

**CITY OF DANA POINT
AGENDA REPORT**

Reviewed By:	
DH	<u>X</u>
CM	<u>X</u>
CA	—

DATE: AUGUST 27, 2003

TO: CITY MANAGER/CITY COUNCIL

FROM: EUGENIA GARCIA, ACTING DIRECTOR OF COMMUNITY DEVELOPMENT

SUBJECT: ADOPTION OF AN ORDINANCE FOR A ZONE TEXT AMENDMENT AND ZONE CHANGE TO MODIFY THE DEVELOPMENT STANDARDS FOR THE EXISTING MIXED USE DISTRICT ALONG CAMINO DE ESTRELLA

(FF # 0610-15/ZTA02-03/ZC03-01/ Camino de Estrella/Capo Beach)

RECOMMENDED ACTION:

That the City Council adopt the attached Ordinance for a Zone Text Amendment and Zone Change (Attachment A).

- ISSUES:**
1. Is the proposal consistent with the goals and policies of the Dana Point General Plan?
 2. Is the proposal consistent with the Dana Point Zoning Code?

STRATEGIC PLAN IMPLEMENTATION:

The proposed action is consistent with the Strategic Plan Initiative to evaluate land use issues to ensure that the goals, polices and programs of the General Plan reflect the community's vision and mission.

BACKGROUND:

At a regular meeting held July 23, 2003, the City Council introduced and conducted a first reading of an Ordinance adopting a zone text amendment and zone change to modify the existing mixed use zoning district located along Camino de Estrella in the community of Capsitrano Beach. The proposed amendment includes designating the area as a Professiona/Residential, modifying the uses permitted and conditionally permitted in the zone and reducing the allowable height to a maximum of two-stories and 31-feet. The purpose of the amendment is to ensure future development is compatible with surrounding residential development.

NOTIFICATION AND FOLLOW-UP:

Notification of the amendment was published in the newspaper in accordance with the noticing requirements. In addition, all affected agencies and interested parties were provided notice of the hearing date. The Council's action is final unless modified through legal action.

FISCAL IMPACT:

No fiscal impact is anticipated.

ACTION DOCUMENTS:

Page No.

A. [Draft Ordinance #03-XX](#)..... 3

SUPPORTING DOCUMENTS:

B. None.

ACTION DOCUMENT A**ORDINANCE NO. 03-XX****AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, APPROVING A ZONE TEXT AMENDMENT AND ZONE CHANGE TO DESIGNATE THE MIXED USE AREA ALONG CAMINO DE ESTRELLA AS PROFESSIONAL/RESIDENTIAL AND MODIFY THE DEVELOPMENT STANDARDS.**

APPLICANT: Community Development Department
FILE NUMBER: 0610-15/ZTA02-03/ZC03-01/Camino de Estrella (Capo Beach)

The City Council for the City of Dana Point does hereby resolve as follows:

WHEREAS, the City is concerned with the compatibility of development within the mixed-use district located along Camino de Estrella; and

WHEREAS, modifications to the mixed use development standards are required to address compatibility of new development with the adjacent residential developments; and

WHEREAS, the City desires to designate the existing Commercial/Residential district to Professional/Residential and modify the development standards; and

WHEREAS, the Planning Commission did, on the 2nd of June, 2003, hold a duly noticed public hearing as prescribed by law to consider said request; and

WHEREAS, as said public hearing, upon hearing and considering all testimony, if any, of all persons desiring to be heard, said Commission considered all factors to Zone Text Amendment ZTA02-03 and Zone Change ZC03-01; and

WHEREAS, the City Council did, on the 23rd of July, 2003, hold a duly noticed public hearing as prescribed by law to consider said request; and

WHEREAS, as said public hearing, upon hearing and considering all testimony, if any, of all persons desiring to be heard, said City Council considered all factors to Zone Text Amendment ZTA02-03 and Zone Change ZC03-01; and

WHEREAS, the City's proposed amendments are identified as Exhibit A attached hereto and made a part of this Ordinance.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Dana Point as follows:

- A) That the above recitations are true and correct.
- B) That based on the evidence presented at the public hearing, the City Council adopts the following findings:

Findings:

- 1) The proposed action is consistent with the Dana Point General Plan because the proposed revisions assist in meeting Goal #2 of the Land Use Element which is to “achieve compatibility and enhance relationships among land uses in the community”.
- 2) The proposed amendment complies with all other applicable requirements of state law and local ordinances.
- 3) The proposed amendment will provide for the public health, safety, and welfare of the citizens, visitors and workers in the City of Dana Point.

