility that the project may have a significant effect on the environment, the project is not subject to CEQA. The proposed zoning amendment involves a policy action that is administrative in nature, related to the requirements to implement Housing Element Programs. Therefore, it can be seen with certainty that there is no possibility that this project may have a significant effect on the environment and is not subject to CEQA. It is not possible to predict which properties in



the City, if any, may be proposed to be developed with a project that is subject to the Objective Design Standards and Housing Overlay, whether any development or density will result from the proposed changes, whether any development or density will result that would not already have occurred under the existing Zoning Ordinance, whether any project may elect to submit eligible projects, or any possible significant environmental impacts peculiar to the adoption of the Housing Action Plan updates, and therefore will not result in any direct or reasonably foreseeable indirect physical change in the environment (CEQA Guidelines Section 15060(c).) Finally, the project can be seen with certainty based on review of the facts to have no possible significant effect on the environment, including impacts to water or traffic (CEQA Guidelines Section 15061(b)(3).)

### Section 3. Zoning Amendment Findings.

The City Council finds the following with respect to the Zoning Amendment ZA24-193 attached hereto as Exhibit A, amending the SCMC:

- A. The Zoning Amendment is consistent with the General Plan, in that:
1. The Amendment improves the effectiveness of processes that directly implement goals and policies Centennial General Plan (as adopted on February 14, 2014 and by subsequent amendments thereafter including the Housing Element adopted in 2022) pursuant to Government Code Section 65860(c);
  2. The Objective Design Standards are consistent with the Land Use Element of the General Plan. Specifically, Land Use Element Policy LU-1.03 provides that the City should maintain neighborhood character by maintaining elements that unify and enhance the character of neighborhoods, including parkways, street trees, and compatible setbacks. This Ordinance is consistent with—and effectuates—Policy LU-1.04 by ensuring that projects within the Housing Overlay implement designs to convey a high level of architectural and landscape quality in accordance with the Urban Design Element and Zoning Code, and in consideration of the following: a) varied and distinct building elevations, facades, and masses (avoiding undifferentiated "box-like" structures); b) building scale and massing that is compatible with existing development; c) use of extensive site landscaping to complement the architectural designs of structures; d) reduced area and width of paving in front yards for driveway and garage access; and e) location and design of garages so that they do not dominate the appearance of the dwelling from the street. Collectively, this will facilitate housing projects with a variety of housing types, styles and densities in the City.
  3. The Ordinance is consistent with, and in furtherance of, the General Plan as it implements Housing Action Plan programs identified in the City's Sixth Cycle Housing Element, including the Objective Design Standards, Housing Overlay expansion to include parcels previously identified in the Housing Element, and zoning land use table changes to authorize Qualifying

Affordable Housing Development Projects and senior housing in medium and high density residential, commercial, and mixed-use zones.

- B. The Zoning Amendment adopting the Objective Design Standards and amending the land use provisions of the zoning code as reflected in Exhibit A will not adversely impact the public health, safety, and welfare since they further the Centennial General Plan objectives of (1) meeting community values, needs, and conditions; (2) guiding long-term public and private land use, transportation, economic development, resource preservation, urban design, and other public policy actions; and (3) reflecting the Planning Commission’s review, direction, and independent judgement regarding land use. Adoption of this Ordinance is also consistent with—and contemplated by—the City’s Sixth Cycle Housing Element, the adoption which the City Council determined will not adversely impact the public health, safety and welfare. For these reasons, adoption of this Ordinance will not adversely affect the public health, safety, and welfare.

Section 4. SCMC Code Amendments. Title 17 (Zoning) of the San Clemente Municipal Code is hereby amended as set forth in Exhibit A, attached hereto and incorporated herein fully by reference.

Section 5. Severability.

If any section, subsection, sentence, clause, or phrase of this Ordinance is, for any reason, held to be invalid or unenforceable by a court of competent jurisdiction, such decision shall not affect the validity or enforceability of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance and each section, subsection, clause, or phrase hereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, and phrases would be declared invalid or unenforceable.

Section 6. The City Clerk shall certify to the passage of this Ordinance and publish the same in the manner required by law, and this Ordinance shall take effect as provided by law.

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

ATTEST:

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

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

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

I, LAURA CAMPAGNOLO, City Clerk of the City of San Clemente, California, hereby certify that Ordinance No. 1784 having been regularly introduced at the meeting of \_\_\_\_\_, was again introduced, the reading in full thereof unanimously waived, and duly passed and adopted at a regular meeting of the City Council held on the \_\_\_\_\_ of \_\_\_\_\_, \_\_\_\_\_ and said Ordinance was adopted by the following vote:

AYES:

NOES:

ABSENT:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of San Clemente, California, this \_\_\_\_\_ day of \_\_\_\_\_, 2024

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

APPROVED AS TO FORM:

\_\_\_\_\_  
Elizabeth A. Mitchell, City Attorney

### **Exhibit A: Zoning Amendment ZA24-193**

Chapter 17.26 is proposed to be added to the Zoning Code in its entirety, as included on pages 2-26 of this Exhibit. Beginning on page 27 of this Exhibit, language proposed to be deleted from the Zoning Code is identified in ~~strike-through~~. Language proposed to be added to the Zoning Code is identified in underline. Within the zoning tables, land uses with proposed revisions to permitted or conditional uses are identified in **red text** within each row in addition to ~~strike-through~~ and underline within specific cells.

(follows this page)

## **Zoning Code Chapter 17.26 Objective Design Standards for Multi-Family Residential and Residential Mixed-Use Development**

### **17.26.010 Purpose and Intent.**

The State of California continues to enact new laws that accelerate housing production by streamlining the approval of housing development at the local level. The Objective Design Standards supplement the development standards of the City of San Clemente Zoning Code and further the goals, policies, and implementation of the General Plan, which encourages an elevated design and fosters an enhanced quality of life through the built environment. The Objective Design Standards provide architectural and site design requirements for new multi-family residential and residential mixed-use development.

### **17.26.020 Applicability.**

- A. The design standards of this chapter apply to any project that is reviewed under the procedures set forth in the zoning code. The following multi-family residential projects qualify for ministerial review under the Objective Design Standards *only*, without the requirement for discretionary review or consideration of other design standards:
1. Affordable Housing and Senior Housing Projects, consisting of efficiency, studio, one-, two-, three-, and/or four-bedroom units, which meet the requirements of a “Qualified Affordable Housing Development Project” pursuant to Zoning Code Section 17.56.090 (Housing Overlay) and accompanying map.
  2. Other multi-family residential development projects, where such use is permitted in the applicable zoning district and subject to ministerial processing pursuant to California Government Code Section 65913.4.
  3. Any other housing-related project that qualifies for objective, ministerial, or administrative review pursuant to State law.

### **17.26.030 Development Project Review.**

Multi-family residential development projects shall be reviewed consistent with the procedural and development requirements of Zoning Code Section 17.56.090 (Housing Overlay) or relevant State law, subject to the Objective Design Standards of this section. Projects meeting the applicability provisions are eligible for ministerial review and are statutorily exempt from environmental review pursuant to CEQA Section 16268. A Coastal Development Permit shall be required for projects within the Coastal Zone.

### **17.26.040 Development Allowances to Meet Housing Element Density Goals.**

In order to ensure that there is potential for multi-family residential development projects within the Housing Overlay and for other projects subject to ministerial review to obtain the maximum density allowed pursuant to the Zoning Code, certain development allowances shall apply, in addition to any allowances or exceptions authorized by State law. These allowances shall apply to multi-family residential development projects on sites with identifiable constraints, which based

on a strict application of the Zoning Code could not be feasibly developed with 100% of the number of units allowed.

- A. The minimum unit size within the Housing Overlay shall be 190 square feet, consistent with the “efficiency unit” category of accessory dwelling unit referenced in Zoning Code Section 17.88.030. No maximum unit size shall apply but the economic incentive to provide large units shall not be accepted as justification that it would be infeasible to provide the maximum number of units on a site.
  
- B. Multi-family residential development projects shall conform to the development standards that apply to the underlying residential zoning district, mixed-use zoning district, or commercial zoning district in which the project is located, with the following exceptions:
  - 1. The number of required vehicle parking spaces may be reduced to a minimum of one space per residential unit, or fewer spaces if the residential development is within ½ mile of public transit as defined by California Government Code Section 65863.2, in order to maximize housing density.
  - 2. The required landscaping area may be provided at grade, in planter boxes, or as vertical planting on walls such as vines on a trellis, planting in gabions, or mounted plant boxes. Vertical planting area is calculated as wall surface area covered with plant material based on expected plant size at maturity, with vine specimens being expected to cover 10 square feet even if smaller at the time of planting.

**17.26.050 Objective Design Standards.**

- A. Site Design Standards.
  - 1. Open Areas. New development shall provide usable residential open areas (as defined by Title 17, Section 17.88 (Definitions), subject to the following standards.
    - a. The greater of 60 square feet per residential unit or 20% of the total lot area shall be used for open areas; setback areas may be used to meet the open area requirement.
  - 2. Parking Location, Access, and Design
    - a. Parking Location. Locate parking areas to the rear or internal locations of the property, using alley access where an alley exists. Where site conditions of severe topography or biological resources prevent parking areas from being located to the rear of the property, the following standards apply:
      - i. Locate parking areas to the interior side with a maximum horizontal dimension measured parallel to the sidewalk of 65 feet and setback 10 feet from property lines and 5 feet from the face of buildings.
      - ii. Street frontage of a single parking area shall be limited to one double row with circulation aisle (65 feet maximum length still applies). A building shall be sited beyond the street fronting parking area before additional parking row(s) are added.

