



11.0 Appendices



11.1 Proposed Municipal Code Chapter 9.14 (Doheny Village Districts)

Chapter 9.14 Doheny Village Districts

9.14.010 Intent and Purpose.

The intent and purpose of this Chapter is to establish the Doheny Village Districts to preserve and enhance the eclectic combination of commercial, light industrial, and residential mixed uses in the area. These districts are designed to achieve an integrated neighborhood-serving business and residential environment. Residential units in Doheny Village provide housing near sources of employment or commercial and professional services, intended to add to the City’s supply of affordable housing, reduce commutes between home and work, and promote a strong, stable, and desirable pedestrian-oriented business environment. The physical boundaries of the overlay area are delineated on Exhibit A attached hereto.

(a) Village Commercial/Industrial (V-C/I). The Village Commercial/Industrial (V-C/I) district promotes development of a mixture of commercial, office, and light industrial uses to serve the needs of the community, the City’s coastal resources, and a stable and vital local economy. Uses include, but are not limited to, marine-related businesses, professional and business offices, automotive services, light manufacturing, and construction services. This district provides for the development of a commercial and industrial area that includes adequate circulation and landscaping, attractive buildings, and coordinated signage.

(b) Village Commercial/Residential (V-C/R). The Village Commercial/Residential (V-C/R) district includes a mixture of commercial, office, and residential uses in the same building, same parcel, or within the district in keeping with the area’s historical pattern of development. Compatible uses include, but are not limited to, live/work units, artisan manufacturing, and small-scale business activities which serve the needs of residents. This district provides a residential density of thirty (30) dwelling units per net acre, with the exception of parcels greater than ten (10) acres shall be limited to a maximum density of fifty (50) dwelling units per acre.

(c) Village Main Street (V-MS). The Village Main Street (V-MS) district is intended to accommodate mixed-use buildings with neighborhood-serving retail, service, and other uses on the ground floor, and commercial or residential uses above nonresidential space. The provisions of this district encourages development that exhibits the physical design characteristics of pedestrian-oriented environment with storefront-style frontages along Doheny Park Road. This district provides a residential density of thirty (30) dwelling units per net acre, with the exception of properties located west of Doheny Park Road and south of Victoria Boulevard shall be limited to a maximum density of ten (10) dwelling units per acre.

9.14.020 Permitted Uses, Accessory Uses, Temporary Uses and Conditional Uses.

(a) Several classes of uses are allowed in Doheny Village Districts. Each of these classes must promote the mixed use character of the districts. These classes of uses are:

(1) Permitted Use — allowed by right if no discretionary review is required. Certain permitted uses, indicated by P*, are also regulated by provisions contained in Section 9.14.050 or Chapter 9.07.

(2) Accessory Use — allowed by right if accessory to a permitted or conditional use.

(3) Temporary Use — allowed on a temporary basis in accordance with the provisions of Chapter 9.39.

(4) Conditional Use — allowed subject to the approval of a Conditional Use Permit in accordance with the provisions of Chapter 9.65. Certain conditional uses, indicated by a C*, are also regulated by provisions contained in Section 9.14.050 or Chapter 9.07.

(5) Prohibited Use — not allowed in the subject district.

(b) Certain uses other than permitted uses may not be suitable or desirable in every location within Doheny Village Districts and, therefore require a Temporary Use Permit as described in Chapter 9.39, or discretionary review through the Conditional Use Permit process described in Chapter 9.65.

(c) Definitions of Use. The following definitions shall apply to the provisions contained in this Chapter. Manufacturing uses, including artisan, marine, and metal fabrication, specifically located within the Doheny Village Districts shall be defined as follows:

(1) Artisan Manufacturing Uses. Artisan manufacturing shall mean the shared or individual use of hand-tools, mechanical tools and electronic tools for the manufacture of finished products or parts including design, processing, fabrication, assembly, treatment, and packaging of products, as well as the incidental storage, sales and distribution of such products. Typical artisan manufacturing uses include, but are not limited to: electronic goods, food and bakery products, beverages, printmaking, household appliances, leather products, jewelry and clothing/apparel, metal work, furniture, glass or ceramic production, and paper manufacturing.