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

PASSED, APPROVED, AND ADOPTED this ____ day of _____, 2003.

WILLIAM L. OSSENMACHER, MAYOR

ATTEST:

SUSAN A. RAMOS
CITY CLERK

STATE OF CALIFORNIA)
 COUNTY OF ORANGE) ss
 CITY OF DANA POINT)

I, SUSAN A. RAMOS, City Clerk of the City of Dana Point, California, do hereby certify that the foregoing Ordinance No. 03-xx was duly introduced at a regular meeting of the City Council on the ___ day of _____, 2003, and was duly adopted and passed at a regular meeting of the City Council on the ___ day of _____, 2003, by the following vote, to wit:

AYES:

NOES:

ABSTAIN:

ABSENT:

SUSAN A. RAMOS, CITY CLERK

ORDINANCE NO. 03-xx

STATE OF CALIFORNIA)
COUNTY OF ORANGE) ss
CITY OF DANA POINT)

AFFIDAVIT OF POSTING
AND PUBLISHING

SUSAN A. RAMOS, being first duly sworn, deposes, and says:

That she is the duly appointed and qualified City Clerk of the City of Dana Point;

That in compliance with State Laws of the State of California, ORDINANCE NO. 03-xx, being:

AN ORDINANCE OF THE CITY OF DANA POINT, CALIFORNIA, REVISING THE CITY OF DANA POINT ZONING CODE TO DESIGNATE THE MIXED USE ARE ALONG CAMINO DE ESTRELLA AS PROFESSIONAL/RESIDENTIAL AND MODIFY THE DEVELOPMENT STANDARDS.

was published in the Dana Point News newspaper on the ___ day of _____, 2003, and in further compliance with City Resolution No. 91-10-08-1 on the __ day of _____, 2003, was caused to be posted in four (4) public places in the City of Dana Point, to wit:

- Dana Point City Hall
- Capistrano Beach Post Office
- Dana Point Post Office
- Dana Point Library

SUSAN A. RAMOS, CITY CLERK
Dana Point, California

Exhibit A Mixed Use Ordinance

1. Modification of Development Standards

Section 9.13.030 shall be amended as follows (deletions are shown as strikeout and inserts are underlined):

SECTION 9.13.030 MIXED USE DEVELOPMENT STANDARDS

Development Standards (1)	Mixed Use Zoning Districts		
	C/R	P/R	
(a) Minimum Lot Size (2)	5,000 sf	5,000 sf	
(b) Minimum Lot Width (2)	50 ft	50 ft	
(c) Minimum Lot Depth (2)	100 ft	100 ft	
(d) Maximum Lot Coverage	40%	35% (3)	
(e) Maximum Residential Density	10 du/net ac	10 du/net ac	
(f) Maximum Height	31-35 ft (3 4) 3 stories (4- 5)	31- 35 ft (3) 3 2 stories (4)	
(g) Standard Floor Area Ratio (non-residential) (5 6)	.5:1	.5:1	
(h) Standard Floor Area Ratio for Mixed Use Projects (5 6)	.7:1	.7:1 .5:1	
(i) Minimum Front Yard Setback			
From Ultimate Public Street R/W Line	5 ft	5 ft 0 ft	
(j) Minimum Side Yard Setback			
Interior Side	0 ft	5 ft 0 ft	
Street Side	5 ft	5 ft	
(k) Minimum Rear Yard Setback			
Standard Lot	15 ft	15 ft	
Adjacent to Alley or Street	10 ft	10 ft	
(l) Minimum Open Space (Required for residential portion of development only)	Private:	100 sf per du	100 sf per du
	Common:	100 sf per du	100 sf per du
(m) Minimum Landscape Coverage (6 7)	10%	15% (8)	
(n) Minimum Building Separation	10 ft	10 ft	
(o) Minimum lockable, enclosed storage per residential unit provided in garage or carport area	250 cubic feet	250 cubic feet	
(p) Separate trash and recycling facilities areas shall be provided for the residential component and the non-residential component of C/R and P/R developments	Yes	Yes	

Footnotes for Section 9.13.030:

- (1) See Chapter 9.75 for definitions and illustrations of development standards.
- (2) Development standard applies to proposed subdivisions of land. The standards may be waived by the Planning Commission when necessary to accommodate the parcel configuration for an integrated commercial development subject to approval of a Conditional Use Permit pursuant to Chapter 9.65.
- (3) An increase in lot coverage may be permitted with a Site Development Permit (pursuant to Chapter 9.71) provided that the development demonstrated exceptional design quality and improvements.
- (3 ~~4~~) Subject to the criteria in Section 9.05.110(b)(4).
- (4 ~~5~~) A maximum of 3 stories may be permitted in accordance with Section 9.05.200.
- (5 ~~6~~) A maximum FAR of 1.5:1 may be permitted in accordance with Section 9.05.210.
- (6 ~~7~~) All residential units shall be provided with twenty (20) square feet of private landscaped area which shall not be calculated in the minimum landscape coverage.
- (8) A decrease in landscape coverage may be permitted with a Site Development Permit with an approved landscape plan.

