

CALIFORNIA COASTAL COMMISSION

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LCP-5-DPT-21-0082-3

(City of Dana Point)

FEBRUARY 10, 2022

EXHIBITS

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December 15, 2021

Mr. Jack Ainsworth
Executive Director
California Coastal Commission
South Coast District Office
301 Ocean Boulevard, Suite 300
Long Beach, CA 90802

RE: City of Dana Point - Local Coastal Program Amendment LCPA19-0002 and Zone Text Amendment 19-0002(I) Joint Use of Parking Facilities and Public Notification

Dear Mr. Ainsworth:

The City of Dana Point is transmitting herewith a proposed Local Coastal Program Amendment, LCPA19-0002, for minor modifications to the City's Zoning Code and Local Coastal Plan for joint use of parking facilities and public notification. The City is requesting approval of the LCPA to adopt the proposed Zone Text Amendment (ZTA) to address the following:

1. Joint Use of Parking Facilities – Expand the distance parking facilities can be shared from 300 feet to ¼ mile.
2. Public Notification – Increasing the noticing period from 10 days to 14 days and on-site posting for non-residential projects.

Please note that a detailed analysis and explanation of the proposed amendments are included in the attached staff reports, transmitted with this letter.

To clarify, staff reports and documents transmitted with this letter contain references to ZTA19-0002(II) for Accessory Dwelling Units. In compliance with State law, the adopted ordinance associated with ZTA19-0002(II) for Accessory Dwelling Units has been submitted to the California Department of Housing and Community Development (HCD) for review. The City anticipates comments from HCD, which may result in further revisions and will be processed separately from this LCPA request. Therefore, the proposed LCPA request in this submittal is limited to ZTA19-0002(I) for Joint Use of Parking Facilities and Public Notification.

In its review and deliberations, the City Council determined that the proposed LCPA is in compliance with all applicable requirements of State law and local ordinances and is consistent with and will be implemented in full conformity with the California Coastal Act.

Harboring the Good Life

Notice of Availability for public review of the LCPA application and materials were made available to the public and a copy of the notice was sent to the Coastal Commission on February 20, 2020. On May 27, 2020, the Planning Commission, after conducting a public hearing and taking public testimony, recommended to the City Council that it approve Zone Text Amendment ZTA19-0002 and Local Coastal Program Amendment LCPA19-0002. Similarly, the City Council heard the item on August 9, 2021, and after conducting a public hearing and taking public testimony, approved the project and LCPA requesting certification by the Coastal Commission.

Pursuant to Section 13551 of the California Code of Regulations and in accordance with City procedures, noticed public hearings were held on the proposed LCPA and Ordinance No. 21-05 was adopted by the City Council requesting certification of the Amendment by the Coastal Commission pursuant to Section 30510(a).

Local Coastal Program Amendment: The components of this Amendment request include this City of Dana Point application letter and the following information:

1. Proposed Zone Text Amendment (Copy Enclosed)
2. Copies of all Staff Reports with attachments. (Copies Enclosed)
3. Copies of final, adopted Council resolutions and ordinances approving the LCPA. (Copies Enclosed)
4. Copies of final, approved minutes of all public hearings at which the LCPA was discussed. (Copies Enclosed)
5. Environmental review documents pursuant to CEQA (not applicable)
6. Summary of measures to ensure both public and agency participation:
 - a. Listing of members of the public, organizations, and agencies appearing at any public hearing or contacted for comment on the LCP amendment, and copies of speaker slips for all persons testifying at said hearings.
 - b. Copies of hearing notices for all public hearings at which the LCPA was discussed or scheduled for discussion
 - c. Proof of publications (Copies Enclosed)
7. A discussion of amendments relationship to and its effect on other sections of the certified LCP. (See Attachment A)
8. Zoning measures that will implement the LCPA. (See Attachment A)

9. An Analysis of conformity of the proposed LCPA with Chapter Three policies
(See Attachment A)

Should you have any questions regarding the information provided, please do not hesitate to contact me via email at bdeines@danapoint.org or by phone at (949) 248-3570.