(2) Marine Manufacturing Uses. Marine manufacturing shall include marine-oriented, light industrial uses including surfboard shaping and manufacturing, boat and watercraft assembly.

(3) Metal Fabrication Uses. Metal fabrication shall mean establishments which provide creation of metal structures by cutting, bending, and assembling processes. Uses include blacksmith shops, machine shops, sheet metal shops, tinsmiths, and welding shops.

(d) The following Table lists the classification of allowable uses in the Doheny Village Districts as defined in Section 9.75.270 and Section 9.14.020(c). Any use not expressly allowed is prohibited.

SECTION 9.14.020(d)

DOHENY VILLAGE DISTRICTS

LAND USES	V-C/I	V-C/R	V-MS
Accessory Dwelling Unit	X	P(1)	P(1)
Administrative Office Uses	P	P	P
Adult Day Care Facility	X	C	C
Alcohol Beverage Manufacturing Uses	P*	C*	C*
Alcoholic Beverage Outlet	C*	P*/C*	P*/C*
Animal Hospital	P	X	P
Automotive Sales and Rental Uses	C*	C*	C*
Artisan Manufacturing Uses	P	C*	C*
Building Materials Sales and Service Uses	P	P	P
Business Service Uses	P	P	P

LAND USES	V-C/I	V-C/R	V-MS
Caretaker's Residence	P*	P*	P*
Civic Uses	C	C	C
Clinical Services	P	C	C
Commercial Antenna	C	C	C
Commercial Entertainment Uses	P	C	P
Commercial Recreation Uses	P	P	P
Community Care Facility	X	C	C
Congregate Care Facility	X	C	C
Congregate Living Health Facility	X	C	C
Convalescent Facility	X	C	C
Construction and Maintenance Service Uses	P	P	P
Cultural Uses	P	P	P
Dance Halls/Clubs	X	X	C
Day Care Centers	X	P	P
Day Treatment Facility	X	C	C
Drinking Establishments	P*/C*	P*/C*	P*/C*
Drive-Through Uses	C(2)	C(2)	C(2)
Duplex	X	P	C(3)
Dwelling Unit, Multiple Family	X	P	C(3)
Dwelling Unit, Single Family	X(4)	P	C(3)
Educational Uses	P	P	P
Emergency Shelter	X	X	C
Family Day Care Home, Large	X	C	C
Family Day Care Home, Small	X	C	C
Food Service Uses, Specialty	P	P	P
Fortune Telling	X	X	C*
Furniture Store	P	P	P
Group Dwelling/Group Home	X	C	X
Hospital, Acute Psychiatric	X	C	C
Hospital, Chemical Dependency Recovery	X	C	C
Hospital, General Acute Care	X	C	C
Hospital, Special	X	C	C
Hotel	X	P	P
Institutional Uses	X	P	P
Intermediate Care Facility	X	C	X
Kennel	P	X	P
Light Industrial Uses	P	X	X
Live Entertainment Uses	C*	C*	C*
Major Automotive Uses	P	X	C
Marine Uses	P	X	P
Marine Manufacturing Uses	P*	X	X
Massage Establishments	X	X	P*
Medical Office Uses	P	P	P
Medium Industrial Uses	P	X	X
Membership Organizations	P	P	P