- iii. The setback area shall be fully landscaped in accordance with Section 17.26.050(A)(4), unless used as a pedestrian walkway. If a pedestrian walkway is proposed, the walkway shall be a minimum width of 5-feet along the entire length of the setback area and be constructed of firm, stable, and slip-resistant materials (e.g., poured-in concrete), permeable paving, or concrete pavers.
  - b. Parking Access and Driveways. The number of driveway openings to public streets shall be limited to 1 driveway opening per 150 linear feet of lot area abutting a public street (street frontage). This limit does not apply to access from alleys. Private street or alley access shall serve as the primary vehicular access to parking areas, if available. If not available, then public streets may provide access. When access is possible to access a site from more than one public street, use the street with the least traffic volume.
  - c. Internal Circulation (Larger Development). Larger development, defined as multi-family developments (30+ units) and mixed-use developments (10,000 square feet and larger), that proposes internal circulation (i.e., sidewalks, streets, and drives) internal to the site shall be subject to the following circulation standards.
    - i. Align new streets and sidewalks with existing streets and sidewalks. Connected sidewalk(s), shared driveways, shared access drives, or shared parking count toward this requirement.
    - ii. Provide a sidewalk on at least one (1) side of a private drive. The sidewalk shall be a minimum width of 5-feet along the entire length of the drive, compliant with Americans with Disabilities Act standards, and shall be constructed of firm, stable, and slip-resistant materials (e.g., poured-in concrete), permeable paving, or concrete pavers.
    - iii. Create landscaped buffer of minimum 5-feet between the buildings and the private drive(s) that include groundcover and shrubs a maximum of 30-inches in height after two years of growth and one (1) tree per 25 linear feet of adjacent building elevation.
  - d. Parking Design.
    - i. Parking Structures. Structured parking provides parking within a structure below, at, or above grade. If a parking structure is proposed, the following standards shall be required.
      - 1. Locate parking structures to the rear or interior portions of the property. Where site conditions related to severe topography, or biological resources prevent a parking structure from being located to the rear or interior portions of the property:
        - a. Place the short dimensions of the parking structure at the street edge, measured horizontally from the street fronting

- width of the garage and vertically from the ground to the top of the structure.
      - b. Utilize vertical planting on the portions of the parking structure along street frontage. If vertical planting including vines and trees planted within 5 feet of the building façade or along the building facade does not restrict at least 50% of the total view of the parking structure as observed from any street frontage, then architectural features, false facades, and/or screening devices shall be provided.
      - c. When the structure will serve a mixed-use development, locate storefronts, offices, or other commercial space along the ground level of street frontage. When this is not possible, provide one of the following:
        - i. Parking structure with an integrated ground floor shop.
        - ii. Parking structure with a planted visitor serving patio space that covers at least 50% of the horizontal street frontage(s).
      - d. Garage entries, loading and service entries, utility rooms, stairs, elevators, and other similar elements shall occupy no more than 20% of the width of a building façade that fronts a public street.
  - ii. Parking Courts. A parking court is a type of parking area where parking is provided between the street and the building. Where 50 or more parking total parking stalls are proposed, then portions of those stalls shall be broken up within smaller parking courts in accordance with the following standards:
    - 1. Parking courts shall consist of 25 or fewer spaces.
    - 2. Parking courts shall be physically separated from each other using building structures, landscaped areas including parking diamonds, or pedestrian walkways.
  - iii. Parking Drives. A parking drive is a paved way located outside the public right-of-way that provides vehicular access between the street and parking area, that also incorporates open parking spaces, carports, or garage doors along the length. If parking drives are proposed, the following standards shall be required.
    - 1. Arrange parking in bays. Separate each 8 spaces of continuous perpendicular or angled parking from others by planting areas not less than one parking space wide.



2. In Multi-family projects over 30 dwelling units, the location of Parking Drives shall be internal to the site and not located around the periphery or edge of the site adjacent to public street(s) where visible from public view.
- iv. Covered Parking. When covered parking is required pursuant to Section 17.64.050 (Off-Street Parking Requirements by Land Use), then covered parking shall be provided by means of garages, carports, and trellised canopies.
  1. Carports and garage door openings shall not be located adjacent to the primary street unless there is no other driveway access available onsite for parking.
  2. When visible from the public street frontage, covered parking entrances shall be recessed by a minimum of 18 inches from the street-facing elevation and be accompanied by projecting elements such as porches, windows, trellises, architectural ornament, or landscaping. An extended or projected feature shall project a minimum of 2 feet and run horizontally for a minimum depth of 4 feet.
  3. Garage entries, loading and service entries, utility rooms, stairs, elevators, and other similar elements shall occupy no more than 20% of the width of a public street facing building façade.
3. Streetscape Design.
  - a. Sidewalk Design. New development shall provide a sidewalk, measured from the front property line to the planned curb, in the entire area within the public right of way that is not dedicated to vehicle and bicycle circulation or other planned improvements, which may include street furniture and trees. Sidewalk materials and construction shall be provided as per City standard in consultation with Public Works staff. The walking surface shall be concrete finish in accord with the City Standard, with the exceptions for use of Historic Tile Sidewalk Materials specified in Zoning Code 12.08.030
  - b. Development proposed in a Pedestrian District shall provide widened sidewalk spaces for pedestrian seating and planting at select mid-block and corner locations. These improvements may be implemented by a future City streetscape program, or individually with new developments. Developers shall incorporate the required sidewalk space into the project plans and work with the City to determine if the project location is suitable for this type of improvement as part of the project or as part of a future City streetscape program.
  - c. Street Lighting. Street lighting shall be provided as per City Standard in consultation with Public Works staff. The single lamp fixture shall be used on all

streets in the Pedestrian District except for El Camino Real. A double lamp fixture shall be used on El Camino Real.

- d. Street Furniture. Street furniture means the functional elements, objects, and pieces of equipment installed and mounted along streets including public art, seating benches, fountains, planters and planting pots, bicycle parking, and bins and trash containers. If proposed, street furniture shall only be located in widened sidewalk spaces that are more than 12 feet in width.
4. Landscaping. In addition to landscape standards contained in Chapter 17.68 (Landscape Standards) of the Zoning Code, projects shall conform to the following standards.
    - a. Site Interior/Yard Planting. Landscaping shall be utilized for all required front, side, and rear yard areas that are not specifically used for parking, driveways, walkways, or open space (private, common, and pedestrian space) in accordance with the following standards.
      - i. Landscaping shall include groundcover and shrubs a maximum of 30-inches in height, after two years of growth, and one tree (minimum 24-inch box size) provided for each 300 square feet of yard area. Trees shall be spaced at a minimum of 25 feet on center.
      - ii. Projects shall utilize plant materials that are drought tolerant and primarily native to Coastal California, such as those identified in in Appendix A – Plant Selection Guide.
    - b. Parking Area Landscaping. In addition to standards contained in Section 17.64.060 (Design Standards for Off-Street Parking Facilities) of the Zoning Code, projects shall conform to the following standards, in addition to site line standards imposed by the Engineering Department required for vehicle safety.
      - i. Perimeter Landscaping. Perimeter landscaping shall be provided to visually screen off-street surface parking areas from the public street view, adjacent properties, and open space (private, common, and pedestrian space). Screening shall be in accordance with the following standards.
        1. Screening shall be provided by planting or a combination of planting and low solid walls or earth berms up to 42 inches high.
          - a. Screened perimeter areas shall be 10 feet deep along public streets and 5 feet deep along interior property lines.
          - b. Solid walls used for screening shall be accompanied by a minimum 5-foot-wide landscaped edge between the property line and the wall, facing the street.
          - c. Landscaping shall include groundcover and shrubs a maximum of 30-inches in height after two years of growth and one tree (minimum 24-inch box size) provided for each 300 square feet of perimeter area between the property

line and the parking area. Trees shall be spaced at a minimum of 25 feet on center.

- ii. Interior Landscaping. For surface parking lots greater than 5,000 square feet, an internal area of at least 10% of the total parking area shall be planted with a combination of trees and shrubs in accordance with the following standards.
  - 1. Tree spacing shall be such that every designated parking space is within 30 feet of the trunk of a tree (minimum 24-inch box size). Landscaped fingers or “planted breaks” may be used.
  - 2. If palm trees are used for interior landscaping, then other tree species with large canopies shall also be used.
  - 3. Projects shall utilize plant materials that are drought tolerant and primarily native to Coastal California, such as those identified in Appendix A – Plant Selection Guide
- iii. Street Trees. Street trees along public streets shall be provided in consultation with Public Works staff and shall consist primarily of drought tolerant species native to Coastal California, such as those included in Appendix A – Plant Selection Guide.
  - 1. Street trees shall be provided at an interval of 25 feet along the entire length of the property line adjacent to a public street, except where driveway or utility locations prohibit placement.
  - 2. Street trees shall be planted with enough distance from the curb so a parked car door can open without hitting the tree.
  - 3. Provide a 4-foot by 4-foot planting space or well under each tree.
  - 4. The ground surface of the planting space or well shall be level with the sidewalk.
  - 5. Use stone blocks or steel grates as approved by the City.
  - 6. Low precipitation and drip-type systems shall be installed.

5. Building Equipment and Service Areas

- a. Ground-Mounted Equipment on Private Property. Ground-mounted equipment, such as air conditioning units, landscape irrigation's controls, transformers, fuse boxes, telephone equipment, gas meters, water meters, stand pipes, and fire sprinkler connectors, shall be located underground if within the front yard setback, or screened from public view if outside the front yard setback. When no front yard setback is required, ground mounted equipment should not be located in the area between the street and the building closest to the street.
- b. Where ground-mounted equipment cannot be located outside the front yard due to topographical, biological, or minimum building density constraints, ground-mounted equipment located in the front yard shall be located where not visible from public view or shall be screened from public view. Screening of

ground-mounted equipment must be designed and constructed similar to adjacent landscaping, architecture and/or materials.

- c. Roof-Mounted Equipment. All roof-mounted appurtenances including, but not limited to air conditioning units, and mechanical equipment shall be shielded and architecturally screened from view from on-site parking areas, adjacent public streets, and adjacent residentially zoned property. It shall be located in an equipment well which is screened by a screening wall, parapet wall or equipment well. The height of such equipment, mounted in the well, shall not exceed the height of the architectural element used to screen the well. To the extent that topographical, biological, or minimum building density constraints make the placement of equipment and screening as required above infeasible, visibility of equipment and screening shall be minimized to the greatest extent feasible. Roof screens shall be sheathed in a matching or complementary material to the exterior building and may include metal panels, parapet walls or screens constructed of exterior grade plywood or other durable materials.
6. Outdoor Lighting All outdoor lighting shall comply with the following standards. For specific lighting requirements related to architectural styles, see Section 17.26.050(C).
- a. Step Lighting.
    - i. All step lighting within the residential development must incorporate a grate cover or directional light shield cover to direct and focus the emitted light towards the ground surface.
    - ii. The grate cover or directional cover must be constructed of durable and weather-resistant materials, meeting ASTM standards for outdoor use, to ensure longevity and performance in various environmental conditions.
    - iii. The design of the grate cover or directional cover shall align with the overall architectural aesthetics of the development while prioritizing functionality and safety.
  - b. Exterior Light Fixtures.
    - i. Street facing Exterior light fixture illumination must be downward directed, limited to spillover within the property boundary, and employ light diffusion techniques, such as specialized glass treatments or diffusers, to evenly distribute and soften the emitted light.
    - ii. The glass treatments applied to exterior light fixtures shall adhere to industry-standard light transmission and diffusion properties, ensuring optimal illumination without causing glare or light pollution.
    - iii. Light diffusion materials must be resistant to discoloration or degradation caused by environmental factors, guaranteeing consistent performance over time.
    - iv. Exterior light fixtures shall be selected based on the principles of sustainable lighting design, incorporating energy-efficient technologies and compliant with ENERGY STAR requirements.