Thank you in advance for your consideration of this request.

Sincerely,



Belinda Ann Deines
Principal Planner

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Local Coastal Program Amendment LCPA19-0002

Public Review Process: The following is the various ways the public was informed of the Local Coastal Program Amendment (LCPA) process:

- Planning Commission Workshops – Three Planning Commission workshops were conducted on July 8, 2019, November 18, 2019, and March 9, 2020, to review and develop the draft amendments. The agendas and staff reports for each workshop were posted on the City's website. The agendas were also posted at City Hall, both Post Offices in the City, and the library.
- Notice of 6 week Review, February 2, 2020 – The six (6) week review of the proposed amendments were made available to the public at City Hall, Community Development, the local Orange County Library branch, and the Long Beach office of the Coastal Commission which has jurisdiction over Dana Point. The availability of the proposed amendments for public review were printed in the local paper advertising the availability of the proposed modifications, and was posted on the City's website.
- Planning Commission Public Hearings – The Planning Commission conducted two public hearings on April 13, and May 27, 2020, to review the proposed amendments and develop a recommendation to be forwarded the City Council. The public hearing notices for each meeting were published in the local paper, the Dana Point Times. The agendas and staff reports for each hearing were posted on the City's website. The agendas were also posted at City Hall, both Post Offices in the City, and the library.
- City Council Public Hearings – The City Council considered the Local Coastal Program amendment on June 16, 2020, September 15, 2020, October 6, 2020, and August 9, 2021. The public hearing notices for each meeting were published in the local paper, the Dana Point Times. The agendas and staff reports for each hearing were posted on the City's website. The agendas were also posted at City Hall, both Post Offices in the City, and the library.
- City Council Second Reading – A second reading of the Ordinance for the Zone Text Amendment was conducted at the City Council meeting on August 23, 2021, and there were no members of the public that chose to speak on the proposed amendment. The Ordinance was approved by City Council 5-0 as part of the Consent Calendar actions.

ATTACHMENT A**6. AMENDMENTS RELATIONSHIP TO AND ITS EFFECT ON OTHER SECTIONS OF THE PREVIOUSLY CERTIFIED LCP**

The proposed LCP amendment involves modifications to the text contained in the Dana Point Zoning Code (DPZC) for Joint Use of Parking Facilities and Public Notification.

Pursuant to DPZC Section 9.35.060(c)(3), Joint Use of Parking Facilities allows common use of parking spaces among multiple uses on multiple building sites. The proposed amendment expands alternative parking standards within a walkable distance from proposed uses, which increases the radius from 300 feet to ¼ mile provides greater flexibility in locating adequate parking facilities. The amendment also clarifies that a Minor Site Development Permit is required, which is a discretionary permit subject to an administrative public hearing process.

Pursuant to DPZC Section 9.61.050, the proposed amendment increases the noticing period from ten (10) calendar days to fourteen (14) calendar days, which allows the public additional time for notice. The amendment also requires all non-residential projects posting on the property at three locations and visible from the public right-of-way, which had not previously been required.

Other than these revisions, the project will have no effect on other sections of the previously certified LCP.

7. ZONING MEASURES THAT WILL IMPLEMENT THE LCPA

The proposed LCPA is an amendment to zoning measures already included in Chapter 9.35 and Chapter 9.61 of the DPZC to implement the requirements for "Joint Use of Parking Facilities" and "Notice and Conduct of Public Hearings" citywide. These minor amendments are intended to enhance regulations already in place by expanding the walking distance radius specified, expanding public notification time, and requiring onsite posting. Therefore, no other zoning measures are warranted to implement the LCPA.

8. CONFORMITY OF THE PROPOSED LCPA WITH CHAPTER THREE POLICIES

The proposed amendment to Joint Use of Parking Facilities is intended to encourage pedestrian circulation in the City's existing commercial areas and allows greater flexibility in locating adequate parking facilities for visitor serving uses, which is consistent with the Coastal Act and will not negatively impact coastal access.