LAND USES	V-C/I	V-C/R	V-MS
Metal Fabrication Uses	P*	X	X
Minor Automotive Uses	P	C	A
Minor Repair Service Uses	P	P	P
Mixed Use Center	X	P	P
Mobilehome Park	X	P(5)	X
Motel	X	X	P
Open Space	P	P	P
Personal Service Uses	P	P	P
Photographic, Reproduction and Graphic Service Uses	P	P	P
Professional Office Use	P	P	P
Public Utility Uses	P	C	C
Recreational Uses	P	C	P
Religious Uses	C*	C*	C*
Recycling Facilities	C*	X	X
Research and Development Uses	C	P	P
Residential Care Facility for the Elderly	C	C	C
Restaurant	P	P	P
Restaurant, Drive-Through	C	X	C
Restaurant, Take-Out	P	P	P
Restaurant, Walkup	P	P	P
Retail Sales Uses	P	P	P
Sanitary Sewer Facility	C	X	X
Senior Citizen Housing	X	C	C
Single Room Occupancy	X	C	X
Skilled Nursing Facility	C	C	C
Small Family Home	X	C	X
Social Day Care Facility	X	C	X
Storage Yard Uses	P*	X	X
Tattoo Parlors	C*	C*	C*
Temporary Uses	T*	T*	T*
Transportation Uses	P	C	C
Video Arcades or Game Rooms	X	C	C
Warehouse and Storage Uses	P*	X	X

LEGEND:

P = Permitted Use

C = Conditional Use

T = Temporary Use

X = Prohibited Use

P* = Permitted Use subject to special use standards
(see Section 9.14.050 or Chapter 9.07)

C* = Conditional Use subject to special use standards
(see Section 9.14.050 or Chapter 9.07)

T* = Temporary Use subject to special use standards
(see Section 9.14.050 or Chapter 9.39)

A = Accessory Use

Footnotes for Section 9.14.020(d):

- (1) Accessory Dwelling Units shall be developed in accordance with State law.
- (2) Drive-through uses shall be permitted with a Conditional Use Permit which shall be reviewed and approved by the Planning Commission. Precludes restaurant/food uses and liquor establishments. Permits such uses, but not limited to, dry cleaners, banks, and pharmacies. (See Section 9.07.240)
- (3) Residential uses shall not be permitted on the ground floor of all buildings within the first 130 feet measured from the property line fronting Doheny Park Road.
- (4) Only those residential uses in existence as of November 23, 1993 shall be permitted.
- (5) Only those mobilehome parks in existence as of November 23, 1993 shall be permitted.

9.14.030 Development Standards.

The following Table provides the minimum acceptable standards for development within the Doheny Beach Village Districts necessary to assure quality development and attractive local neighborhood. The development standards are supplemented, and where applicable, superseded by special development standards described in Chapter 9.05 and Chapter 9.07.

SECTION 9.14.030

DOHENY VILLAGE DEVELOPMENT STANDARDS

Development Standards (1)	V-C/I	V-C/R	V-MS
(a) Minimum Lot Size (2)	2,500 sf	2,500 sf	4,800 sf
(b) Minimum Lot Width (2)	25 ft	25 ft	40 ft
(c) Minimum Lot Depth (2)	130 ft	100 ft	120 ft
(d) Maximum Lot Coverage	80%	80%	80%
(e) Maximum Height	35-40 ft (3) 3 stories	35-50 ft north of Victoria; 35-40 ft south of Victoria (3) 3 stories	35-40 ft (3) 3 stories
(f) Maximum Residential Density		30 du/ac; 50 du/ac for lots greater than 10 ac	10 du/ac south of Victoria; 30 du/ac
(g) Minimum Front Yard Setback			
From Ultimate Public Street R/W Line	0-3 ft	5 ft	0-3 ft
Residential Uses Adjacent to V-C/I District			50 ft from alley; 100 ft from Victoria Blvd
(h) Minimum Side Yard Setback			
Interior Side	0 ft	0-3 ft	0 ft
Street Side	0-3 ft	0-3 ft	0-3 ft
(i) Minimum Rear Yard Setback			
Standard Lot	0 ft	0 ft	5 ft
Adjacent to Alley or Street	0 ft	0 ft (if door on ground floor 5')	0 ft (if door on ground floor 5')

(j) Minimum Landscape Coverage (4)	5%	5%	5%
(k) Minimum Building Separation	6 ft	6 ft	6 ft
(l) Open Space - Residential uses only		100 sf/du	100 sf/du

Footnotes for Section 9.14.030:

- (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) Structures greater than 35 feet shall be subject to Planning Commission approval of a Site Development Permit and special development standards pursuant to Section 9.14.040(c).
- (4) A decrease in landscape coverage may be permitted with a minor Site Development Permit including an approved landscape plan.

