

**CALIFORNIA COASTAL COMMISSION**

South Coast Area Office  
200 Oceangate, Suite 1000  
Long Beach, CA 90802-4302  
(562) 590-5071

**TH 14b**

April 19, 2007

**TO: Commissioners and Interested Persons**

**FROM: Sherilyn Sarb, Deputy Director  
Teresa Henry, South Coast District Manager  
Karl Schwing, Orange County Area Supervisor  
Fernie Sy, Coastal Program Analyst II**

**SUBJECT: Major Amendment Request No. 02-06 to the City of Dana Point Certified Local Coastal Program (For Public Hearing and Commission Action at the May 9-11, 2007 (meeting in San Pedro).**

**SUMMARY OF LCP AMENDMENT REQUEST NO. 02-06**

Request by the City of Dana Point to amend its certified Local Coastal Program (LCP) affecting the Implementation Plan (IP). The proposed IP amendment would primarily modify the height regulations to address the unique constraints posed by hillside lots. This amendment also includes more restrictive regulations governing residential roof decks, building mass, floor area ratio, maximum building lot coverage, building height above a street while also providing opportunities for steeper residential driveway slopes to further reduce site grading and potential building height above a street. In addition, the amendment also establishes a new, case-by-case review process with a public hearing in front of the City's Planning Commission with story-pole staking for all applications for three-story residential structures whether or not those projects require a Coastal Development Permit.

**SUMMARY OF STAFF RECOMMENDATION**

Staff is recommending that the Commission, after public hearing **approve the amendment request to the Implementation Plan as proposed.** The motion to accomplish this recommendation is found on page 3. The Implementation Plan amendment is in conformity with and adequate to carry out the policies of the certified Land Use Plan.

**STANDARD OF REVIEW**

The standard of review for the proposed amendment to the LCP implementing ordinances, pursuant to Sections 30513 and 30514 of the Coastal Act, is conformance with, and adequacy to carry out, the provisions of the certified LUP. That is, the Commission can only reject the proposed amendment if it is not in conformance with, or is inadequate to carry out, the provisions of the certified LUP. The LUP for the Monarch Beach and Capistrano Beach areas of the City, where the subject amendment would be applicable, consists of the Land Use Element, Urban Design Element, and the Conservation/Open Space Element of the City's General Plan, as certified by the Coastal Commission.

## **SUMMARY OF PUBLIC PARTICIPATION**

Section 30503 of the Coastal Act requires public input in Local Coastal Program development. It states:

*During the preparation, approval, certification, and amendment of any local coastal program, the public, as well as all affected governmental agencies, including special districts, shall be provided maximum opportunities to participate. Prior to submission of a local coastal program for approval, local governments shall hold a public hearing or hearings on that portion of the program which has not been subjected to public hearings within four years of such submission.*

The City of Dana Point Planning Commission held a public hearing on the proposed amendment on March 1, 2006 and voted to recommend approval of the IP amendments to the City Council. Five (5) speakers spoke at the public comments portion of the Planning Commission hearing. The first speaker spoke in support of the proposed amendment regarding the revised standards for roof decks and its impact on “doghouses”. The second speaker spoke about modifications he would want to see regarding the proposed 15-foot height limit (which has not been reduced to 14-feet), the 5-foot height increase and datum for height determination. The third speaker, who was part of the task force that put together the amendment, spoke about how the proposed amendment would clean up the Code and assist the Planning Commission in their reviews. The fourth speaker spoke about his concern regarding the proposed 15-foot height limit (which has not been reduced to 14-feet), the 5-foot height increase. The fifth speaker spoke about how the proposed amendment had nothing to do with compatibility, scale or aesthetics. On March 22, 2006, the Dana Point City Council held a public meeting and adopted a resolution to approve and introduce an ordinance for the proposed IP amendment with some changes. Six (6) speakers spoke at the public hearing portion of the meeting. The first speaker requested that the item be removed from the agenda and recommended a formation of an oversight committee. The second speaker, who was part of the task force that put together the amendment, discussed the recommendation on increased slopes on driveways. The third speaker spoke about the impact of “doghouse”. The fourth and fifth speakers spoke about impacts to private views. The sixth speaker, who was part of the task force that put together the amendment, echoed his support of the new regulation regarding FAR. On April 12, 2006, the Dana Point City Council held a public meeting and adopted an ordinance for the proposed IP amendment. On August 23, 2006 the City Council approved submittal of the LCP amendment for action by the Coastal Commission. Public notices for the hearings were printed in the Dana Point News and Orange County Register newspapers.