The proposed amendment to public notification increases the noticing time prior to hearing and requires onsite posting of non-residential projects, which is in keeping with Coastal Act policies to achieve maximum responsiveness to local conditions, accountability, and public accessibility through local land use planning procedures.

The components of the LCPA do not impact any land use provisions associated with coastal resources, hazard areas, coastal access concerns, and land use priorities contained in the certified Local Coastal Plan and is consistent with Coastal Act policies.

ORDINANCE NO. 21-05

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, APPROVING ZONE TEXT AMENDMENT ZTA19-0002(I) TO MODIFY THE ZONING CODE RELATED TO JOINT PARKING PROVISIONS AND PUBLIC NOTIFICATION AND SUBMISSION AS PART OF LOCAL COASTAL PROGRAM AMENDMENT LCPA19-0002 FOR APPROVAL AND CERTIFICATION BY THE CALIFORNIA COASTAL COMMISSION.

Applicant: City of Dana Point
File No.: ZTA19-0002(I)/LCPA19-0002

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

WHEREAS, in 1993, the City of Dana Point approved, and the California Coastal Commission certified, the Zoning Ordinance of the City of Dana Point; and

WHEREAS, the City seeks to update the Zoning Ordinance by amending the provisions related to joint parking and expanding upon public notification requirements; and

WHEREAS, the ZTA and LCPA will be consistent with and will provide for the orderly, systematic and specific implementation of the General Plan; and

WHEREAS, the Planning Commission held a duly noticed public hearing as prescribed by law on April 13, 2020, to consider said LCPA and ZTA and recommended approval of the proposed amendments to City Council 5-0; and

WHEREAS, the City Council did on May 19, 2020, hold a duly noticed public hearing as prescribed by law to consider the Zone Text Amendment and Local Coastal Program Amendment and tabled the item to allow Planning Commission time to consider recommended changes from the California Housing and Community Development (HCD) Department; and

WHEREAS, the Planning Commission held a duly noticed public hearing as prescribed by law on May 27, 2020, to consider said LCPA and ZTA and recommended approval by the City Council 5-0; and

WHEREAS, the City Council did on June 16, 2020, hold a duly noticed public hearing as prescribed by law to consider the Zone Text Amendment and Local Coastal Program Amendment and tabled the item; and

WHEREAS, on October 6, 2020, the item was pulled from the agenda by City Staff so that it could be re-scheduled at a future date; and

WHEREAS, the City Council did on August 9, 2021, hold a duly noticed public hearing as prescribed by law to consider the Zone Text Amendment and Local Coastal Program Amendment; and

WHEREAS, at said public hearing, upon hearing and considering all testimony and arguments, if any, of all persons desiring to be heard, the City Council considered all factors relating to ZTA 19-0002(I), and LCPA 19-0002.

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 and incorporated herein by reference;
- B. The revisions to the Zoning Ordinance are attached hereto as Exhibit "A" showing all proposed changes in a strikethrough/underline format, and Exhibit "B" showing a "clean" copy of the proposed modifications and incorporated herein by reference;
- C. That the proposed action complies with all other applicable requirements of State law and local Ordinances;
- D. That the ZTA19-0002(I) and LCPA19-0002 is in the public interest;
- E. The City Council has reviewed the environmental analysis consistent with the California Environmental Quality Act (CEQA) and determined that the project is exempt from CEQA pursuant to Section 15265 of the California Guidelines for Implementation of the California Environmental Quality Act ("CEQA Guidelines"), CEQA does not apply to a local government's preparation of a local coastal program amendment;
- F. The proposed amendment to the DPZC is consistent with the General Plan;
- G. The City Council adopt Zone Text Amendment ZTA19-0002(I) for the reasons outlined herein including but not limited to: **ensuring that provisions of the DPZC are accurate, relevant, and easily understood by residents and those looking to do business in the City of Dana Point.**
- H. That the City Council adopt the following findings:
 1. That the public and affected agencies have had ample opportunity to participate in the LCPA and ZTA process, **in that proper notice in accordance with the LCPA procedures of the Dana Point Zoning Code (DPZC) has been followed. Notices were: 1) mailed on February 20, 2020, to notify adjacent agencies that the proposed changes were available for public review, hard copies were made available at City Hall and the Dana Point Library, and was put on the City's website; 2) published in the Dana Point Times on April 3, 2020 for the Planning Commission Public Hearing and July 31, 2021 for the City Council Public Hearing; and 3)**

posted at the Dana Point City Hall, the Dana Point Post Office, the Capistrano Beach Post Office, the Dana Point Library, and on the City's website on April 3, 2020.