9.14.040 Special Development Standards.

(a) Residential Density. The maximum residential density in the Doheny Village Districts shall be specified in Exhibit B attached hereto. New construction located within the Coastal Overlay District shall provide a minimum percentage of affordable units in compliance with the Mello Act. Affordable housing units shall not be counted in the density calculations of a project except when an applicant seeks a density bonus for a housing development in compliance with provisions under State law (California Government Code Section 65915).

(b) Housing Incentive Overlay. Parcels located within the Housing Incentive Overlay shall be designated as adequate sites for residential development as defined by the Housing Element of the City’s General Plan. The Housing Incentive Overlay shall be specified in Exhibit C attached hereto. All land uses and development standards of the underlying zoning districts shall be applicable, with the exception of the following standards if residential development is proposed on parcels within the Overlay:

- (1) At least fifty (50) percent of the total building gross floor area, excluding parking facilities, constructed on such parcels shall be residential uses.
- (2) A minimum density of twenty (20) dwelling units per acre shall be required.
- (3) A maximum density of thirty (35) dwelling units per acre shall be permitted.

(c) Building Height Greater than 35 Feet. The intent and purpose of establishing criteria for building height greater than 35 feet is to allow expansion of existing structures and construction of new architectural elements and open ceiling height. Maximum height greater than 35 feet is subject to approval of a Site Development Permit (pursuant to Chapter 9.71) provided that:

- (1) The structures shall be limited to a maximum of 35 feet within the first 50 feet from any exterior lot line.
- (2) The Planning Commission makes the following additional findings:

- (A) That the proposed additional building height results in a project which is of superior design quality and functionality as compared to the project which could have been built under the required building height; and
- (B) That any portions of the building which exceed 35 feet shall be limited to architectural elements that provide visual interest and does not create conditions which may be incompatible, objectionable or detrimental to the surrounding land uses.

(d) Accessory Uses and Structures. Accessory buildings or structures are subject to the same height and setback requirements described for primary buildings and structures in Section 9.14.030 except as modified by Section 9.05.080, Maximum Projections into Required Yard Areas.

(d) Exemption from Site Development Permit. For new development projects located within the districts of this Chapter and not located within the Floodplain Overlay District, exemptions for Site Development Permits shall be limited to the following requests:

- (1) Development with less than ten thousand (10,000) gross square feet of new residential building floor area.
- (2) Four (4) of less residential units.
- (3) Temporary uses and structures as described in Chapter 9.39.
- (4) Any multifamily projects where a minimum of twenty percent (20%) of total units are restricted to be affordable to lower income households or at least forty percent (40%) of total units are restricted to be affordable to moderate income households (for a period of time equal to provisions under State Density Bonus Law (California Government Code Section 65915)).

(e) Access and Parking. All development projects shall be subject to the provisions of Chapter 9.35, with the exception of the following:

- (1) Preferred Driveway Access. On properties abutting an alley, driveway access shall be taken from the alley unless otherwise approved subject to a minor Site Development Permit.
- (2) Minimum Number of Required Parking Stalls. The minimum amount of parking provided for each use in a project shall be in accordance with the following ratios:

Industrial Uses	1 stall/500 SF-GFA or subject to 9.35.080(e) Industrial Uses, whichever is least restrictive
Commercial Uses - Commercial/Retail - Restaurant - Assembly	1 stall/500 SF-GFA 1 stall/250 SF-GFA 1 stall/100 SF-GFA
Residential Uses - Single-family, duplex, triplex - Multiple-family	Stalls per unit (may be covered in a garage or carport, or uncovered): Studio, 1 bed: 1 stall 2-5 bed: 2 stalls 6+ bed: 3 stalls DPMC 9.35.080(e)(8)

(3) Nonconforming Parking.

A. Change of Use. A nonconforming use may be changed to a new use allowed in that zoning district without providing additional parking, provided no intensification or enlargement (e.g., increase in floor area or lot area) occurs and the new use requires a parking rate of no more than one space per two hundred and fifty (250) square feet of gross building area.