## **ADDITIONAL INFORMATION**

Copies of the staff report are available at the South Coast District office located in the ARCO Center Towers, 200 Oceangate, Suite 1000, Long Beach, 90802. To obtain copies of the staff report by mail, or for additional information, contact **Fernie Sy** in the Long Beach office at (562) 590-5071. Additional information may also be obtained from the City of Dana Point Community Development Department at (949) 248-3564.

## **I. STAFF RECOMMENDATION**

Staff recommends adoption of the following motion and resolution:

**MOTION:**     *I move that the Commission reject Implementation Program Amendment 02-06 to the Monarch Beach and Capistrano Beach segments of the Dana Point LCP, as submitted.*

### **STAFF RECOMMENDATION OF CERTIFICATION AS SUBMITTED:**

Staff recommends a **NO** vote. Failure of this motion will result in certification of the Implementation Program amendment as submitted and the adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the Commissioners present.

### **RESOLUTION TO CERTIFY IMPLEMENTATION PROGRAM AS SUBMITTED:**

The Commission hereby certifies Implementation Program Amendment 02-06 to the Monarch Beach and Capistrano Beach segments of the Dana Point LCP as submitted and adopts the findings set forth below on grounds that the Implementation Program conforms with, and is adequate to carry out, the provisions of the certified Land Use Plan. Certification of the Implementation Program will meet the requirements of the California Environmental Quality Act, because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the Implementation Program on the environment, or 2) there are no further feasible alternatives or mitigation measures that would substantially lessen any significant adverse impacts on the environment that will result from certification of the Implementation Program.

## **II. PROCEDURAL REQUIREMENTS**

Pursuant to Section 13551(b) of the California Code of Regulations, a resolution for submittal must indicate whether the Local Coastal Program amendment will require formal local government adoption after Commission approval, or is an amendment that will take effect automatically upon the Commission's approval pursuant to Public Resources Code Sections 30512, 30513 and 30519. The City's resolution of adoption (Resolution No. 06-08-23-03) states that this LCP amendment will take effect upon Commission certification.

## **III. FINDINGS**

The following findings support the Commission's approval of the IP amendment as submitted.

The Commission hereby finds and declares as follows:

### **A. IMPLEMENTATION PLAN AMENDMENT**

#### **1. Amendment Description**

The City of Dana Point is requesting an amendment to the Implementation Plan portion of the certified LCP. The proposed IP amendment would primarily modify the height regulations to address the unique constraints posed by hillside lots. It will correct errors in

the maximum allowed height standards for three-story structures on hillside lots and to eliminate, in most cases, the need for a variance from the height standards. This amendment also includes more restrictive regulations governing residential roof decks, building mass, floor area ratio, maximum building lot coverage, building height above a street while also providing opportunities for steeper residential driveway slopes to further reduce site grading and potential building height above a street. In addition, the amendment also establishes a new, case-by-case review process with a public hearing in front of the City's Planning Commission with story-pole staking for all applications for three-story residential structures whether or not those projects require a Coastal Development Permit. Any new development would continue to be subject to the requirements of the Coastal Zone and would be required to obtain a Coastal Development Permit. Here is a brief description of the amendments and their intended effects:

- 1) Revise the height limits to allow three story structures (with an additional 5-feet in height) on hillside properties.
- 2) Revise the standards for roof decks, disallowing permitted 5-foot encroachments above the height limits for access structures.
- 3) Adds flexibility to the requirements for setbacks/stepbacks at upper stories to reduce potential building mass.
- 4) Removes the limits to "habitable space" at the garage level.
- 5) Reduces the maximum allowed building lot coverage standards for single-family zones, from 60% to 50%.
- 6) Allows for greater driveway slope gradients for access to a garage.
- 7) Adds a requirement for a maximum .75 floor area ratio (FAR).
- 8) Adds a requirement placing a 14-foot limit on the height of residential structures above an upper street or upper property line.
- 9) Requires a public hearing for a Site Development Permit and story pole staking of all applications.