- v. The color temperature of exterior light fixtures shall align with recommended guidelines to create a visually comfortable and harmonious outdoor environment for residents and passersby.
        - vi. Lighting that is directed at neighboring properties is not permitted.
  - 7. Signage. Sign design shall be consistent with the following standards:
    - a. Construction
      - i. Signs shall be constructed as to not obstruct line of sight for pedestrians, bicyclists or vehicular drivers.
      - ii. All permanent sign faces shall be constructed of permanent materials including, but not limited to, painted and/or sandblasted wood, ceramic tile, applied letters, carved wood, metal, plastic or other compatible, durable and waterproof material. No material more combustible than treated wood shall be used in the construction of any permanent sign.
      - iii. All signs shall be constructed in accordance with all applicable Uniform Building Code and National Electrical Code provisions.
      - iv. Sign support hardware shall be of a compatible material with the sign it supports and shall complement the architecture and design of building to which it is affixed.
      - v. Signs shall be designed and oriented to minimize light or glare upon adjacent residential properties and public rights-of-way.
    - b. Lighting of Signs
      - i. Electrical lines from buildings to signs shall be concealed from public view. Exposed raceways are prohibited.
      - ii. Light fixtures in planted areas or within support structures shall be screened so that light spillover is restricted to the sign area.
      - iii. All external lighting shall be directed away from any adjacent residential uses and public rights-of-way.
      - iv. Internally lighted signs shall be a maximum of 200,000 lumens.
      - v. Front lit channel letters shall be employed rather than halo lighted signs.
    - c. Landscaping
      - i. Landscaped planters shall be required to be installed at the base of all permanent freestanding signs.
      - ii. The area of the landscaped planter shall be at least equal in size to the area of two sign faces for pole signs and one sign face for monument signs.
      - iii. All landscaped planters shall be irrigated and landscaped with living plant material. Drought tolerant, low maintenance plants shall be utilized wherever possible.
    - d. Signage size and location shall comply with the objective requirements of Section 17.84 (Sign Regulations).
- B. Building Design Standards.
  - 1. Building Form and Massing.

- a. Scale down the street-facing facades of buildings more than two stories high in order to reduce apparent height. Achieve this by stepping back the third story and any additional stories at least 10 feet from the street-facing property line, or 5 feet beyond the lower street-facing portion of the building face, whichever setback is greater. The third story stepback is not required to be uniform. A variety of methods to achieve the stepback may be used.
  - b. Buildings over two stories in height that have frontages on a common open space or courtyard shall have their top story set back at least 5 feet from the building face at the courtyard.
  - c. For buildings with 2 or more stories, the first floor shall have the tallest plate height by a minimum of 10% higher than any other plates.
  - d. Buildings on sloping lots shall step down with the topography of the slope, where visible from public view, unless such design would make it infeasible to achieve the maximum density given the size of the lot.
  - e. Building frontages on public streets shall include defined projecting or recessed architectural elements such as building or unit entrances, bays, bay windows, stair towers, balconies, verandas, porches, trellises, overhangs, and loggias count toward this requirement. Such elements shall occur at a minimum of every 30 feet and each story shall have at least two of the following features:
    - i. A recessed feature that has a minimum depth of 6 feet used to define courtyards, entries, balconies, porches, loggias, or other outdoor spaces along the perimeter of the building.
    - ii. An extended or projected feature that projects a minimum of 2 feet and runs horizontally for a minimum depth of 4 feet used to emphasize architectural elements such as entrances, bays, stair towers, balconies, and verandas.
    - iii. Offsets of façade or roof line of 2 feet or greater in height.
  - f. Roof lines shall not extend horizontally by more than 20 feet in length without at least one prominent change as described below.
    - i. Provide variation in roof height of at least 24 inches measured from the highest point of each roof line. Variation in roof height shall be accompanied by plan offsets.
    - ii. Provide variation in roof form such as gable, hipped, shed, or parapet, pitch (i.e., low to medium), or orientation. Variation in roof orientation shall be accompanied by plan offsets.
    - iii. Provide variation in architectural elements such as molding, cornices, eaves, overhangs, corbels, and brackets.
2. Building Entrances. Entrances shall be oriented in accordance with the following standards.
- a. Mixed-Use Buildings.

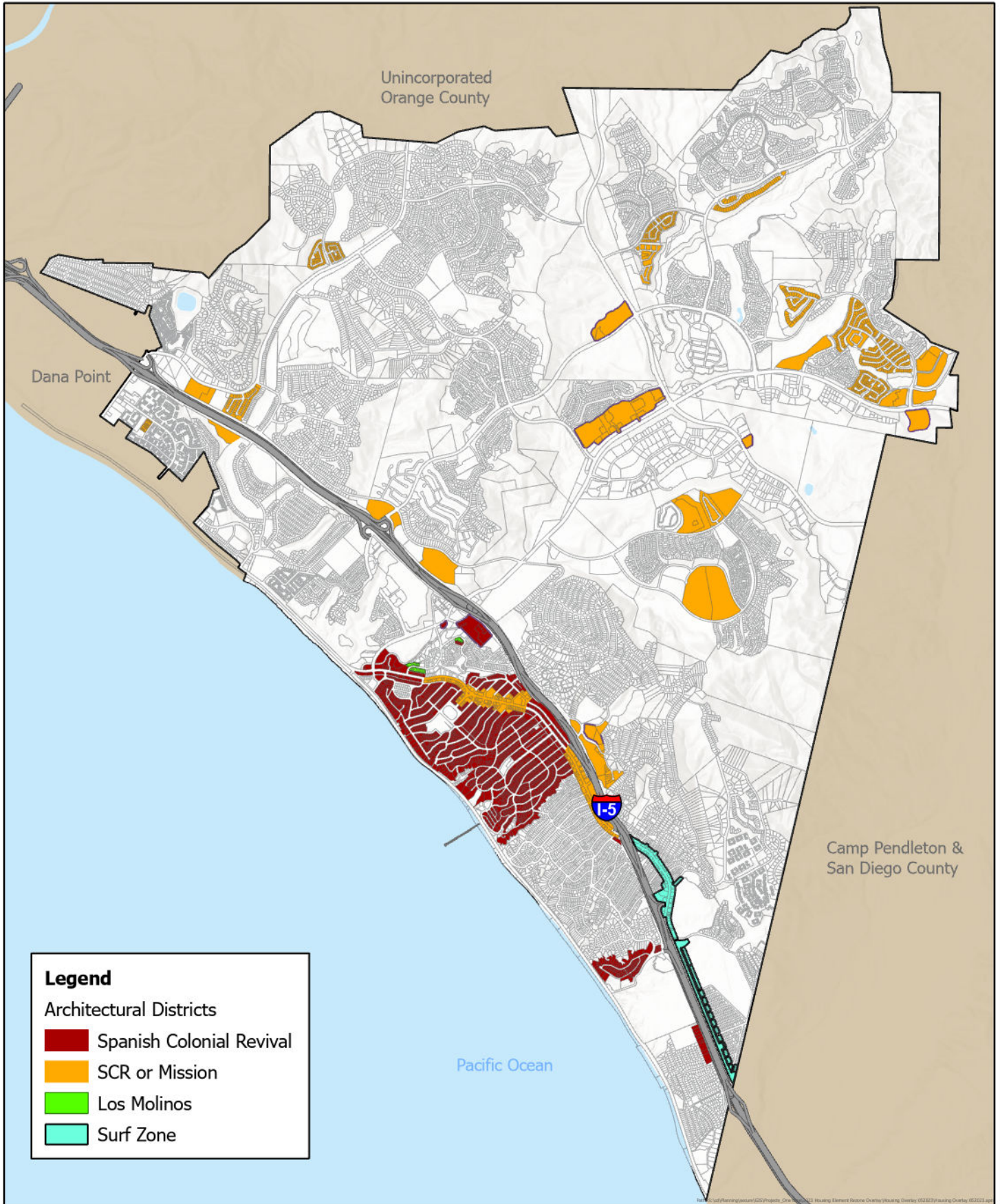
- i. Buildings located adjacent to public streets shall have primary (main) pedestrian entrances for commercial uses oriented to face adjoining street(s).
    - ii. Buildings not located adjacent to public streets shall have primary (main) pedestrian entrances for commercial uses oriented to face parking areas, walkways, or open space such as courtyards or plazas.
    - iii. Buildings with more than 100 linear feet of public street frontage shall provide at least one building entrance for each 100 linear feet.
    - iv. Entrances shall be recessed a minimum of 2 feet from the sidewalk right-of-way.
    - v. Entrances shall be clearly recognizable from the street using one or more of the following methods:
      1. Awnings or canopies above an entry with an 8-foot minimum height above the finished grade.
      2. Architectural elements such as columns, porticos, overhanging roofs, or ornamental light fixtures.
    - vi. When non-residential and residential uses are in a vertical mixed-use structure, separate pedestrian entrances shall be provided for each use.
    - vii. The entrance to residential portions of the building or additional commercial suites (upper floors) shall be accessed through a street level lobby, architecturally integrated entry corridor, from an adjacent alley, or from an internal parking area.
  - b. Multi-Family Residential Development.
    - i. Each unit entrance shall have a non-obstructed, direct sightline either toward the street or to an interior or exterior open space on the site such as verandas, open passages, outdoor courtyards, ~~or~~ gardens, or parking areas.
    - ii. When an outdoor courtyard or garden is used as an entrance to dwellings, the courtyard or courtyard entry shall open directly to the public street and sidewalk adjacent to the site.
3. Building-Street Edge. The building-street edge is defined as the configuration of buildings and open spaces along the street frontage of the site. Where a multi-story development is proposed, one of the following building-street edge configurations at the ground level shall be used.
  - a. Continuous uninterrupted building edge at the sidewalk for the length of the street frontage.
  - b. Continuous uninterrupted building edge with recessed or projected covered walkway, pedestrian plaza, courtyard, or a combined building and pedestrian open space (e.g., patio or veranda), built to the sidewalk for the length of the street

frontage. Any proposed recessed or projected features shall conform to Section 17.26.050(B)(1)(d)(i-ii).

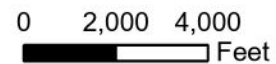
- c. A combination of building, pedestrian open space, and parking frontage, parallel to the sidewalk for the length of the street frontage. The street frontage of a single parking area shall be limited to one double row with circulation aisle (65 feet). A building or building element shall occur before an additional parking row is added. All parking areas shall be setback at least 10 feet from front and side street property lines, with the setback area fully landscaped.
4. Additional Building Design Standards Applicable to Mixed-Use Buildings.
    - a. Storefront Transparency. All glass in windows and doorways shall be 90 percent clear for maximizing visibility into stores. A minimal amount (2 to 3 percent) of neutral tinting of glass to achieve sun control is acceptable if the glass appears essentially transparent when viewed from the outside. Opaque, reflective, or dark tinted glass that obstructs interior views at the street level is prohibited.
    - b. Public Realm. At least 50 percent of the building frontage facing a public street, primary pedestrian way, or parking lot shall be devoted to pedestrian-oriented features (e.g., storefronts, pedestrian entrances to nonresidential uses; transparent display windows; landscaping).

**C. Architectural Design Districts.** There are distinct architectural styles and patterns of design that comprise San Clemente’s character. These are represented in four Architectural Design Districts: Spanish Colonial Revival, Mission, Los Molinos, and Surf Zone. All new development proposed within an Architectural Design District identified in Figure 17.26.050(C) shall comply with the standards for the applicable Architectural Design District.