2. That all policies, objectives, and standards of the LCPA conform to the requirements of the Coastal Act, including that the Land Use Plan is in conformance with and adequate to carry out the Chapter Three policies of the Coastal Act, **in that the amendments to the Zoning Code are consistent with the Coastal Act policies in that none of the modifications proposed will have impacts to coastal resources or access to coastal resources, and creating requirements to allow for more joint use of parking will promote the establishment of more visitor/resident serving amenities in locations like Town Center, Doheny Village, and Dana Point Harbor. The changes to the Public Hearing process will allow for greater notification of new development in the City of Dana Point.**
3. That 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, **in that the Local Coastal Plan Amendments and Zone Text Amendments do not impact any land use provisions associated with coastal resources, hazard areas, coastal access concerns, and land use priorities contained in the certified Local Coastal Plan and thereby continues to be consistent with Coastal Act policies.**
4. That the level and pattern of development proposed is reflected in the Land Use Plan, Zoning Code, and Zoning Map, **in that the level and pattern of development as approved in these documents will remain, and the goal is to better utilize joint use of parking facilities provisions in the Zoning Code and provide increased public notification of public hearings.**
5. That a procedure has been established to ensure adequate notice of interested persons and agencies of impending development proposed after certification of the LCPA, **in that the procedures and regulations in Chapter 9.61 "Administration of Zoning", constitute minimum standards for LCPAs and ZTAs within the City's Coastal Zone and applicable notification and process requirements would be applied to subsequent development requests as applicable if these amendments are approved.**
6. That zoning measures are in place which are in conformance with and adequate to carry out the coastal policies of the Land Use Plan, **in that these amendments will promote use of the existing joint**

use of parking facilities provisions of the Zoning Code to promote new visitor/resident serving uses throughout the community.

7. The proposed amendment is consistent with the Dana Point General Plan and Local Coastal Program, **in that Land Use Element Policy 1.1, 1.2, 1.3, and 1.6 requires development standards to be developed to address a wide range of development needs and uses for the community. The modifications proposed will increase utilization of joint use of parking facilities and increase public notification of public hearings.**
 8. The proposed amendment complies with all other applicable requirements of state law and local ordinances, **in that the intent of the update is to clarify the Zoning Ordinance to better serve the public and does not conflict with any local ordinances.**
- I. That the City Council includes the following findings submitting the LCPA to the Coastal Commission:
1. The City certifies that with the adoption of these amendments, the City will carry out the Local Coastal Program in a manner fully in conformity with Division 20 of the Public Resources Code as amended, the California Coastal Act of 1976.
 2. The City include the proposed LCPA and ZTA for the Zoning Ordinance Cleanups in its submittal to the Coastal Commission and state that the amendment is to both the land use plan and to the implementing actions.
 3. The City certifies that the land use plan is in conformity with and adequate to carry out the Chapter Three policies of the Coastal Act.
 4. The City certifies the implementing actions as amended, are in conformity with and adequate to carry out the provisions of the certified Land Use Plan.
 5. The Ordinance of the City Council include the Zone Text Amendment, and Local Coastal Program Amendment numbers ZTA19-0002(l) and LCPA19-0002 when submitted to the Coastal Commission.
 6. The City finds that the LCPA is exempt from CEQA pursuant to Section 15265 of the CEQA Guidelines. In addition, the introduction and adoption of this ordinance is statutorily exempt under CEQA pursuant to Public Resources Code Section 21080. 17 and Section 15282(h) of the CEQA Guidelines, California Code of Regulations, Title 14, Division 6, Chapter 3, which exempts adoption of an ordinance regarding second units to implement provisions of Sections 65852.2 and 65852. 22 of the Government Code. Additionally, this ordinance is categorically exempt pursuant to Sections 15303 (New Construction or Conversion of Small Structures) and 15305 (Minor Alterations in Land Use/ Limitations).