The standard of review for an amendment to an Implementation Plan is consistency with and adequacy to carry out the policies of the certified Land Use Plan.

## 2. Consistency with LUP Visual Impact Policies

Urban Design Element, Goal 1, Policy 1.4

*Preserve public views from streets and public places.*

Urban Design Element, Goal 4, Policy 4.5

*Protect and enhance existing public views to the ocean through open space designations and innovative design techniques.*

Many of the City's remaining vacant parcels are located on lots which have slopes of 20% or more. The City's method of measuring building height specifies that structures be measured from the lowest portion of the structure to the highest point of the structure. This does not pose a problem for relatively flat lots; however, it does for lots defined as "hillside lots" with slopes of 20% or more. Furthermore, lots that have less than 20% slopes are limited to two stories while property owners with lots sloping greater than 20% are allowed to construct three levels; however, three levels cannot be accommodated within the current height limits. Thus, to address the unique circumstances posed of steep topography and to

provide the opportunity to actually construct three levels within allowable height limits, the maximum allowed heights have increased. In addition, to these height changes, the amendment also proposes many other regulations, for example, it prohibits “dog houses” (aka roof access structures) and places a 15-foot limit on the height of residential structures above an upper street or upper property line. Also, any new development would continue to be subject to the requirements of the Coastal Zone and would be required to obtain a Coastal Development Permit.

The proposed amendment would be consistent with the visual impact policies of the Land Use Plan. While the amendment states that the maximum height limits will be increased, these maximum height limits have already existed, but previously required a variance to obtain approval for these heights. Allowing this amendment would not result in impacts to public views, as these heights had already been established and determined to be consistent with public view policies in the Land Use Plan. In addition, the limitation of the height of the structure above an upper street or upper property line and the prohibition of “dog houses” would assist in achieving community character. In addition, the continued requirement that any new development to continue to be subject to the requirements of the Coastal Zone and be required to obtain a Coastal Development Permit, verifies that any potential impacts associated with any new project will continue to be identified and reviewed for compliance with the Land Use Plan. The applicant has provided a map that shows that the properties affected by the amendment aren't located in areas where public views are a significant issue.

Based on the changes described above and the entire language of the proposed IP amendment, the proposed amendment provides the required level of documentation detail necessary to implement the visual impact policies of the Land Use Plan. Therefore, the Commission finds that, as submitted, the IP amendment meets the requirements of and is in conformity with the visual impact policies of the certified Land Use Plan.

## **B. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)**

Section 21080.9 of the California Public Resources Code – within the California Environmental Quality Act (CEQA) – exempts local governments from the requirement of preparing an environmental impact report (EIR) in connection with its activities and approvals necessary for the preparation and adoption of a Local Coastal Program (LCP). Instead, the CEQA responsibilities are assigned to the Coastal Commission. Additionally, the Commission's Local Coastal Program review and approval procedures have been found by the Resources Agency to be functionally equivalent to the environmental review process. Thus, under Section 21080.5 of CEQA, the Commission is relieved of the responsibility to prepare an environmental impact report for each Local Coastal Program submitted for Commission review and approval. Nevertheless, the Commission is required when approving a Local Coastal Program Amendment to find that the Local Coastal Program as amended conforms with other provisions of CEQA.