# Architectural Design Districts



1. Spanish Colonial Revival.

- a. Background. The original architecture of San Clemente is expressive of the founder's vision of a "Spanish Village by the Sea" The historic image and identity of the community is reinforced through the design of buildings and gardens that reflect the traditions of California's Spanish Colonial Revival.
- b. Applicability. Properties designated as Spanish Colonial Revival on Figure 1 shall comply with the architectural design standards contained in this section, which are excerpted from the Henry Lenny Guidelines and interpreted in the context of the Henry Lenny Design Guidelines if a standard in this section is unclear. Properties designated as SCR or Mission on Figure 1 have the option to comply with either of the architectural design district standards. Development identified as Spanish Colonial Revival shall comply with these standards.
- c. Form and Massing
  - i. Building facades shall be asymmetrical by incorporating:
    1. A minimum of 2 or more roof planes; and
    2. A minimum of 1 vertically oriented element (e.g., elements that are built upwards) and 1 horizontally oriented element (e.g., elements that are longer than they are tall).
  - ii. For buildings with 2 or more stories, the first floor shall have the tallest plate height, by a minimum of 10% higher than any other plates.
- d. Roof Design.
  - i. Roof Configuration. The following configurations are permitted.
    1. The structure's primary roof element shall be gabled, hipped, and shed roofs.
    2. Flat roofs as accents on elements of the main building, such as roof decks, porches, and colonnades. Where visible from public view, flat roofs shall have a color and material that matches the tile used on pitched roofs on the same structure. This requirement does not apply to parapet walls which may be a different material.
    3. Roof pitch shall be 3:12 or greater.
  - ii. Roof Materials. The following materials are permitted.
    1. Terra cotta flat or barrel tiles.
  - iii. Roof Elements. Roofs shall incorporate ridges, hips, valleys, rakes, and eaves subject to the following standards.
    1. Ridges. A horizontal line of intersection at the top between sloping planes of a roof.
      - a. Ridge tiles shall cap all adjacent roof sections and be packed with mortar.
      - b. Three to four booster tiles shall be used at the ends.

- c. All flashing and waterproofing membrane materials shall be hidden from public view.
  2. Valleys. A valley is an intersection of two inclined roof surfaces, toward which rainwater flows. Valleys shall be of either type:
    - a. A standard/cut valley treatment where tiles are cut and secured to the roof leaving a straight path for water to shed.
    - b. A woven valley treatment where tiles are weaved back and forth across the midpoint from both sides of the valley.
  3. Rakes. A rake is the inclined, occasionally projecting, edge of a sloping roof. On a tile roof, tiles shall be rolled over rakes in at least one of the following ways:
    - a. Plain rake-to-wall transition.
    - b. Slaked stucco to encapsulate the tile.
    - c. Rake terminated with rafter tail or cornice.
  4. Eaves. An eave is the overhanging lower edge of the roof.
    - a. Eaves shall have exposed rafter tails with spacing of no more than three times the width of the rafter.
    - b. Construct corbels/brackets of stone, wood, or stucco. Carvings shall be a classical profile such as an ogee, cyma recta, or cyma reversa.
    - c. Bird stops shall be of mortar with weep or drain holes.
- iv. Roof drainage systems shall blend into the building through utilization of at least one of these systems:
  1. Rain gutters shall either be cornice gutters (as referenced in the Henry Lenny Design Guidelines) or copper round gutters.
  2. Downspouts shall be copper and vertical from the roof or gutter to the ground. When a downspout engages the wall, a copper leader box shall be used.
  3. Scuppers shall use clay tiles, spouts, sculpted faces or gargoyles, or tapered canals.
- e. Exterior Walls, Ceilings, and Flooring.
  - i. Exterior walls.
    1. Walls shall be constructed to provide the appearance of a 12-24 inch thick wall at articulation points and door/window openings.
    2. The total area of solid building façade (plain wall) shall be greater than the total area of door and window openings in the wall, except at storefront locations.
    3. At least 80% of rectangular wall openings shall be vertically oriented. If horizontal openings are proposed, they shall be broken up vertically by using a loggia, arcade, or mullion placement.

4. Wall Finishes. The following finishes are permitted.
  - a. Smooth finish stucco with or without scoring. Sprayed on, mixed or textured stucco finish is not permitted.
  - b. Whitewashed brick.
  - c. Cantera stone in warm tones.
5. Wall Colors. The following colors are permitted.
  - a. Primary wall colors shall be white or off-white.
  - b. Secondary wall colors shall be white, off-white, or earth tone.
  - c. Accents, trim, and highlighting features shall contrast with the white, off-white, or earth tone colors (e.g., dark blue, green, and brown).
- ii. Exterior Ceilings.
  1. Exterior ceilings shall have a minimum clearance of 9 feet.
  2. Exterior Ceilings shall be vaulted, beamed, or covered.
  3. If beamed ceilings are proposed, stained wood is required.
  4. Coves, beams, and vaults shall correspond with the spacing of arcades or columns.
- iii. Exterior Flooring and Hardscape Surfaces. The following flooring and hardscape surfaces are permitted.
  1. Brick punctuated with glazed tiles.
  2. Brick in herring bone, basket weave, or soldier course pattern.
  3. Terra cotta or Lincoln tile (Mexican Clay).
  4. Flag stone, stand stone, or limestone.
  5. Plain concrete with scoring patterns or colored concrete in sand type, non-red colors.
  6. Pebble mosaic tiles in black, gray, or sand type, non-red colors.
  7. French style cement or ceramic tiles.
- f. Windows and Doors.
  - i. Window Types, Materials, and Components.
    1. Permitted window types include:
      - a. Casement with a single pane of glass or divided.
      - b. Double hung.
      - c. Decorative (e.g., vent, round, oval, quatrefoil).
    2. Glass areas shall be broken up by mullions and transoms.
    3. When proposed, focal windows shall be triple-arched or windows with parabolic shaped grills of wood, iron, or other elaborations.
    4. Frames and mullions shall be metal, wood, or fiberglass; painted, or stained; stucco framing is acceptable.

5. Decorative metalwork shall be traditional Spanish Colonial Revival style steel.
  6. Windows shall be set toward the interior to allow the wall thickness to be revealed on the exterior of the building. Insets shall be a minimum of 4 inches.
- ii. Door Types and Components.
    1. Permitted door types include:
      - a. Wood panel with or without glass.
      - b. Wood and glass.
      - c. Fiberglass
      - d. Antique or found doors.
      - e. Plank doors.
    2. Frames and mullions shall be wood, painted, or stained; stucco or tile framing is acceptable.
    3. Doors shall be set back in deeply recessed and arched openings. Insets shall be a minimum of 6 inches.
- g. Exterior Lighting.
    - i. Lanterns, pendants, sconces, gas lamps, and other decorative fixtures of Spanish Style (i.e., geometric and angular with points and spikes) shall be used on building exteriors.
    - ii. Placement of fixtures shall be restricted to entrances, passageways, pedestrian spaces, and arcades.
  - h. Architectural Elements. If included, where visible from public view, these architectural elements shall be designed as follows.
    - i. Balconies and Porches.
      1. Balconies and porches shall be constructed of iron or wood coated with stucco, painted, or stained.
      2. Design shall be one of the following:
        - a. Balcony or porch with supporting posts from ground to floor.
        - b. Cantilevered or projecting balcony or porch with posts supporting the roof.
        - c. Cantilevered or projecting balcony or porch and cantilevered or projecting roof with no supporting posts.
        - d. Recessed balconies or porches.
        - e. Open balconies over porches or loggias.
    - ii. Colonnades and Arcades.
      1. Columns and Colonnades.
        - a. Columns shall be round or square in shape with no capital or base.

- b. Column heights shall be between 7 and 10 times its width.
      - c. Column spacing shall be no more than 6 times its width from center to center, and no less than 4 times its width from face to face.
    - 2. Arcades and Arches.
      - a. Arcades shall be located against plain surfaces.
      - b. Arches shall be round or semi-circular; no flat arches.
      - c. Arches and support column shall be a minimum of 18 inches deep, with an articulated column base.
    - iii. Awnings.
      - 1. Awning fabric shall be canvas in natural colors, earth tones, deep jewel tones, or black.
      - 2. Awnings shall be designed in a triangular shape in a catenary curve, open on the sides with either a pane or decorative valance.
      - 3. Supports shall be wrought iron or wood.
    - iv. Exterior Staircase.
      - 1. The tread shall be a decorative tile, stone, paver, or finished concrete.
      - 2. The riser at the face of each stair shall be enhanced with a decorative tile.
      - 3. The railing can be a stepped or rounded-stucco wall, wrought iron, wood, or tile cap that is a continuation of building form. No glass or chain link is permitted.
    - v. Towers/Chimneys/Cupolas
      - 1. Projections shall be used to emphasize important architectural elements such as entrances, bays, stair towers, balconies, and verandas. Elements higher up on a building, such as a tower, shall be scaled up.
      - 2. Decorative towers, chimneys, and cupolas shall incorporate stucco, brick, terra-cotta pipe, barrel tiles, or ironwork.
  - i. Character Defining Features. Projects with 10 or more units shall include a minimum of 1 of the features listed below.
    - i. Courtyard.
    - ii. Patio or Plaza.
    - iii. Colonnades and Arcades.
- 2. Mission.
  - a. Background. The Mission architectural design district is derived from the Mediterranean region and was often used in the design of the California Missions.

Common features of Mission architecture include stucco and plaster walls, low to medium pitched roofs, columns and archways, and exposed wood features.

- b. Applicability. Properties designated as Spanish Colonial Revival or Mission on Figure 1 have the option to comply with either of the architectural design district standards. Development identified as Mission shall comply with these standards.
- c. Form and Massing of building facades shall be asymmetrical by incorporating:
  - i. A minimum of 2 or more roof planes; and
  - ii. A minimum of 1 vertically oriented element (e.g., elements that are built upwards) and 1 horizontally oriented element (e.g., elements that are longer than they are tall).
  - iii. For buildings with 2 or more stories, the first floor shall have the tallest plate height by a minimum of 10% higher than any other plates.
- d. Roof Design
  - i. Roof Configuration. The following configurations are permitted.
    - 1. The structure’s primary roof element shall be gabled and shed roofs with raised parapets.
    - 2. Hipped roofs with straight or flared eaves for towers, turrets, and belvederes.
    - 3. Flattened or semi-circular domes on towers.
    - 4. Pointed caps on circular towers.
    - 5. Flat roofs as accents on elements of the main building, such as roof decks, porches, and colonnades. Where visible from public view, flat roofs shall have a color and material that matches the tile used on pitched roofs.
    - 6. Pent eave roofs with brackets.
    - 7. Roof dormers with gable or hipped roofs, raised parapets.
    - 8. Roof pitch shall be 3:12 or greater.
  - ii. Roof Materials. The following materials are permitted.
    - 1. Terra cotta flat or barrel tiles.
    - 2. Standing seam metal, painted plaster, or decorative tile may be used for dome roofs.
  - iii. Roof Elements. Elements shall be provided as follows.
    - 1. Roof Elements. Roofs shall incorporate ridges, hips, valleys, rakes, and eaves subject to the following standards.
      - a. Ridges. A ridge is a horizontal line of intersection at the top between two sloping planes of a roof.
        - i. Ridge tiles shall cap all gables and be packed with mortar.
        - ii. Three to four booster tiles shall be used at the ends.