Similarly, the ministerial approval of accessory dwelling units and junior accessory dwelling units is not a "project" for CEQA purposes, and environmental review is not required prior to approving individual applications.

7. The City certifies that the amendments will be submitted to the Coastal Commission for review and approval as an Amendment to the Local Coastal Program.
- J. That the City Council adopt ZTA19-0002, which would amend the Dana Point Local Coastal Program pursuant to LCPA19-0002, as shown in the attached Exhibit "A" and "B".
- K. That the City Council adopts Zone Text Amendment ZTA19-0002(I), which would amend the Dana Point Local Coastal Program pursuant to LCPA19-0002. The City Council approves the amendment for the reasons outlined herein and in the City Council Agenda Report, including but not limited to: updating the Zoning Ordinance as regular maintenance ensuring policy and requirements are relevant, accurate, and clear, thus the proposal is consistent with the General Plan, DPZC, and Coastal Act.

If any section, subsection, sentence, clause, phrase, or portion of this Ordinance, is for any reason 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 23 day of August, 2021



Jamey Federico, MAYOR

ATTEST:



SHAYNA SHARKE
City Clerk

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

I, SHAYNA SHARKE, City Clerk of the City of Dana Point, California, do hereby certify that the foregoing Ordinance No. 20-05 was duly introduced at an adjourned regular meeting of the City Council on the 9th day of August, 2021, and was duly adopted and passed at a regular meeting of the City Council on the 23rd day of August, 2021, by the following vote, to wit:

AYES: Council Member Mike Frost, Council Member Richard A. Viczorek,
 Council Michael Villar, Mayor Jamey M. Federico

NOES: None

ABSTAIN: None

ABSENT: Mayor Pro Tem Joseph L. Muller



SHAYNA SHARKE, CITY CLERK

ORDINANCE NO. 21-05

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

AFFIDAVIT OF POSTING
AND PUBLISHING

SHAYNA SHARKE, 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. 21-05, being:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, APPROVING ZONE TEXT AMENDMENT ZTA19-0002 TO MODIFY THE ZONING CODE RELATED TO JOINT PARKING PROVISIONS AND PUBLIC NOTIFICATION AND SUBMISSION AS PART OF LOCAL COASTAL PROGRAM AMENDMENT LCPA19-0002 FOR APPROVAL AND CERTIFICATION BY THE CALIFORNIA COASTAL COMMISSION.

was published in summary in the Dana Point News on the 20th day of August, 2021, and in further compliance with City Resolution No. 91-10-08-01 on the 26th day of August, 2021, was caused to be posted in three (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


SHAYNA SHARKE, CITY CLERK
Dana Point, California

Exhibit "A"

ZONE TEXT AMENDMENT ZTA19-0002(I)

KEY:

ATTACHMENT 1

Normal Text=Existing unmodified language

~~**Bold Strikethrough Text**~~=Proposed language to be removed

Bold Underline Text=Proposed language to be added

Chapter 9.35 Access, Parking and Loading

9.35.060 Parking Requirements

(c)(3) Joint Use of Parking Facilities. Multiple uses on multiple building sites may establish joint use parking facilities within one or more parking areas located within such multiple building sites, provided the following requirements are met:

(A) A detailed joint use parking plan shall be approved by a **Minor** Site Development Permit issued by the Director of Community Development pursuant to Chapter 9.71. The plan shall show and explain all parking facilities, uses and structures that will use the parking and the pedestrian access from the parking facilities to the uses and structures.

(B) The boundary of the parking facilities shall be within ~~three hundred (300) feet~~ **¼ mile** of the uses they serve and connected to the site by an ~~attractive and~~ adequate pedestrian path or sidewalk to the satisfaction of the Director of Community Development.