B. Addition to Structure or Intensification of Use. A nonconforming structure or use may be enlarged by up to ten (10) percent of its existing gross floor area, or a nonconforming use may be changed to a new use that requires additional parking under the following conditions:

1. Required parking for the additional floor area is provided; or
2. If the new use requires more parking than the nonconforming use, then the new use shall only be required to provide additional parking equal to the difference between the two; or
3. A reduction in the number of required parking spaces is approved in compliance with the provisions of this Zoning Code.

(f) Design Compatibility for Mixed-Use Projects. All new multi-tenant mixed use developments shall be subject to the special development standards pursuant to Section 9.13.040(c).

(g) "Art-in-Public-Places" Program. All new development projects located within the districts of this Chapter are subject to the provisions of the "Art-in-Public-Places" Program as described in Section 9.05.240.

9.14.050 Special Use Standards.

Certain uses, although permitted in specific districts, require additional development standards beyond those specified for the applicable zone contained within this Chapter. Additional standards are required to ensure that such uses are operated in a manner that do not adversely impact surrounding uses. The purpose of this Section is to provide additional development standards and conditions for certain uses to ensure their compatibility with surrounding uses.

(a) Manufacturing Uses. Manufacturing uses, including artisan manufacturing, marine manufacturing, and metal fabrication, shall be permitted, provided that:

- (1) Uses shall be restricted from operation between the hours of 10:00 p.m. and 7:00 a.m.
- (2) All uses shall include a workshop and/or office space enclosed in a structure.
- (3) Any outdoor storage of materials shall be adequately screened with solid fencing or walls. Materials shall not be piled or staked higher than the solid screening, and shall not be visible from ground-level view from any public right-of-way or any residential use.

(b) Caretaker's residence. Caretaker's residence uses shall be permitted as an accessory use, provided that:

(1) Letter of Intent. The application shall include a statement with an explanation of the need for a caretaker's unit and the responsibilities of the caretaker/resident.

(2) Status of Caretaker. The resident of the dwelling shall be the owner or lessor, or an employee of the owner or lessor of the site.

(3) Type of Use Requiring a Caretaker. The principal use of the site must require a caretaker for security purposes, or care of people, plants, animals, equipment, or other conditions on the site, or for needed housing for the owner or operator of a business.

(4) Allowable Location of Unit. In all Doheny Village Zoning Districts, such dwelling unit shall be located on the second floor, or to the rear of a principal building. A caretaker's residence is to be located on the same lot of record or contiguous ownership as the use requiring a caretaker.

(5) Parking Requirement. None, provided sufficient parking stalls are available to accommodate employee parking onsite.

(c) Storage Yard Uses. Storage yard uses shall be permitted, provided that:

(1) Storage areas must conform to the minimum setback regulations of the Zoning District.

(2) Any outdoor storage of materials shall be adequately screened with solid fencing or walls.

(3) Storage of junk, inoperable vehicles, and scrap materials shall be prohibited.

(d) Temporary Uses. Temporary uses and structures may be permitted with a Temporary Site Development Permit subject to approval of the Director of Community Development as described in Chapter 9.71, Site Development Permits.

Potential Specific Plan for property located at 26126 Victoria Boulevard. Concurrent preparation and processing of a Specific Plan District has been requested by the property owner and shall be subject to a separate approval process pursuant to Chapter 9.33. As such, the property shall be identified as a holding zone for the Capistrano Unified School District (CUSD) Specific Plan Area. If the Specific Plan does not receive approval, the property shall remain split-zoned as Community Facilities District and Recreation District, with no changes to allowable uses and development standards as specified in Chapter 9.19 and Chapter 9.21.