- iii. All flashing and waterproofing membrane materials shall be hidden from public view.
  - b. Hips. A hip is the inclined projecting angle that is formed by the junction of two adjacent sloping sides of a roof.
    - i. Hip tiles shall be capped and packed with mortar.
    - ii. Three to four booster tiles shall be used at the ends.
    - iii. If no hip cap is used, ridge tiles shall lap over hip tiles.
  - c. Valleys. A valley is an intersection of two inclined roof surfaces, toward which rainwater flows. Valleys shall be of either type:
    - i. A standard/cut valley treatment where tiles are cut and secured to the roof leaving a straight path for water to shed.
    - ii. A woven valley treatment where tiles are weaved back and forth across the midpoint from both sides of the valley.
  - d. Rakes. A rake is the inclined, occasionally projecting, edge of a sloping roof. On a tile roof, tiles shall be rolled over rakes in at least one of the following ways:
    - i. Plain rake-to-wall transition.
    - ii. Slaked stucco to encapsulate the tile.
    - iii. Rake terminated with rafter tail or cornice.
  - e. Eaves. An eave is the overhanging lower edge of the roof.
    - i. Eaves shall have exposed rafter tails with spacing of no more than three times the width of the rafter.
    - ii. Construct corbels/brackets of stone, wood, or stucco. Carvings shall be a classical profile such as an ogee, cyma recta, or cyma reversa.
    - iii. Bird stops shall be of mortar with weep or drain holes.
- 2. Roof drainage systems shall blend into the building through utilization of at least one of these systems:
- 3. Rain gutters shall either be cornice gutters (as referenced on page 71 of the Henry Lenny Design Guidelines) or copper round gutters.
  - a. Downspouts shall be copper and vertical from the roof or gutter to the ground. When a downspout engages the wall, a copper leader box shall be used.
  - b. Scuppers shall use clay tiles, spouts, sculpted faces or gargoyles, or tapered canals.
- e. Exterior Walls, Ceilings, and Flooring.



i. Exterior walls.

1. Wall Thickness. Walls are subject to the following standards.

- a. Walls shall be constructed to provide the appearance of a 12-24 inch thick wall at articulation points and door/window openings.
- b. The total area of solid building façade (plain wall) shall be greater than the total area of door and window openings in the wall, except at storefront locations.
- c. At least 80% of rectangular wall openings shall be vertically oriented. If horizontal openings are proposed, they shall be broken up vertically by using a loggia, arcade, or mullion placement.

2. Wall Finishes. The following finishes are permitted.

- a. Adobe.
- b. Smooth or pool trowel finish stucco with or without scoring; or painted or built-up brown coat finish stucco. Sprayed on, mixed or textured stucco finish is not permitted.
- c. Stone masonry such as river rock veneer on cut stone, cast stone, or foundation walls, chimneys, and front porch balustrades.
- d. Clay tile.
- e. Wrought iron in Mission Revival, Arts and Crafts, or traditional design.
- f. Cement plaster with spatter dash finish or sand finish.
- g. Wood paneling (when used for accent trim, framing, and decorative elements). Oak paneling with dropped panels on walls and soffits of a recessed main entrance.

3. Wall Colors. The following colors are permitted.

- a. Light earth tone, white, or off-white.
- b. Accents, trim, and highlighting features shall contrast with the light earth tone, white, or off-white colors (e.g., dark blue, green, and brown).

ii. Exterior Ceilings.

1. Exterior ceilings shall have a minimum clearance of 9 feet.
2. Exterior Ceilings shall be vaulted, beamed, or covered.
3. If beamed ceilings are proposed, stained wood is required.
4. Coves, beams, and vaults shall correspond with the spacing of arcades or columns.

iii. Exterior Flooring and Hardscape Surfaces. The following flooring and hardscape surfaces are permitted.

1. Brick punctuated with glazed tiles.
  2. Brick in herring bone, basket weave, or soldier course pattern.
  3. Terra cotta or Lincoln tile (Mexican Clay).
  4. Flag stone, stand stone, or limestone.
  5. Plain concrete with scoring patterns or colored concrete in sand type, non-red colors.
- f. Windows and Doors.
- i. Window Types and Components.
    1. Permitted window types include:
      - a. Casement with a single pane of glass or divided.
      - b. Double hung.
      - c. Decorative (e.g., vent, round, oval, quatrefoil).
    2. Glass areas shall be broken up by mullions and transoms.
    3. When proposed, focal windows shall be triple-arched or windows with parabolic shaped grills of wood, iron, or other elaborations.
    4. Frames and mullions shall be metal, wood, or fiberglass; painted, or stained; stucco framing is acceptable.
    5. Decorative metalwork shall be traditional Mission style steel.
    6. Windows shall be set toward the interior to allow the wall thickness to be revealed on the exterior of the building. Insets shall be a minimum of 4 inches.
  - ii. Door Types and Components.
    1. Permitted door types include:
      - a. Wood panel with or without glass.
      - b. Wood and glass.
      - c. Fiberglass
      - d. Antique or found doors.
      - e. Plank doors.
    2. Frames and mullions shall be wood, painted, or stained; stucco or tile framing is acceptable.
    3. Doors shall be set back in deeply recessed and arched openings. Insets shall be a minimum of 6 inches.
- g. Exterior Lighting.
- i. Lanterns, pendants, sconces, gas lamps, and other decorative fixtures of Spanish Style (i.e., geometric and angular with points and spikes) or Arts and Crafts style shall be used on building exteriors.
  - ii. Recessed lighting is permitted if the cans are treated with wrought iron or a painted shroud (wrapping around and extending vertically beyond the light bulb).

- iii. Placement of fixtures shall be restricted to entrances, passageways, pedestrian spaces, and arcades.
  - h. Architectural Elements. See Spanish Colonial Revival.
  - i. Character Defining Features. Projects with 10 or more units shall include a minimum of 1 of the features listed below.
    - i. “Companario.” A scalloped wall pierced for the hanging of bells.
    - ii. Ornamented Openings. Lavish embellishments at entrances.
    - iii. “Corredor.” Outdoor arcade for shaded protection, gathering, and walking.
    - iv. Bell Tower. Tiered vertical element.
    - v. Quadrangle – Courtyard or Patio with water element (e.g., fountain, pool).
    - vi. Colonnades and Arcades.
3. Surf Zone Design District.
- a. Background. The Surf Zone Design District is located along South El Camino Real (East of I-5). The design standards for this area feature an eclectic mix of architectural styles, which together can be described as “Surf Zone” architecture. This is a mixture of Contemporary, Polynesian, Australian, and Seaside/Fishing.
  - b. Applicability. Properties designated as Surf Zone in Figure 1 shall comply with the architectural design standards contained in this section.
  - c. Roof Design.
    - i. Roofs shall be a combination of at least two pitch types (e.g., steep gable roofs of 10:12 or greater and low hipped roofs of 3:12 or greater with long overhangs).
    - ii. Isosceles (sharp) triangular forms and shapes shall be used for the composition of gabled or hipped roofs.
    - iii. Wood beams shall be used to highlight roof lines and angular details including roof lines and entryways.
  - d. Materials and Colors.
    - i. Materials and Textures. A minimum of 2 different materials shall be used for building exteriors:
      - 1. Wood: unfinished lumber, finished and coated lumber, and laminated wood.
      - 2. Steel: stainless, corten, galvanized.
      - 3. Masonry: brick, stone.
      - 4. Stucco.
      - 5. Concrete.
      - 6. Bamboo, pill grass, sugar cane
      - 7. Tiki style fiberglass.
    - ii. Base Colors.



- d. Exterior Walls, Flooring, and Signage.
  - i. Exterior walls.
    1. Wall Finishes. Exterior walls shall have the look of raw exposed materials and textures as described below.
      - a. Pre-cast concrete.
      - b. Brick.
      - c. Split-faced block and ribbed finished corrugated metal (e.g., acid washed or painted).
      - d. Stone.
      - e. Steel Beams.
    2. Wall Colors.
      - a. Earth tone (warm and muted shades of brown, gray, beige, red, blue), white, or off-white.
      - b. Accents, trim, and highlighting features shall contrast with the light earth tone, white, or off-white colors (e.g., dark blue, green, and brown).
      - c. On walls visible from public rights-of-way with no windows or architectural features, a mural or vertical planting is permitted.
  - ii. Flooring and Hardscape Surfaces. Project entries and interior pedestrian areas shall utilize decorative paving consisting of any of the following:
    1. Brick.
    2. Tile.
    3. Pavers.
    4. Stamped concrete.
  - iii. Building Signage.
    1. Building signage shall appear handcrafted (i.e., not manufactured) in the style of one or more of the following sign types:
      - a. Projecting signs on decorative metal brackets.
      - b. Pinned-off metal or wooden letters applied to a wall.
      - c. Signs painted directly on a wall, awning, or window.
      - d. Wood sandblasted signs.
      - e. Handcrafted or carved signs.
    2. Lighting of signs shall be shielded and indirect (versus face-lit internal letters). If external lighting is used, fixtures shall be non-obtrusive and match the architectural style of the building.

**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 in the ~~Affordable Housing [AH] Overlay [H]. Maps.~~ Properties are identified on the Zoning Map by a "~~AH~~" "H" 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 meets the following requirements:
  - 1. The housing units on site shall provide at least the following percentage of affordable housing units, based on 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 the remainder of the units may be market rate rental units or sold as market rate condominiums.
    - i. At least 20% of the housing units are restricted to low-income households; or
    - ii. 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 up to ½ of a single housing that would otherwise be provided<sup>1</sup>, 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.

~~2.3.~~ 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

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<sup>1</sup> e.g. if 2.4 units of low-income housing were required as part of a 12 unit project, the applicant could replace 2/5 of one required low-income unit with an in-lieu fee and provide two low-income units. This provision does not supersede application of the State Density Bonus law, which requires provision of actual affordable housing units rounded up to the nearest whole number.

enforceably restricted affordable units to households at the applicable income level 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.~~

~~3. 4. Market rate~~ All condominiums must be regulated by a legal homeowner’s 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 17.26 (Objective Design Standards for Multi-Family Residential and Residential Mixed-Use Development).