Pursuant to the California Environmental Quality Act (CEQA) and the Coastal Commission's regulations [see California Code of Regulations, Title 14, Sections 13540(f), 13542(a), 13555(b)] the Commission's certification of this Local Coastal Program Amendment must be based in part on a finding that it is consistent with CEQA Section 21080.5(d)(2)(A). That section of the Public Resources Code requires that the Commission not approve or adopt an LCP:

*...if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment.*

As outlined in this staff report, the proposed LCP amendment will be consistent with visual impact policies of the City of Dana Point Land Use Plan. As described above, the IP amendment is consistent with and adequate to carry out the policies of the Land Use Plan. Therefore, the Commission finds that approval of the LCP amendment will not result in significant adverse environmental impacts under the meaning of CEQA. There are no feasible alternatives under the meaning of CEQA which would reduce the potential for significant adverse environmental impacts. Therefore, the Commission certifies Dana Point LCP amendment request 02-06 as submitted.

**RESOLUTION NO. 06-08-23-03**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT,  
CALIFORNIA, REGARDING LOCAL COASTAL PROGRAM AMENDMENT  
LCPA06-02 AND REQUESTING CERTIFICATION BY THE CALIFORNIA  
COASTAL COMMISSION**

WHEREAS, after notice duly given pursuant to Government Code Section 65090 and Public Resources Code Sections 30503 and 30510, the Dana Point Planning Commission on March 1, 2006, held a public hearing to consider the adoption of Dana Point Local Coastal Program Amendment LCPA06-02 and recommended its approval to the City Council; and

WHEREAS, the City Council, after giving notice as prescribed by law, held public hearings on March 22 and April 12, 2006, regarding the proposed Dana Point Local Coastal Program Amendment LCPA 06-02, and the City Council finds that the proposed amendment is consistent with the Dana Point General Plan, the Local Coastal Program and the California Coastal Act; and

WHEREAS, the City Council of the City of Dana Point certifies that it intends to implement the Local Coastal Program in a manner fully consistent and in conformance with the California Coastal Act; and

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

Section 1. That the above recitals are true and correct and incorporated herein.

Section 2. That the Dana Point City Council approved Dana Point Local Coastal Program Amendment LCPA06-02 pursuant to Ordinance No. 06-02. LCPA06-02 pertains to residential building heights on hillside lots and also pertains to regulations governing residential roof decks, building mass, floor area ratio, maximum building lot coverage, building height above a street, residential driveway slopes and a public hearing review process that requires story poles for all applications for three story residential structures as outlined in Zone Text Amendment ZTA06-02 and LCPA06-02. A copy of Ordinance 06-02 approving LCPA06-02 and ZTA06-02 with the specific content of the proposed amendment is attached hereto as Exhibit A and is incorporated herein by this reference as though fully set forth herein.

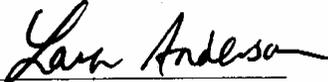
Section 3. That the California Coastal Commission is hereby requested to consider, approve and certify Dana Point Local Coastal Program Amendment LCPA06-02.

Section 4. That pursuant to Section 13551(b) of the Coastal Commission Regulations, Dana Point Local Coastal Program Amendment LCPA06-02 will automatically take effect immediately upon California Coastal Commission approval, as provided in Public Resources Code Section 30512, 30513 and 30519.

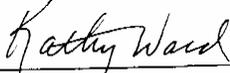
Section 5. The City Clerk shall certify to the adoption of this Resolution.

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PASSED, APPROVED, AND ADOPTED this 23<sup>rd</sup> day of August, 2006.

  
LARA ANDERSON, MAYOR

ATTEST:

  
Kathy Ward  
Acting City Clerk

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

I, Kathy Ward, Acting City Clerk of the City of Dana Point, do hereby certify that the foregoing Resolution No. 06-08-23-03 was duly adopted and passed at a regular meeting of the City Council on the 23<sup>rd</sup> day of August, 2006, by the following roll-call vote, to wit:

AYES: Council Members Harkey, Lacy, and Rayfield,  
Mayor Pro Tem Chilton and Mayor Anderson

NOES: None

ABSENT: None

ABSTAIN: None

  
KATHY WARD  
ACTING CITY CLERK

**COASTAL COMMISSION**

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EXHIBIT A

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ORDINANCE NO. 06-02

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, FOR A ZONE TEXT AMENDMENT AND LOCAL COASTAL PROGRAM AMENDMENT TO THE CITY OF DANA POINT ZONING CODE REGULATIONS FOR RESIDENTIAL ZONES.