(C) Adequate assurance, to the satisfaction of the Director of Community Development, shall be provided to guarantee that required parking will continue to be maintained in compliance with applicable provisions of this Chapter. This assurance shall be recorded in the office of the Orange County Recorder on all properties utilizing the joint use parking facilities.

9.61.050 Notice and Conduct of Public Hearings.

(a) Notice of Hearings for Review of Applications. No less than ~~ten (10)~~ **fourteen (14)** calendar days prior to the date of a public hearing on development applications, the Director of Community Development shall give notice including the time and the place at which the application will be heard, the identity of the hearing body or officer, nature of the application (including but not limited to the date of filing of the application, the name of the applicant, the file number assigned to the application, and a description of the development), a brief description of the general procedure of the City of Dana Point

concerning the conduct of hearing and local actions, and the general location of the property under consideration. If the application is for a coastal development permit which is appealable to the Coastal Commission, the notice shall indicate this fact and shall describe the process for local and Coastal Commission appeals, including any local fees required. (14 Cal. Code of Regulations/13565, 13568). The Director shall observe the following notice requirements:

- (1) The notice shall be posted in three (3) places in the City of Dana Point designated by Resolution of the City Council.
- (2) The notice shall be advertised in a newspaper circulated within the City of Dana Point.
- (3) The notice shall be mailed via first class mail to the applicant(s); to the property owner(s) or the property owner's agent(s); to all persons listed as owners of property within five hundred (500) feet of the exterior boundary of the subject property on the notification list required in Section 9.61.040, and if the subject property is located in the Coastal Zone, to the office of the Coastal Commission having jurisdiction over the City of Dana Point and to all persons listed as occupants of dwelling units within one hundred (100) feet of the exterior boundary of the subject property on the notification list required in Section 9.61.040.

Notice shall also be provided to anyone filing a written request and paying the cost for notification and to such other persons whose property might, in the Director's judgment, be affected by the proposed application. For coastal development permit applications, the Director shall also provide notice by first class mail free of charge to all persons who have requested to be on the mailing list for that development project or the mailing list for all coastal decisions within the City of Dana Point.

(4) For all non-residential projects requiring a public hearing, at least fourteen (14) calendar days prior to the date of public hearing, the applicant shall post at the project site three (3) notices of public hearing in conspicuous places, with at least two (2) of the notices located adjacent and facing the public right-of-way so that they may be visible to both pedestrians and vehicular traffic. The required public notices will be provided by the Planning Division to the applicant, and the applicant shall provide visual evidence and a signed affidavit of posting.

(4)(5) If the Director finds that the posting and mailing of notices prescribed in this Section may not give sufficient notice to the affected property owners, then additional notices may be posted at locations which are best suited to reach the attention of, and properly inform those persons who may be affected.

(5)(6) When the proposed entitlement affects more than 1,000 (one thousand) property owners, the required notice may be provided by placing a 1/8 page display advertisement in a newspaper circulated within the City of Dana Point. Such notice shall be considered an acceptable substitute for the published notice required in subsection (2) and the mailed notice required in subsection (3). However, in the case of coastal development permit applications, newspaper notice shall not substitute for the mailed notice required in subsection (3) above.

~~(6)~~(7) The notice shall be sent to public officers, departments, bureaus, or agencies which, in the determination of the Director of Community Development, could be affected by the application or otherwise require noticing.

~~(7)~~(8) When a Negative Declaration is recommended for adoption pursuant to the California Environmental Quality Act (CEQA), notice of intent to adopt a Negative Declaration shall be published no less than twenty-one (21) days prior to the hearing date, or thirty (30) days prior to the hearing date for applications which require circulation of the Negative Declaration to the State Clearinghouse.

~~(8)~~(9) Notice for Timeshare Properties.

(A) If a timeshare property falls within the one hundred (100) foot occupant-notification radius for Coastal Development Permits described in (8) above, all shareholders shall be notified as described in subsection (3) above.

(B) If a timeshare property falls outside the one hundred (100) foot occupant-notification radius described in subsection (8) above, but within the five hundred (500) foot property owner-notification radius described in subsection (3) above, notices shall be sent to the property manager/sales agent for the timeshare, the shareholders association for the timeshare where one exists, and one notice to each physical unit in the timeshare, addressed to "Occupant."

