

## **ORDINANCE NO. 26-01**

### **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA REPEALING ORDINANCE NO. 22-01, WHICH ADDED CHAPTER 9.72 (REGULATING SINGLE FAMILY RESIDENTIAL DUPLEXES), AND CHAPTER 7.37 (REGULATING URBAN LOT SPLITS) TO THE CITY OF DANA POINT MUNICIPAL CODE**

**WHEREAS**, California Senate Bill 9 (SB 9), enacted in 2021, allows for duplex development and increases housing density by permitting property owners to split their lots and build up to four units on a single lot; and

**WHEREAS**, initially, SB 9 authorized cities to implement these provisions through local ordinances tailored to their specific circumstances; and

**WHEREAS**, subsequent amendments to SB 9 have largely eliminated these local options, reducing the discretion available to cities in regulating SB 9 developments; and

**WHEREAS**, amendments to SB 9 have made the City's current SB 9 Ordinance (Ordinance No. 22-01), which added Chapter 9.72 (regulating single-family residential duplexes) and Chapter 7.37 (regulating urban lot splits) to the Dana Point Municipal Code, outdated; and

**WHEREAS**, City staff has been applying current State law for SB 9 applications, rather than the provisions of Ordinance 22-01; and

**WHEREAS**, to clarify the applicable requirements for SB 9 applications and to ensure compliance with the programs in the City's Housing Element, this Resolution recommends that the City Council adopt an Ordinance approving Zone Text Amendment ZTA25-0004, which repeals Ordinance No. 22-01 and removes the outdated chapters from the Dana Point Municipal Code.

**WHEREAS**, the Dana Point Planning Commission held a Public Hearing and recommended the Ordinance for adoption by the Dana Point City Council at their November 10, 2025, meeting.

**WHEREAS**, the Dana Point City Council held a Public Hearing and a First Reading of the Ordinance at their December 2, 2025, meeting.

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

- A. That the above recitations are true and correct;
- B. That the Planning Commission recommends that the City Council adopt an Ordinance approving Zone Text Amendment ZTA25-0004, attached hereto as Exhibit "A", to repeal Ordinance No. 22-01, which added Chapter 9.72 (Regulating

Single Family Residential Duplexes), and Chapter 7.37 (Regulating Urban Lot Splits) to the Dana Point Municipal Code.

- C. That the recommendations listed above are consistent with the City's General Plan (including but not limited to the City's Housing Element) as well as the Coastal Act and the City's Local Coastal Program.
  
- D. Pursuant to the provisions of the California Environmental Quality Act (CEQA), the recommendations contained herein do not constitute a "project" as that term is defined in CEQA because those actions will not cause a direct physical change in the environment, nor will they cause a reasonably foreseeable indirect physical change in the environment. Separately and additionally, the recommendations contained herein are categorically exempt from the CEQA pursuant to Title 14 California Code of Regulations Sections 15061 (b)(3) and 15378, in that it can be seen with certainty that the adoption of the recommended resolution does not propose an activity that might have a significant effect on the environment, and further, it will not cause a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment. Moreover, there are no unusual circumstances that are associated with the recommendations, and thus it is not subject to the unusual circumstances exception set forth in Title 14 California Code of Regulations Section 15300.2.

PASSED, APPROVED, AND ADOPTED this 20<sup>th</sup> day of January, 2026.

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JOHN GABBARD, MAYOR

ATTEST:

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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. 26-01 was duly introduced at a regular meeting of the City Council on the 2<sup>nd</sup> day of December, 2025, and was duly adopted and passed at a regular meeting of the City Council on the 20<sup>th</sup> day of January, 2026, by the following vote, to wit:

AYES: Council Member Federico, Mayor Pro Tem Frost, Council Member Pagano, Council Member Villar, Mayor Gabbard

NOES: None

ABSTAIN: None

ABSENT: None

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SHAYNA SHARKE, CITY CLERK