APPLICANT: Community Development Department  
FILE NUMBER: 0610-15/ZTA06-02/LCPA06-02/Citywide

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

WHEREAS, the City has conducted a review of height variances requested for residential structures located hillside lots; and

WHEREAS, the City desires to modify the height regulations to address the unique constraints posed by hillside lots; and

WHEREAS, the City Council created the Residential Building Height Task Force to make recommendations to the Planning Commission for improvements to the building height regulations for hillside properties; and

WHEREAS, the Planning Commission did, on the 1st of March, 2006, hold a duly noticed public hearing as prescribed by law to consider the recommendations of the Residential Building Height Task Force and voted to recommend the City Council approve the said request; and

WHEREAS, the City Council did, on the 22nd of March, 2006, 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 Council considered all factors to Zone Text Amendment ZTA06-02 and Local Coastal Program Amendment LCP06-02; 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 Council adopts the following findings:

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Findings:

1. That the public and affected agencies have had ample opportunity to participate in the review of the Ordinance which will require an amendment to the City's Zoning Code (ZTA06-02) and Local Coastal Program (LCPA06-02) and the City Council of the City of Dana Point reviewed the item at a public hearing on March 22, 2006.
2. The amendment proposed is consistent with the Dana Point General Plan and Local Coastal Program.
3. The proposed amendment complies with all other applicable requirements of state law and local ordinances.
4. That the public and affected agencies have had ample opportunity to participate in the Local Coastal Program Amendment (LCPA) process. Notice for the proposed action included a 1/8th page advertisement published in the Dana Point News on March 7, 2006. Notice of the hearing was mailed to affected agencies and interested parties. Notices were also posted on March 8, 2006 at the Dana Point City Hall, the Dana Point Post office, the Capistrano Beach Post office, and the Dana Point Library.
5. That all policies, objectives, and standards of the LCPA conform to the requirements of the Coastal Act, including that the land use plan as amended is in conformance with and adequate to carry out the Chapter Three policies of the Coastal Act.
6. That the Coastal Act policies concerning specific coastal resources, hazard areas, coastal access concerns, and land use priorities have been applied to determine the kind locations, and intensity of land and water uses. The proposed amendment would not result in any modifications to the City's land use plans. Therefore, no changes of intensity of land and water uses would occur.
7. That the level and pattern of development proposed is reflected in the Land Use Plan, Zoning Code, and Zoning Map. No changes to the level and pattern of development would occur as result of the proposed LCPA. Therefore, the LCPA is reflected in the City's existing General Plan, Zoning Code and Zoning Map.
8. That a procedure has been established to ensure adequate notice of interested persons and agencies of impending development proposed after certification of the LCPA. The proposed LCPA would not result in development beyond what is identified in the existing General Plan. Noticing of impending development to occur after certification of the LCPA will be consistent with procedures detailed in the City's Zoning Code.

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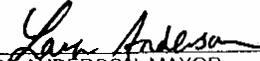
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9. That zoning measures are in place (prior to or concurrent with the LCPA) which are in conformance with and adequate to carry out the coastal policies of the Land Use Plan. The City's existing Zoning Code is in conformance and adequate to carry out the coastal policies of the General Plan.

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 12th day of April, 2006.

  
LARK ANDERSON, MAYOR

ATTEST:

  
ELIZABETH EHRLING, CITY CLERK

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

I, ELIZABETH EHRING, City Clerk of the City of Dana Point, California, do hereby certify that the foregoing Ordinance No. 06-02 was duly introduced at a regular meeting of the City Council on the 22<sup>nd</sup> day of March, 2006, and was duly adopted and passed at a regular meeting of the City Council on the 12<sup>th</sup> day of April, 2006, by the following vote, to wit:

AYES: Council Members Harkey, Lacy, Rayfield,  
Mayor Pro Tem Chilton, and Mayor Anderson

NOES: None

ABSTAIN: None

ABSENT: None

  
ELIZABETH EHRING, CITY CLERK

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

AFFIDAVIT OF POSTING  
AND PUBLISHING

ELIZABETH EHRLING, 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. 06-02, being:

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, APPROVING A ZONE TEXT AMENDMENT ZTA06-02 AND LOCAL COASTAL PROGRAM AMENDMENT LCPA06-02 TO THE CITY OF DANA POINT ZONING CODE REGULATIONS FOR RESIDENTIAL ZONES.**

was published in summary in the Dana Point News newspaper on the 6th day of April 2006, and the 20th day of April 2006, and, in further compliance with City Resolution No. 91-10-08-1, on the 31st day of March, 2006, and the 13th day of April, 2006, 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

  
ELIZABETH EHRLING, CITY CLERK  
Dana Point, California

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EXHIBIT A

To CITY COUNCIL ORDINANCE 06-xx  
AMENDMENTS TO RESIDENTIAL BUILDING HEIGHT STANDARDS

Section 9.05.110 (a)(4) - Measurement of Building Height, to be amended as follows:

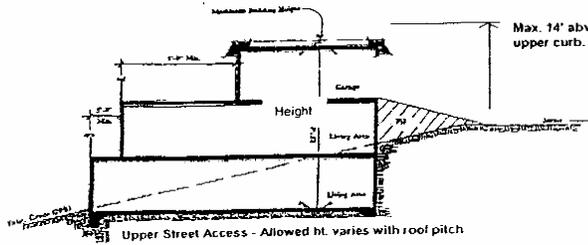
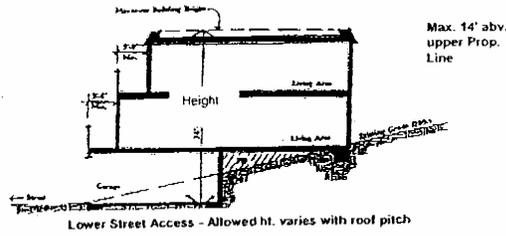
- (4) Subject to the approval of a Site Development Permit, a residential structure proposed in a hillside condition may be allowed to have three stories in accordance with the following provisions:
- (A) For purposes of this Section, a hillside condition shall mean a lot with a topographic slope percentage, as defined in Section 9.75.190, either front to rear or side to side, of twenty (20) percent or greater. The topographic slope percentage shall be calculated by determining the vertical differential between the highest elevation point of the property at the front or rear property line (whichever is higher) and the lowest elevation point along the opposing rear or front property line (whichever is lower) or between the highest elevation point along the higher side property line to the lowest elevation point along the opposing, lower side property line and dividing that vertical differential by the horizontal distance between the two points.
- (B) Three story structures shall be designed so that the second story has an average, additional yard setback area of five feet (5') times the total width of the structure at the street elevation and the third story, an average additional yard setback area of ten feet (10') times the total width of the structure at the street elevation. This additional setback area shall occur on the portions of the structure having three stories exposed above grade. Maximum allowed projections into the additional setback areas are as specified in Section 9.05.080 (Projections into Required Yard Areas).
- (C) Residential structures having three stories shall be limited to a maximum Floor Area Ratio (FAR) of .75 the area of the lot, excluding garage area. The amount of garage area in excess of that required for minimum compliance with parking standards, as specified in Section 9.35.070, shall be considered part of the floor area when calculating the FAR.
- (D) Building height shall be measured as specified in Section 9.05.110 (a)(2), and in no case may the overall height of the structure exceed thirty-three (33) feet or as specified in Section 9.05.110 (a)(7).
- (E) The applicant shall demonstrate that the proposed design will result in a reduction in grading and the disruption to existing topography that would be incurred with a standard two-story design on the subject site, pursuant to Section 9.05.110(a)(2), to the satisfaction of the Director of Community Development.
- (F) The height of the third story shall not exceed a height of fourteen (14) feet above the upper property line or upper street curb elevation, as measured perpendicular to any point along said line or curb.
- (G) Applications for Site Development Permits to allow three story developments on hillside properties shall include story pole staking as described in the City's application requirements for a Site Development Permit.