EXHIBIT A

DOHENY VILLAGE ZONING DISTRICTS



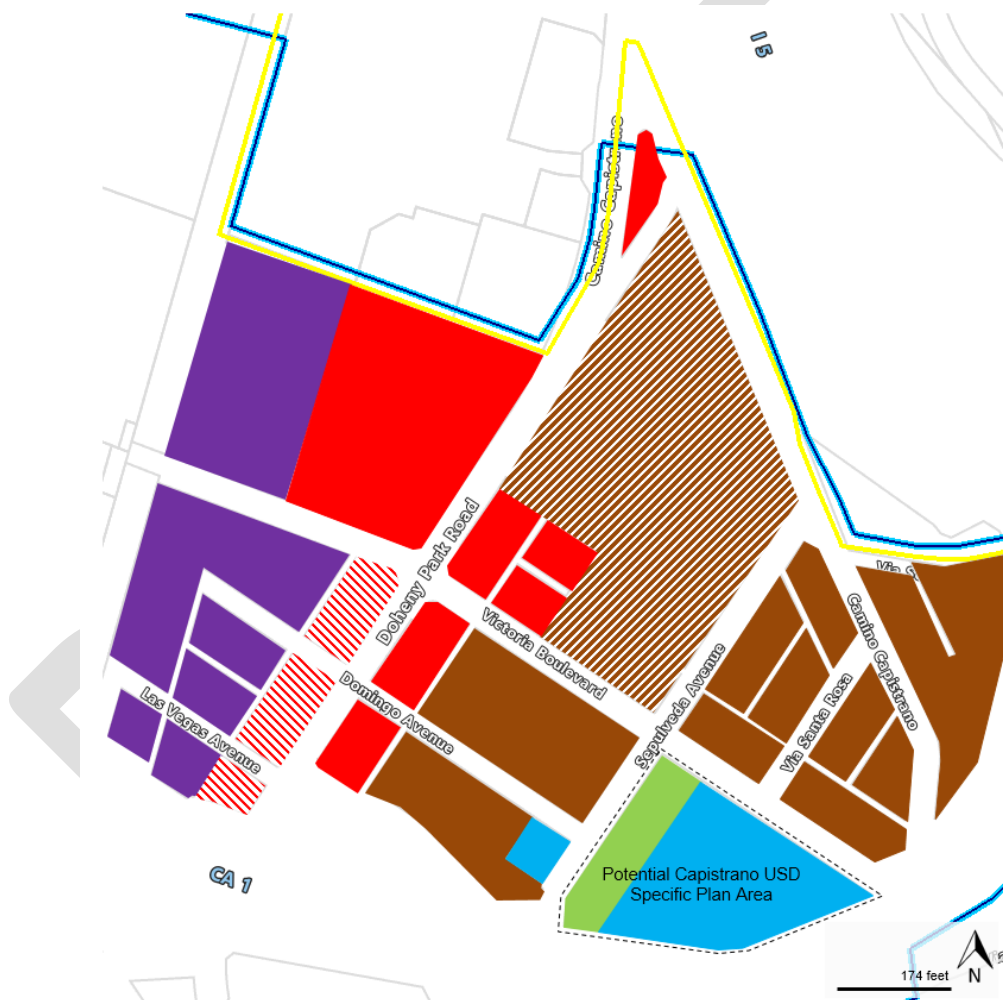
Zoning Districts	
■	Village Commercial/Industrial District (V-C/I)
■	Village Main Street District (V-MS)
■	Village Commercial/Residential District (V-C/R)
■	Community Facilities District (CF)
■	Recreation District (REC)

General Plan Amendment

Adoption of the Doheny Village update will require amendments to the General Plan Land Use Element for existing land use designations, development intensity, and density standards. It is recognized that there is a need for a comprehensive General Plan update, which will include goals, policies, and design guidelines to address the unique issues associated with the Doheny Village area. The proposed intensity and density is contained within Exhibit B below.

EXHIBIT B

DOHENY VILLAGE LAND USE DESIGNATIONS



Land Use Designations	Floor Area Ratio	Density
Commercial/Industrial	.75-1.5:1	
Commercial/Main Street		10 du/ac
Commercial/Main Street		30 du/ac
Commercial/Residential		30 du/ac
Commercial/Residential		50 du/ac
Community Facility	.4-1.0:1	30 du/ac
Open Space	.1-.2:1	

EXHIBIT C
HOUSING INCENTIVE OVERLAY