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.~~

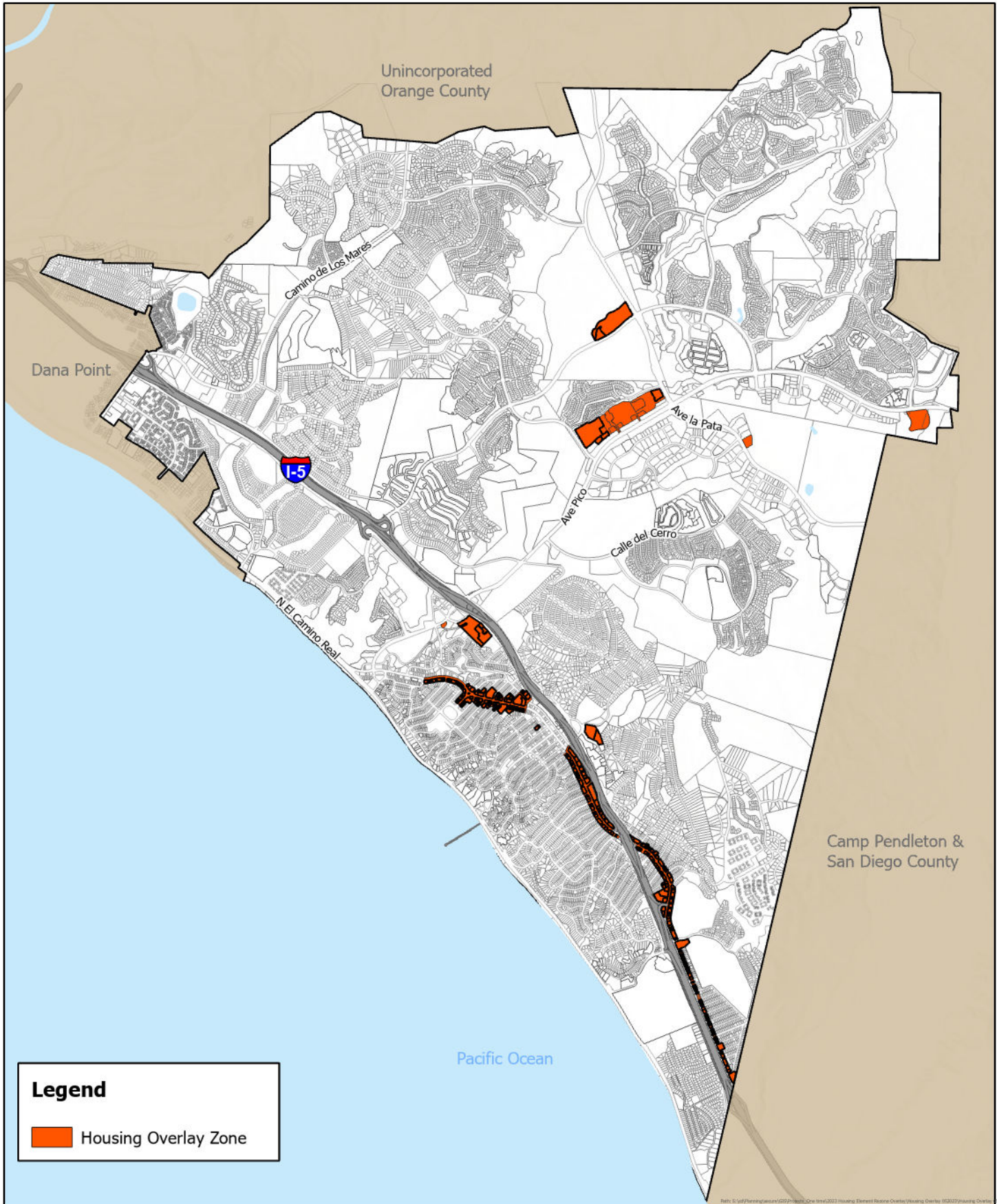
G. Affordable Housing Agreement. ~~In addition to subsection D. above, the following shall apply to all qualified affordable housing projects proposed within the [AH] Overlay:~~

A Qualified Affordable Housing Development project shall have a legally binding agreement between the applicant and the City, which shall be required to be executed, upon approval by the City Council, 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

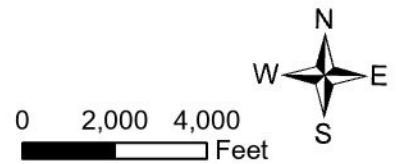
binding on all future owners and successors in interest. The Affordable Housing Agreement shall include, but not be limited to, the following:

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 acutely low, extremely low, very low, ~~and low, and moderate~~ 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 and Community Development.





# Housing Overlay



**Zoning Code Section 17.32.030 (Residential Zone Uses)**

Use	RVL	RL	RML	RM	RH
<b>1. Agricultural</b>					
Animals, Commercial Grazing of Large Species <sup>1</sup>	C				
Apiaries (Bee Farming)	C				
Crop and Tree Farming	C				
Marijuana Cultivation					
Nurseries (Farming Only)	C				
<b>2. Lodging</b>					
Bed-and-Breakfast Inns: <sup>2</sup>					
a. 5 or Fewer Guest Rooms	C	C	MC	MC	MC
b. 6 or More Guest Rooms	C	C	C	C	C
Boardinghouse <sup>18</sup>				C <sup>22</sup>	C <sup>22</sup>
STLU <sup>19</sup>		-			O <sup>20</sup>
STAR <sup>19, 21</sup>	O	O	O	O	O
<b>3. Public/Quasi-Public and Institutional</b>					
Arboretums (Public/Private)	C				
Churches	C	C	C	C	C
Congregate Care Facility <sup>3</sup>			C	C	C
Convalescent Care			C	C	C
Day Care Facilities, Children's: <sup>4</sup>					
a. Small-Family Day Care Home <sup>5</sup>	P	P	P	P	P
b. Large-Family Day Care Home <sup>5</sup>	P	P	P	P	P
c. Day Care Center			C	C	C
Home Occupations <sup>9</sup>	P	P	P	P	P
Parking Lots <sup>6</sup>		C	C	C	C
Parks <sup>7</sup>	O		O	O	O
Preserves (Archaeological, Botanical, Geological, Wildlife)	C	C	C	C	C
Public Utilities <sup>8</sup>					
a. City-Initiated Project	O	O	O	O	O
b. Projects Initiated by Outside Agencies					
i. Major Utilities	C	C	C	C	C
ii. Minor Utilities	P	P	P	P	P
Recreational/Uses (Public/Private, Nonprofit)	C	C	C	C	C
Schools (Public/Private)	C	C	C	C	C
<b>4. Residential Uses</b>					
Accessory Dwelling Units <sup>13</sup>	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 <sup>9</sup>	P	P	P	P	P
Mobile Homes <sup>11</sup>					
a. Units	C	C	C	C	C
b. Subdivisions and Parks <sup>12</sup>	C	C	C	C	C
<b>Multi-Family Dwellings Market Rate Residential Project:</b>					

a. 2-4 Units <sup>24, 25</sup>			P	P	P
b. 5 Units or More <sup>24, 25</sup>			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<sup>23, 25</sup></u>			<u>P</u>	<u>P</u>	<u>P</u>
<u>Senior Housing Projects<sup>14, 23, 25</sup></u>			<u>€P</u>	<u>€P</u>	<u>€P</u>
Single-Family Dwellings	C	P	P	P	P
<b>5. Unclassified Uses</b>					
Accessory Buildings, Residential <sup>15</sup> Detached, Over 15 Feet in Height	C	C	C	C	C
a. All Others	P	P	P	P	P
b. Accessory Buildings, Nonresidential <sup>16</sup>	C	C	C	C	C
Grading <sup>17</sup> (Not Accompanying a Development Request):					
a. Emergency	P	P	P	P	P
b. Major	C	C	C	C	C
c. Minor	P	P	P	P	P
Marijuana Delivery					
Marijuana Dispensary					
Marijuana Manufacturer					
Marijuana Testing Laboratory					

- 1 Refer to Section 17.28.060, Animals, Commercial Grazing and Raising of Large Species, of this title, for special provisions for the commercial grazing of large species.
- 2 Refer to Section 17.28.090, Bed and Breakfast Inns, of this title, for special provisions for bed and breakfast inns.
- 3 Refer to Section 17.28.110, Congregate Care Facilities, of this title for special provisions for congregate care facilities.
- 4 Refer to Section 17.28.100, Child Day Care Facilities, of this title for special provisions for day care facilities.
- 5 Small-family 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 nonresidential zone. Small-family day care and large-family daycare homes only shall operate in buildings that were lawfully constructed.
- 6 Refer to Section 17.28.220, Parking Lots, of this title for special provisions for single-use parking lots.
- 7 Refer to Section 17.28.230, Public Park Facilities, of this title for review requirements for parks.
- 8 Refer to Section 17.28.240, Public Utilities, of this title for review requirements for public utilities/buildings.
- 9 Refer to Section 17.28.160, Home Occupations, of this title for special provisions for Home Occupations.
- 10 Reserved.
- 11 Refer to Section 17.28.190, Mobile homes, of this title for special provisions for mobile homes.
- 12 Refer also to Section 17.56.040, Planned Residential District Overlay, of this title, for special provisions for planned residential developments.
- 13 Refer to Section 17.28.270, Accessory Dwelling Units (ADUs), of this title for special provisions for ADUs.
- 14 Refer to Section 17.28.280, Senior Housing Projects, of this title for special provisions for senior housing projects.

- 15 Refer to Section 17.24.040, Accessory Buildings, of this title for special provisions for accessory buildings.
- 16 Refer to Section 17.24.040, Accessory Buildings, of this title for special provisions for accessory buildings.
- 17 Refer to Section 17.28.130, Grading, of this title, for special provisions for grading requests that are not accompanying development requests.
- 18 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.
- 19 Refer to Section 17.28.292, STLUs, of this title for special provisions for STLUs including STARs.
- 20 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 in Appendix C of this title.
- 21 STARs are permitted in all zones where STLUs are permitted with an STLU zoning permit in accordance with Section 17.16.45. STARs that are located in residential zones where STLUs are not permitted require a STAR permit in accordance with Section 17.16.146.
- 22 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).
- 23. Qualified Affordable Housing Developments and Senior Housing Projects are permitted uses on all properties in the Housing Overlay but not on all Residentially zoned properties. Refer to Section 17.56.090, Housing Overlay Zone for projects in Residential Zones of this title.
- 24. Market rate residential projects proposing 4 or fewer units that meet the applicable objective design standards contained in Chapter 17.26 shall be permitted ministerially. Market rate residential projects 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.
- 25. Qualified Affordable Housing Developments, Senior Housing, and Market Rate Residential or Mixed Use 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.

**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		

Exhibit A – Zoning Amendment ZA24-193

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		
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		

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Newsstands (On Private Property)	P	P	P	P	P	P	P	P	P		
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		

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

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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										
4. Personal Services	NC 1.1	NC 1.2	NC 1.3	NC 2	NC 3	CC 1	CC 2	CC 3	CC 4	RMF 1	NOTE
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										
5. Professional Offices, Financial Institutions and 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
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		

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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		
<b>6. Public/Quasi Public and Institutional Uses</b>												
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			

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		
<b>7. Residential Uses</b>												
<u>Qualified Affordable Housing Development Projects</u>		P	P	P	P		P		P			11, 25
<u>Senior Housing Projects</u>		€P	€P	€P	€P	C	€P	C	€P			11, 12, 25



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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		
<b>8. Restaurants and bars</b>												
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			
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		
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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		
<b>9. Unclassified Uses</b>												
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 Permitted in this Zone			C	C	C	C	C	C	C			
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										
	NC 1.1	NC 1.2	NC 1.3	NC 2	NC 3	CC 1	CC 2	CC 3	CC 4	RMF 1	NOTE
10. Vehicle-Related Uses											
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

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 in the subject zoning district only if the property is located within the Housing Overlay. 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 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.