2. Land Uses

Section 9.13.020(c) shall be amended as follows (deletions are shown as strikeout and inserts are underlined):

**SECTION 9.13.020(c)
MIXED USE DISTRICTS**

LAND USES	C/R	P/R
Administrative Office Uses	P	P
Adult Day Care Facility	C	C
Alcoholic Beverage Outlet	P*/C*	X <u>P*/C*</u>
Automotive Sales and Rental Uses	C* (1)	X
Business Service Uses	P	P
Caretaker's Residence	C	C
Civic Uses	C	P
Clinical Service Uses	P	P
Commercial Antenna	C	C
Community Care Facility	C	C
Congregate Care Facility	C	C
Congregate Living Health Facility	C	C
Convalescent Facility	C	C
Cultural Uses	P	P
Day Care Centers	P	P <u>C</u>
Day Treatment Facility	C	C
Drinking Establishments	P*/C*	X
Drive Through Uses	C(4)	X
Drug Abuse Recovery or Treatment Facility	C	C
Dwelling Unit, Multiple Family	A (2)	A <u>C</u> (2)

LAND USES	C/R	P/R
Dwelling Unit, Single Family	P (3)	P <u>C</u> (3 2)
Educational Uses	X	P <u>C</u>
Family Day Care Home, Large	C	C
Family Day Care Home, Small	C	C
Food Service Uses, Specialty	P	C
Group Dwelling/Group Home	C	C
Hospital, Acute Psychiatric	C	C
Hospital, Chemical Dependency Recovery	C	C
Hospital, General Acute Care	C	X
Hospital, Special	C	C
Intermediate Care Facility	C	C
Live Entertainment Uses	C*	X
Medical Office Uses	P	P
Membership Organizations	P	C
Minor Repair Service Uses	P	P
Mixed Use Center	P	P
Mobilehome Park	P (4 5)	X
Open Space	P	P
Park, Public	P	P
Personal Service Uses	P	P
Photographic, Reproduction and Graphic Service Uses	P	P
Professional Office Uses	P	P
Public Utility Uses	C	X
Recreational Uses	C	C
Religious Uses	C*	C*
Research and Development Uses	P	P
Residential Care Facilities for the Elderly	C	C
Residential Facility	C	C
Restaurant	P	C
Restaurant, Take-Out	P	C
Restaurant, Walkup	P	C
Retail Sales Uses	P	X <u>C</u>
Sanitarium, Health	X	C
Sanitarium, Mental	X	C
Senior Citizen Housing	C	C
Single Room Occupancy	C	C
Skilled Nursing Facility	C	C
Small Family Home	C	C
Social Day Care Facility	C	C
Social Rehabilitation Facility	C	C

LAND USES	C/R	P/R
Temporary Uses	T*	T*

(1) Accessory repair or service of motor vehicles is prohibited, but the incidental installation of parts or accessories, excluding mechanical components, is permitted.

(2) Permitted only as an accessory use to commercial or professional uses in a mixed use project and located on the second floor only.

(3) A single family detached unit may only be permitted to replace an existing nonconforming single family residence. The replacement residence shall be developed in accordance with the development standards of the RSF 7 district. Single family attached units may be constructed as an accessory use in a mixed use project.

(4) Permitted with a Conditional Use Permit which shall be reviewed and approved by the Planning Commission and precludes restaurant/food uses, and liquor establishments, and permits such uses, but not limited to, dry cleaners, banks and pharmacies. (See Section 9.07.240)

(4 5) Only those mobilehome parks in existence as of November 23, 1993 shall be permitted.

LEGEND:

- P = Permitted Use
- C = Conditional Use
- T = Temporary Use
- X = Prohibited Use
- P* = Permitted Use subject to special use standards (see Chapter 9.07)
- C* = Conditional Use subject to special use standards (see Ch. 9.07)
- T* = Temporary Use subject to special use standards (see Chapter 9.39)
- A = Accessory Use