(b) Notice for General Plan Amendments. Prior to any amendment to the General Plan, the Community Development Department shall forward the proposed action to the following entities:

- (1) Any City or County within or abutting the area covered by the proposal, and any special district which may be significantly affected by the proposed action.
- (2) Any elementary, high school, or unified school district within the area covered by the proposed action.
- (3) The Local Agency Formation Commission.
- (4) Any area-wide planning agency whose operations may be significantly affected by the proposed action.
- (5) Any Federal Agency if its operations or land within its jurisdiction may be significantly affected by the proposed action.

(c) Notice of Public Hearings for Revocations. The Director of Community Development, in giving notice of a public hearing to revoke a Conditional Use Permit, Variance, or Site Development Permit, Coastal Development Permit, or other entitlement, shall observe the noticing requirements set forth as follows:

- (1) Notification shall be provided as prescribed in Section 9.61.050; and
- (2) The Director shall serve the owner of the premises involved written notice of such hearing, by registered or certified mail, return receipt requested and by posting a copy of said notice in a conspicuous location on the property.

(d) Continuances. If, for any reason, testimony on a case cannot be heard or completed at the time set for such hearing, the Planning Commission may continue or extend the hearing to another time. Before adjournment or recess, the Planning

Commission chairman shall publicly announce the time and place at which the hearing will be continued.

(e) Failure To Receive Notice. The failure of any person or entity to receive notice required pursuant to this Section shall not constitute grounds to invalidate the proceedings or actions of the City in regards to the item for which the notice was given.

EXHIBIT "B"

Chapter 9.35 Access, Parking and Loading

9.35.060 Parking Requirements

(c)(3) Joint Use of Parking Facilities. Multiple uses on multiple building sites may establish joint use parking facilities within one or more parking areas located within such multiple building sites, provided the following requirements are met:

(A) A detailed joint use parking plan shall be approved by a Minor Site Development Permit issued by the Director of Community Development pursuant to Chapter 9.71. The plan shall show and explain all parking facilities, uses and structures that will use the parking and the pedestrian access from the parking facilities to the uses and structures.

(B) The boundary of the parking facilities shall be within ¼ mile of the uses they serve and connected to the site by an adequate pedestrian path or sidewalk to the satisfaction of the Director of Community Development.

(C) Adequate assurance, to the satisfaction of the Director of Community Development, shall be provided to guarantee that required parking will continue to be maintained in compliance with applicable provisions of this Chapter. This assurance shall be recorded in the office of the Orange County Recorder on all properties utilizing the joint use parking facilities.

9.61.050 Notice and Conduct of Public Hearings.

(a) Notice of Hearings for Review of Applications. No less than fourteen (14) calendar days prior to the date of a public hearing on development applications, the Director of Community Development shall give notice including the time and the place at which the application will be heard, the identity of the hearing body or officer, nature of the application (including but not limited to the date of filing of the application, the name of the applicant, the file number assigned to the application, and a description of the development), a brief description of the general procedure of the City of Dana Point concerning the conduct of hearing and local actions, and the general location of the property under consideration. If the application is for a coastal development permit which is appealable to the Coastal Commission, the notice shall indicate this fact and shall describe the process for local and Coastal Commission appeals, including any local fees required. (14 Cal. Code of Regulations/13565, 13568). The Director shall observe the following notice requirements:

(1) The notice shall be posted in three (3) places in the City of Dana Point designated by Resolution of the City Council.

(2) The notice shall be advertised in a newspaper circulated within the City of Dana Point.

(3) The notice shall be mailed via first class mail to the applicant(s); to the property owner(s) or the property owner's agent(s); to all persons listed as owners of property within five hundred (500) feet of the exterior boundary of the subject property on the notification list required in Section 9.61.040, and if the subject

property is located in the Coastal Zone, to the office of the Coastal Commission having jurisdiction over the City of Dana Point and to all persons listed as occupants of dwelling units within one hundred (100) feet of the exterior boundary of the subject property on the notification list required in Section 9.61.040.