**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	

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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		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	

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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	
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	

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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
<b>2. Lodging</b>								
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	
Timeshares	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
<b>3. Personal Services</b>								
Barber, beauty, nail, and tanning services	P	P	P	P	P	P	P	

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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
<b>4. Professional Offices, Financial Institutions and Related Uses</b>								
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
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
<b>5. Public/Quasi Public and Institutional Uses</b>								
Churches	C	C	C	C	C	C	C	



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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:								
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	
<b>6. Residential Uses</b>								
<u>Qualified Affordable Housing Development Projects</u>	<u>P</u>	<u>P</u>	<u>P</u>	P	<u>P</u>	<u>P</u>	P	10, 33
Manufactured Homes							MC	

Mobile Homes:							C	11
a. Units							C	
b. Subdivisions and Parks								12
<u>Market Rate Residential Units</u>								
<u>2-4 Units</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>13, 14, 32, 33</u>
<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>	<u>13, 14, 32, 33</u>
Senior Housing Projects	C	€P	C	€P	€P	C	€P	<u>10, 15, 33</u>
<del>Stand Alone Residential</del>				<del>P</del>		<del>P</del>	<del>P</del>	<u>14</u>

USE	ZONES							NOTE
	MU 1	MU 2	MU 3.0	MU 3.1	MU 3.2	MU 3.3	MU 5	
<b>7. Restaurants and bars</b>								
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	

Exhibit A – Zoning Amendment ZA24-193

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

USE	ZONES							NOTE
	MU 1	MU 2	MU 3.0	MU 3.1	MU 3.2	MU 3.3	MU 5	
<b>8. Unclassified Uses</b>								
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							C	16

Exhibit A – Zoning Amendment ZA24-193

Permitted or Conditionally Permitted in this Zone								
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	
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							
	MU 1	MU 2	MU 3.0	MU 3.1	MU 3.2	MU 3.3	MU 5	NOTE
<b>9. Vehicle-Related Service</b>								
Car Washes							C	28
Vehicle Parts Stores	P	P	P	P	P	P	P	28

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 uses in the subject zoning district only if the properties are located in the Affordable Housing Overlay, pursuant to Section 17.56.090. Also, for projects in the MU 5 zone, refer to Section 17.40.50(A) for other applicable use restrictions. Qualified Affordable Housing Development Projects may provide residential units on the ground floor if necessary to meet density allowances as set forth in 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 proposing 4 or fewer units that meet the applicable objective design standards contained in Chapter 17.26 shall be permitted ministerially. Market Rate Residential or Mixed Use projects 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.



## PUBLIC COMMENTS

HOUSING ELEMENT ACTION PLAN -  
OBJECTIVE DESIGN STANDARDS

September 16, 2024

San Clemente Planning Commission  
City of San Clemente  
910 Calle Negocio, Suite 100  
San Clemente, CA 92673

**RE: Item 8C- Housing Element Action Plan- Objective Design Standards and Zoning Code Amendment ZA24-193**

To The Honorable Chairman Cameron Cosgrove and the San Clemente Planning Commissioners,

The Kennedy Commission (the Commission) is a broad-based coalition of residents and community organizations that advocates for the production of homes affordable for families earning less than \$30,000 annually in Orange County. Formed in 2001, the Commission has been successful in partnering and working with Orange County jurisdictions to create effective housing and land-use policies that have led to the new construction of homes affordable to lower-income working families.

The Commission is submitting this comment letter regarding the city of San Clemente's Housing Element Action Plan- Objective Design Standards and Zoning Code Amendment ZA24-193.

The Commission opposes the adoption of the Objective Design Standards of the Redline of Zoning Amendment. The proposed Zoning Code implementation contradicts the goals, strategies and policies of the city's adopted Housing Element (September 20, 2022 and approved by HCD on October 12, 2022), by restricting and creating barriers to the conversion of motels to permanent supportive housing or affordable housing.

The Kennedy Commission opposes key revisions to the Zoning Amendment as proposed. Under Section 17.56.090, the City proposes to restrict the conversion of motels for qualified Affordable Housing Developments, Senior Housing, and Market Rate Residential/Mixed Use projects. These revisions contradict affordable strategies in San Clemente's Housing Element Goal 5.3 under strategy 5.3.1 that states, the city will "Encourage redevelopment and adaptive reuse of infill sites and properties in Affordable Housing Overlay Zone, such as conversion of residential motels to apartments."



The proposed standards should not create barriers for development of new affordable housing developments. By creating requirements on conversion of motels to have equivalent new lower cost visitor serving accommodations or unless required to be approved pursuant to State law, it creates an impediment to the transition of these properties to create affordable housing opportunities.

Additionally, Program D3 outlines that In Lieu Fees “could be used to acquire existing apartments, construct new apartments, or the purchase and conversion of old motels.” Yet, the City's changes to the Housing Overlay are obstructing these options, thereby impeding overall housing development. In program 5 of the Housing Element, Affordable Housing Overlay, states that the City will “prioritize inclusionary in lieu fees for lower income affordable housing projects proposed in the affordable housing overlay/ housing overlay...” The City has committed to using their in-lieu fees for projects within the housing overlay, which included motel conversions, but the new changes in the zoning amendment will remove this option, further complicating efforts to meet housing goals.

Furthermore, the staff report doesn't have an analysis that supports how the revisions will impact the City's current Housing Element goals for housing opportunities. San Clemente needs to address this issue by providing an analysis on the changes the proposed revisions to the Zoning Amendment will create. The Kennedy Commission requests that the city honor its commitments in their Housing Element to facilitate affordable developments on motel sites. Zoning Amendments should not create barriers for redevelopment or conversion of these sites.

Hindering the conversion of motels will prematurely affect future sites of affordable housing. As noted in The Kennedy Commission's letter on December 7, 2021, the Commission expressed concerns of the Candidate Sites for Rezoning stating that “sites listed for lower income have existing structures on them, rendering these sites unlikely to redevelop into affordable housing.” Allowing the conversion of motels will create more opportunities for affordable housing since the opportunity sites may not have the potential to create affordable developments. Motel sites need to be identified as potential opportunity sites in order to realistically meet RHNA goals and housing needs.


### **RHNA Progress**

Addressing the Zoning Amendment change is critically important given that the City's RHNA Progress has not shown any advancement in reaching its goal. San Clemente's RHNA goal is 282 units for Very Low, 184 units for Low, 188 units for Moderate, and 348 units for Above Moderate. The City only has 1 unit for Very Low and 14 units for Low, which are all non-deed restricted. Compared to Moderate and Above Moderate, the city has made more progress (216 units) in these income levels than the rest. By restricting the conversion of motels it hinders the

attainment of their RHNA goal, and limits potential alternative affordable housing developments. These sites are critical to address affordable housing needs in the city.

We look forward to working with the City of San Clemente to encourage effective housing policies that will help create balanced housing development and create much-needed affordable housing in our local communities. If you have any questions, please feel free to contact me at [REDACTED]  
[REDACTED]

Sincerely,



Cesar Covarrubias  
Executive Director



September 17, 2024

San Clemente Planning Commission  
City of San Clemente  
910 Calle Negocio, Suite 100  
San Clemente, CA 92673

**RE: Item 8C- Housing Element Action Plan- Objective Design Standards and Zoning Code Amendment ZA24-193**

Dear Chairman Cosgrove and San Clemente Planning Commissioners,

The San Clemente Affordable Housing Coalition (the Coalition) is a grassroots association of individuals and organizations committed to advocating for increased affordable housing opportunities for San Clemente’s lower-income residents. To that end, our group was deeply involved in all stages of the city’s adoption of its recent Housing Element (September 20, 2022 and approved by HCD on October 12, 2022). We remain intensely interested in the city’s progress in meeting the goals stated in this document.

In light of that experience and commitment, we write to express our strong opposition to the proposed Zoning Code Amendment ZA24-193, Item 8C of the agenda for the Planning Commission Meeting on September 19, 2024. **We believe certain parts of the proposed Zoning Code Amendment (the Amendment) conflict with provisions of the city’s certified Housing Element. Accordingly, if the city adopts the Amendment as proposed, the Zoning Code will be inconsistent with the General Plan, putting the city at legal peril. At the least, the city will be in the cross-hairs of the enforcement arm of the California Department of Housing and Community Development. Not a good place to be, as San Clemente well knows.**

What are the problems with the proposed Amendment? At least two are immediately apparent.

**1. The Amendment Guts the Affordable Housing Overlay Zone.**

Under the guise of *implementing* the Housing Element’s “Housing Action Plan,” the city proposes to **gut** the existing Affordable Housing Overlay Zone set forth in section 17.56.90 of the Municipal Code. The tip off, of course, is the proposed name change. The city wants to rename the code section “Housing Overlay,” dropping the words “Affordable Housing” and

thereby signaling a huge change in intent. As amended, the section will no longer encourage affordable housing for very low-income residents. Instead, the code section will allow developers of market rate housing to take advantage of its provisions without providing any lower income affordable housing.

Here's the proof: At page 27 of "Attachment 2-Redline of Zoning Amendment ZA24-193," under "C. Project Qualification," the Amendment defines "Qualified Affordable Housing Development" to include "multi-family rental or for sale housing" in which "At least 40% of the housing units are restricted to moderate-income households." The Amendment would allow the developer of such a project to rent or sell the other 60% of the units at market rate.

The effect of this proposed change is staggering. Where the existing Affordable Housing Overlay Zone requires a developer to provide "a minimum of 51 percent of the housing units for households earning *no greater than 50 percent of Orange County Median Income*" – i.e., very low-income households – the new Housing Overlay requires zero very low-income units or low-income units. Of course, a developer could choose to qualify for the Housing Overlay's benefits by providing "At least 20% of the housing units . . . restricted to low-income households," but the lure of the more lucrative other route – providing 40% moderate-income units—will be hard for developers to ignore. The very likely result is that any future residential development in the new Housing Overlay will not include any lower-income affordable housing.

San Clemente has a dire need for *very low-income affordable housing*, which is the most expensive housing for a developer to include in a mixed-income project. That's why the provisions of the *existing* Affordable Housing Overlay Zone were so promising: They specifically incentivized exactly the sort of housing the community desperately needs. With the proposed Amendment, that promise will be lost.

And that loss creates a big legal problem for San Clemente. Many of the programs, goals, strategies and polices of the certified Housing Element are based on and incorporate the existing provisions of section 17.56.90. The proposed Amendment throws everything off, including the RHNA assumptions underlying the list of the Candidate Sites for Rezoning. Which brings up the second obvious problem with the Amendment . . . .

## **2. The Amendment Creates Barriers to Converting Motels Into Affordable Housing**

The proposed Amendment to section 17.56.090 will restrict the conversion of motels for use as Qualified Affordable Housing Developments. (See note 25 on pp. 33, 41; note 33 on p. 51.) More specifically, the Amendment would effectively outlaw the conversion of motels into affordable housing or permanent supportive housing, with just two exceptions. Those exceptions are (1) if the motel conversion includes an equivalent amount of new, lower-cost visitor-serving accommodations, or (2) if approval of the motel conversion is "required to be approved pursuant to State law." (The latter exception is left conveniently undefined.)

Of course, neither "exception" is easily met. Instead, the Amendment creates a huge impediment to transitioning aging motel properties into affordable housing. Accordingly, this

proposed revision conflicts with the Housing Element in several ways, creating further legal peril for San Clemente.

For example, the Amendment conflicts with affordable housing strategies in Housing Element Goal 5.3. Strategy 5.3.1 states: The city will “Encourage redevelopment and adaptive reuse of infill sites and properties in Affordable Housing Overlay Zone, **such as conversion of residential motels to apartments.**” Contrary to the Housing Element’s express intent here to *encourage* such redevelopment and adaptive reuse of the motels in the Affordable Housing Overlay Zone, the Amendment creates significant barriers.