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SECTION 9.05.110(a)(4)  
 MEASUREMENT OF BUILDING HEIGHT  
 IN HILLSIDE CONDITIONS



- (5) Building height for new residential subdivisions shall be measured from finished grade, subject to approval by the Planning Commission.
- (6) Additional criteria in determining maximum building height in residential districts are as follows:

Criteria	Height Limit
Roof pitch of 6/12 or greater	28 feet
Roof pitch of 3/12 or greater but less than 6/12	26 feet
Roof pitch of less than 3/12	24 feet

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(7) Building height for hillside lots in residential districts is as follows:

Criteria	Height Limit
<del>Lots with 20% or greater slope per Section 9.05.230(a)</del>	<del>33 feet</del>
Roof pitch of 6/12 or greater	33 feet
Roof pitch of 3/12 or greater but less than 6/12	31 feet
Roof pitch of less than 3/12	29 feet

**Section 9.05.230 - Roof Decks, to be amended as follows:**

9.05.230 Roof Decks.

Roof decks are permitted, subject to approval of a Minor Site Development Permit, in any zoning district provided that they meet the following development standards:

- (a) In residential districts, the permitted area of all roof decks per dwelling unit may not exceed twenty-five (25) percent of the roof area of the story directly below the deck or three hundred (300) square feet, whichever is less.
- (b) In residential districts, the guardrail and other objects, whether permanent or temporary, which rest upon the roof deck such as patio furniture, landscaping, and storage, may not exceed the district's required height limit as specified in Section 9.05.110(a).
- (c) The roof deck shall be architecturally compatible with the existing exterior materials and colors of the existing structure, and appear as an integral part of the roof system.
- (d) The roof deck area shall be appropriately designed so as not to be visible from all sides of the structure or from the grade below.  
 Appropriate screening shall be architecturally compatible with and integrated into the existing structure as determined by the Director of Community Development. The solid screening may include roofing, solid parapet walls, or other methods architecturally compatible with the design of the structure.
- (e) The deck shall be compatible with the color of the existing roof material or structure, yet it shall not be of a color that would reflect glare onto surrounding properties at a higher elevation.
- (f) In residential districts, exterior stairways and other access features such as stairwells or elevators for access to roof decks shall not exceed the residential zoning district's height limit and shall be architecturally integrated into the design of the structure.
- (g) All furniture and accessories located on a roof deck shall be secured as necessary to prevent wind damage or dislocation.

**Section 9.35.050(b)(3)- Access, to be amended as follows:**

- (3) Driveway Grades:
- (A) Entry Driveways:
  1. Four (4) or less residential dwellings:

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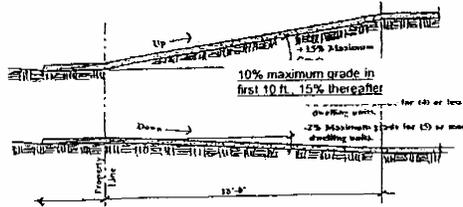
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Whenever access is taken from a street, alley, or driveway to off-street parking serving four (4) or less dwelling units, the driveway shall have a maximum grade of ten percent (10%), measured along the driveway centerline, for a distance of not less than ten (10) feet from the ultimate street, alley, or driveway right-of-way line and fifteen percent (15%) thereafter. Exhibit 9.35-1 illustrates these specifications.

2. Non-residential land use or 5 or more residential dwellings:

Whenever access is taken from a street, alley or driveway to an off-street parking area serving non-residential land use or five (5) or more dwelling units, the driveway shall have a maximum grade of plus fifteen (15) percent or minus two (2) percent, measured from the street, alley or driveway grade along the driveway centerline for a distance of not less than eighteen (18) feet from the ultimate street, alley, or driveway right-of-way line. Exhibit 9.35-1 illustrates these specifications.

EXHIBIT 9.35-1  
MAXIMUM ENTRY DRIVEWAY GRADES



A footnote to Section 9.09.030 - Development Standards, shall be added as follows:

(12)The maximum lot coverage standard for hillside lots, as defined in Section 9.05.110(a)(4)(A), within the RSF7, RSF12 and RSF22 Zoning Districts shall be no greater than fifty percent (50%).

**COASTAL COMMISSION**

EXHIBIT # 11  
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