Notice shall also be provided to anyone filing a written request and paying the cost for notification and to such other persons whose property might, in the Director's judgment, be affected by the proposed application. For coastal development permit applications, the Director shall also provide notice by first class mail free of charge to all persons who have requested to be on the mailing list for that development project or the mailing list for all coastal decisions within the City of Dana Point.

(4) For all non-residential projects requiring a public hearing, at least fourteen (14) calendar days prior to the date of public hearing, the applicant shall post at the project site three (3) notices of public hearing in conspicuous places, with at least two (2) of the notices located adjacent and facing the public right-of-way so that they may be visible to both pedestrians and vehicular traffic. The required public notices will be provided by the Planning Division to the applicant, and the applicant shall provide visual evidence and a signed affidavit of posting.

(5) If the Director finds that the posting and mailing of notices prescribed in this Section may not give sufficient notice to the affected property owners, then additional notices may be posted at locations which are best suited to reach the attention of, and properly inform those persons who may be affected.

(6) When the proposed entitlement affects more than 1,000 (one thousand) property owners, the required notice may be provided by placing a 1/8 page display advertisement in a newspaper circulated within the City of Dana Point. Such notice shall be considered an acceptable substitute for the published notice required in subsection (2) and the mailed notice required in subsection (3). However, in the case of coastal development permit applications, newspaper notice shall not substitute for the mailed notice required in subsection (3) above.

(7) The notice shall be sent to public officers, departments, bureaus, or agencies which, in the determination of the Director of Community Development, could be affected by the application or otherwise require noticing.

(8) When a Negative Declaration is recommended for adoption pursuant to the California Environmental Quality Act (CEQA), notice of intent to adopt a Negative Declaration shall be published no less than twenty-one (21) days prior to the hearing date, or thirty (30) days prior to the hearing date for applications which require circulation of the Negative Declaration to the State Clearinghouse.

(9) Notice for Timeshare Properties.

(A) If a timeshare property falls within the one hundred (100) foot occupant-notification radius for Coastal Development Permits described in (8) above, all shareholders shall be notified as described in subsection (3) above.

(B) If a timeshare property falls outside the one hundred (100) foot occupant-notification radius described in subsection (8) above, but within the five

hundred (500) foot property owner-notification radius described in subsection (3) above, notices shall be sent to the property manager/sales agent for the timeshare, the shareholders association for the timeshare where one exists, and one notice to each physical unit in the timeshare, addressed to "Occupant."

(b) Notice for General Plan Amendments. Prior to any amendment to the General Plan, the Community Development Department shall forward the proposed action to the following entities:

- (1) Any City or County within or abutting the area covered by the proposal, and any special district which may be significantly affected by the proposed action.
- (2) Any elementary, high school, or unified school district within the area covered by the proposed action.
- (3) The Local Agency Formation Commission.
- (4) Any area-wide planning agency whose operations may be significantly affected by the proposed action.
- (5) Any Federal Agency if its operations or land within its jurisdiction may be significantly affected by the proposed action.

(c) Notice of Public Hearings for Revocations. The Director of Community Development, in giving notice of a public hearing to revoke a Conditional Use Permit, Variance, or Site Development Permit, Coastal Development Permit, or other entitlement, shall observe the noticing requirements set forth as follows:

- (1) Notification shall be provided as prescribed in Section 9.61.050; and
- (2) The Director shall serve the owner of the premises involved written notice of such hearing, by registered or certified mail, return receipt requested and by posting a copy of said notice in a conspicuous location on the property.

(d) Continuances. If, for any reason, testimony on a case cannot be heard or completed at the time set for such hearing, the Planning Commission may continue or extend the hearing to another time. Before adjournment or recess, the Planning Commission chairman shall publicly announce the time and place at which the hearing will be continued.

(e) Failure To Receive Notice. The failure of any person or entity to receive notice required pursuant to this Section shall not constitute grounds to invalidate the proceedings or actions of the City in regards to the item for which the notice was given.