Program 5 of the Housing Element, “Affordable Housing Overlay,” states that the city will “prioritize inclusionary in lieu fees for lower income affordable housing projects proposed in the affordable housing overlay/ housing overlay...” Program D3 of the Housing Element states that In Lieu Fees “could be used to acquire existing apartments, construct new apartments, or **the purchase and conversion of old motels.**” In other words, in these provisions the city has committed to using its in-lieu fees for projects within the housing overlay, specifically including motel conversions, but the Amendment would obstruct these options, thereby impeding affordable housing development.

Significantly, the staff report does not include an analysis of how these revisions will impact the city’s current Housing Element goals for housing opportunities. This is a fatal flaw. San Clemente needs to address this issue by providing an analysis of the changes that will flow from the proposed Amendment and the consequences of those changes on the city’s ability to meet its obligations under the Housing Element.

The Coalition requests that the city honor its commitments in its Housing Element to facilitate affordable lower-income developments on motel sites and as prescribed in the Affordable Housing Overlay. These sites and the existing Overlay are critical to addressing affordable housing needs in the city. The proposed restrictions on the conversion of motels into affordable housing, and the changes to the Affordable Housing Overlay, will hinder the city’s attainment of its lower-income RHNA goals, and directly limit potential affordable housing developments.

Thank you for considering our concerns on these important issues. We urge you to vote no on the proposed Amendment to section 17.56.090.

Sincerely,

***Kathy Esfahani***

Kathy Esfahani,

San Clemente resident and Chair, San Clemente Affordable Housing Coalition

cc: Andy Hall, San Clemente City Manager  
Mr. Paul McDougall & Marissa Prasse - CA Dept. of Housing and Community Dev.  
Cesar Covarrubias, Kennedy Commission  
Richard Walker, Public Law Center

**From:** [William Kreutinger](#)  
**To:** [Planning Mail](#)  
**Subject:** Re: Regarding proposed changes to the Affordable Housing Overlay ordinance  
**Date:** Friday, September 20, 2024 10:42:00 AM

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Commissioners,

The risks and harms of Zoning Code Amendment ZA24-193 look like they increased yesterday. I urge you all to vote no and to look for opportunities to improve rather than reduce the availability of affordable housing in our city.

<https://www.kron4.com/news/bay-area/california-governor-signs-package-of-bills-giving-state-more-power-to-enforce-housing-laws/>

On Wed, Sep 18, 2024, 1:18 AM William Kreutinger <[\[REDACTED\]](#)> wrote:  
Commissioners,

I was deeply troubled to hear about the proposed changes to San Clemente's Affordable Housing Overlay. I am a former member of the San Clemente Human Affairs Committee, a resident and a homeowner in our city, with three kids in our local public schools. I wholeheartedly agree with the letter submitted by the SC Affordable Housing Coalition.

Downtown San Clemente has many low wage jobs, and with gas prices being what they are, and with San Clemente not having effective bus service, those low wage workers need to be able to live in our community. Affordable housing for very low income people is critical. It's already hard for local businesses to find and retain staff - if these changes go through, that problem will get far worse.

Furthermore, our city does not need the extra attention from HCD and others that passing this ordinance would trigger. It wasn't that many years ago that the city's Housing Element was rejected, resulting in piles of additional work for staff. The most recent Housing Element only passed after being sent back for changes. The legal peril this ordinance would create is untenable.

I urge all of you to reject these changes and vote No on Item 8C, Zoning Code Amendment ZA24-193.

Thank you,  
Bill Kreutinger

[\[REDACTED\]](#)  
[\[REDACTED\]](#)



October 2, 2024

San Clemente Planning Commission  
City of San Clemente  
910 Calle Negocio, Suite 100  
San Clemente, CA 92673

**RE: Item 8D- Housing Element Action Plan- Objective Design Standards and Zoning Code Amendment ZA24-193**

Dear Chairman Cosgrove and San Clemente Planning Commissioners,

The San Clemente Affordable Housing Coalition (the Coalition) submits this letter as a follow-up to our September 17, 2024, public comment on the proposed Zoning Code Amendment ZA24-193. We write to elaborate on two main points and to ask a few questions.

1. **The Proposed New Housing Overlay is Inconsistent with the Housing Action Plan.**

There is a big flaw in the proposed new Housing Overlay. Where the existing Affordable Housing Overlay provides a developer with the benefit of ministerial approval for a project with **51%** of its units designated for **very low-income** households, the new Housing Overlay provides that valuable incentive to developments with **zero lower-income units**.

At page 27 of “Attachment 2-Redline of Zoning Amendment ZA24-193,” under “C. Project Qualification,” the Amendment defines “Qualified Affordable Housing Development” to include “multi-family rental or for sale housing” in which “i. At least 20% of the housing units are restricted to low-income households; or ii. At least 40% of the housing units are restricted to moderate-income households.”

Of course, a developer could choose to qualify for the Housing Overlay’s benefits by providing at least *20% lower income* units, but that choice is unlikely. It is far more lucrative for a developer to provide 40% moderate-income units. According, the likely

result of adopting this overly broad definition of “Qualified Affordable Housing Development” is that any future residential development in the new Housing Overlay will not include any lower-income affordable housing.

This proposed “40% moderate-income units” requirement brings the new Housing Overlay into direct conflict with important parts of the Housing Action Plan. For example, Program 5: “Affordable Housing Overlay” includes as one of its “Objectives” the following:

“Concurrently with the housing overlay in Program 1, and by-right approvals in Program 2A, modify the Affordable Housing Overlay Zone to improve the effectiveness of the Overlay Zone and make amendments as necessary. Specifically, evaluate the effectiveness and create one Housing Overlay (H) with objective design standards, minimum levels of affordable housing units, and by-right approval if 20 percent of the units are set aside for lower income (very low and low) households (see Program 2A).”

Notably, the Housing Action Plan says nothing about allowing moderate-income housing to qualify for the Affordable Housing Overlay’s “by-right approval” benefit.

Similarly, this proposed change is also inconsistent with “Program 2A—By-Right Approval for Projects with 20 Percent Affordable Units.” In that program, the City commits to the following:

“[T]he City will amend the Zoning Ordinance and apply a Housing Overlay (H) to require **by-right approval** of housing development that includes **20 percent of the units as housing affordable to lower income (very low and low) households**, on the following types of sites for meeting the City’s RHNA:

- Sites being used to meet the 6th cycle RHNA that represent a ‘reuse’ of sites previously identified in the 4th and 5th cycles Housing Element. The ‘reuse’ sites are specifically identified in the inventory (Table 4-4).
- Candidate sites that are rezoned within three years from the statutory deadline of the 6th cycle Housing Element (Table 4-6).”

Again, the City’s Housing Action Plan does not express any intention to expand the Affordable Housing Overlay’s by-right approval benefit to moderate income housing. Moreover, as explained above, expanding the Overlay’s benefits to moderate income housing will siphon off potential opportunities for developing lower-income units at sites within the Housing Overlay. That change will interfere with the City’s ability to meet its Housing Element obligations, and thus get the City in trouble with the Department of Housing and Community Development.



## 2. **Moderate-income Units Should Not Qualify as Affordable Housing for Purposes of the New Housing Overlay.**

The Housing Element itself shows why the City should focus its efforts on facilitating the development of **low-** and **very low-income** housing, not moderate-income housing.

The RHNA numbers are a good starting point. In this Planning Period, San Clemente must plan for 448 lower-income units, but only 188 moderate-income units. Making matters worse, the “residential site inventory” falls far short of meeting the lower income RHNA numbers, while that same inventory comes close to meeting the moderate income RHNA numbers. As noted in Program 1 of the Housing Action Plan, the City must rezone additional “candidate sites with a housing overlay (H) . . . to accommodate the **City’s RHNA shortfall of 244 lower income units, 21 moderate income units . . .**” In other words, rezoning enough sites for lower income units is a much greater need than rezoning sites for moderate income units.

The Housing Element further illustrates the need for focusing City efforts on lower-income housing with two tables. Table 2-24 (HE-18) shows that “**affordable**” **monthly rents for a four-person household** are: \$689 for extremely low-income households; \$1329 for very low-income households; \$2289 for low-income households; **\$2818 for moderate-income households.**

Table 2-23 (HE-17) shows that average rent in San Clemente for a two-bedroom apartment is **\$2549** (\$2484 on Craigslist, \$2832 on Zillow).

What these two tables show is that “**moderate-income**” **rents are essentially market rate rents.** These rents are already available in San Clemente. It is lower-income housing that is in critically short supply. Consequently, the City will miss a crucial opportunity to expand its supply of critically-needed affordable housing by including “moderate income” units in its definition of Qualified Affordable Housing for purposes of the Housing Overlay.

## 3. **The Amendment Creates Barriers to Converting Motels Into Affordable Housing**

The proposed Amendment to section 17.56.090 will *restrict the conversion* of motels for use as Qualified Affordable Housing Developments. (See note 25 on pp. 33, 41; note 33 on p. 51.) More specifically, the Amendment would effectively outlaw the conversion of motels into affordable housing or permanent supportive housing, with just two exceptions. Those exceptions are (1) if the motel conversion includes an equivalent amount of new, lower-cost visitor-serving accommodations, or (2) if the motel conversion is “required to be approved pursuant to State law.”

Of course, neither “exception” is easily met. Instead, the Amendment creates a huge impediment to transitioning aging motel properties into affordable housing. Accordingly, this proposed revision conflicts with the Housing Element in several ways, creating further legal peril for San Clemente. These conflicts were specifically addressed in our letter of September 17.

Here, we would like to ask the Planning Commission a few questions related to this proposed restriction on motel conversions into affordable housing:

1. Why is the City proposing to adopt this restriction on motel conversions if the Coastal Commission does not require such an ordinance?
2. Why does the proposed restriction apply to motels outside of the Coastal Zone, given the fact that the Housing Element commits the City to “Encourage redevelopment and adaptive reuse of infill sites and properties in Affordable Housing Overlay Zone, such as conversion of residential motels to apartments.” (Housing Action Plan, Strategy 5.3.1.)

## **Conclusion**

The Coalition requests that the City honor its commitments in its Housing Element to facilitate affordable lower-income developments on motel sites and as prescribed in the Affordable Housing Overlay. These sites and the existing Overlay are critical to addressing affordable housing needs in the city. The proposed restrictions on the conversion of motels into affordable housing, and the changes to the Affordable Housing Overlay, will hinder the city’s attainment of its lower-income RHNA goals, and directly limit potential affordable housing developments.

Thank you for considering our concerns on these important issues. We urge you to vote no on these specific changes proposed in the Amendment to section 17.56.090.

Sincerely,

*Kathy Esfahani*

Kathy Esfahani,

San Clemente resident and Chair, San Clemente Affordable Housing Coalition

cc: Andy Hall, San Clemente City Manager  
Mr. Paul McDougall & Marissa Prasse - CA Dept. of Housing and Community Dev.  
Cesar Covarrubias, Kennedy Commission  
Richard Walker, Public Law Center