

**CALIFORNIA COASTAL COMMISSION**

SAN DIEGO AREA

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SAN DIEGO, CA 92108-4402

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original staff report](#)

**F 19b****Addendum**

October 31, 2016

To: Commissioners and Interested Persons

From: California Coastal Commission  
San Diego Staff

Subject: Addendum to **Item F19b**, City of Oceanside LCP Amendment No. **LCP-6-OCN-15-0043-5 (Part B – Inclusionary Housing)**, for the Commission Meeting of November 4, 2016

The purpose of this addendum is to provide revisions to the staff's recommendation since the time of the original staff report. Staff recommends the following changes be made to the above-referenced staff report. Deletions shall be marked by a ~~strikethrough~~ and additions shall be underlined, deletions made to the proposed suggested modifications will be marked by a ~~double strikethrough~~ and additions shall be double-underlined.

1. On Page 3 of the staff report, the second paragraph shall be revised as follows:

Therefore, staff is suggesting the incorporation of **Suggested Modification No. 1** which would require that any increase in height limits granted for inclusionary housing proposals shall be consistent with all visual resource policies, including but not limited to, public view, community character, and bulk/scale policies, of the LUPLCP. Staff is further recommending the inclusion of **Suggested Modification No. 2** which will further require that any decrease in parking granted for inclusionary housing proposals shall be consistent with all public access policies, including but not limited to, public access and recreation, visitor serving facilities, and beach parking policies of the LUPLCP. By requiring consistency with the LUPLCP, the potential impacts to coastal resources will be analyzed, and while projects may be eligible for such concessions, the City will only grant them if it can be determined that such concessions will still be considered to be consistent with the applicable LUPLCP policies. **Suggested Modification No. 2** further requires that any incentive granted to allow a reduction in parking standards would still need to participate in the discretionary review process. This review would evaluate project approval contingent upon current public beach parking reserves, current off-street parking usage, and other considerations that may have the effect of requiring additional parking onsite. It is only through the inclusion of these suggested modifications that adequate protection of coastal resources can be assured and thus be found consistent with and adequate to implement the City's certified LUP.

2. On Page 6 of the staff report, Suggested Modification No. 1 shall be revised as follows:

*Projects that exceed base density allowances and reserve units for lower-income households in accordance with Municipal Code section 14C.7 are eligible for one additional story, not to exceed eight (8) additional feet above the maximum allowable height for the surrounding zoning district. While this concession is granted to qualified projects without the benefit of a variance, it does not preclude the discretionary review process, through which project approval may be contingent upon neighborhood compatibility, mitigation of massing impacts, compliance with the California Environmental Quality Act, and other considerations that may have the effect of limiting overall bulk and scale. For development within the coastal zone, any modification(s) to height limits shall be consistent with all visual resource policies of the Land Use Plan, including but not limited to, public view, community character, and bulk/scale policies of the certified Oceanside Local Coastal Program.*

3. On Page 6 of the staff report, Suggested Modification No. 2 shall be revised as follows:

*Exceptions*

[...]

*(3) Projects exceeding base density allowances and reserving units for low-income households in accordance with Municipal Code section 14C.7 are eligible for the following reduced parking requirements:*

- a. One (1.0) parking space per market rate studio and one-bedroom unit;
- b. 1.5 parking spaces per market-rate unit exceeding one bedroom;
- c. 0.5 parking space per reserved studio unit;
- d. one (1.0) parking space per reserved one-bedroom unit;
- e. 1.25 parking spaces per reserved two-bedroom unit;
- f. 1.5 parking spaces per reserved unit exceeding two bedrooms.

*These ratios apply to qualifying projects that do not benefit from Exception 1 established above. This concession does not preclude the discretionary review process, as required by the Oceanside certified LCP, through which project approval may be contingent upon current public parking reserves, current off-street parking usage, and/or other considerations that may have the effect of requiring additional parking. For development within the coastal zone, any reduction in parking standards shall be consistent with all public access policies of the Land Use Plan, including but not limited to, public access and recreation, visitor serving facilities, and beach parking policies of the certified Oceanside Local Coastal Program.*

4. On Page 12 of the staff report, the second paragraph shall be revised as follows:

**Suggested Modification No. 1** which would require that any increase in height limits granted for inclusionary housing proposals shall be consistent with all visual resource policies, including but not limited to, public view, community character, and bulk/scale policies, of the LUPLCP. Staff is further recommending the inclusion of **Suggested Modification No. 2** which will further require that any decrease in parking granted for inclusionary housing proposals shall be consistent with all public access policies, including but not limited to, public access and recreation, visitor serving facilities, and beach parking policies of the LUPLCP. By requiring consistency with the LUPLCP, the potential impacts to coastal resources will be analyzed, and while projects may be eligible for such concessions, the City will only grant them if it can be determined that such concessions will still be considered to be consistent with the applicable LUPLCP policies. **Suggested Modification No. 2** further requires that any incentive granted to allow a reduction in parking standards would still need to participate in the discretionary review process. This review would evaluate project approval contingent upon current public beach parking reserves, current off-street parking usage, and other considerations that may have the effect of requiring additional parking onsite.

5. On Page 11 of the staff report, the second paragraph shall be revised as follows:

The modifications proposed through the subject LCP amendment raise a number of LUP consistency concerns. Specifically, the Inclusionary Housing provisions would facilitate the application of two specific concessions which could result in significant impacts to coastal resources and public access. As detailed above, the City's LUP contains a number of policies that are intended to provide and protect both visual and physical access to the beach. As such, the review of any height or parking deviation must also ensure conformance with the applicable LUP policies ~~as well as any relevant IP provisions~~. This is not to say that the concessions cannot be applied in the Coastal Zone, but rather that each request needs to be taken on a case-by-case basis and the potential impacts to coastal resources need to be analyzed appropriately. The majority of residentially zoned properties within the Coastal Zone currently have a 35' tall height limit. If the building height concession was granted, this means that proposed structures could be as tall as 42'. Allowing that increase in building height should not be granted if such an increase would result in a significant public view blockage or if the building height allowance would facilitate a development that would not be compatible with the surrounding community character. Additionally, access routes near properties located within close proximity to the ocean are often highly congested, and the existing on-street parking is the primary reservoir for public beach parking in Oceanside, therefore, the granting of reduced parking standards in these locations may not be appropriate, as it could result in the usurping of public beach parking.

**CALIFORNIA COASTAL COMMISSION**

SAN DIEGO AREA

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October 13, 2016

**F19b**

**TO:** **COMMISSIONERS AND INTERESTED PERSONS**

**FROM:** **SHERILYN SARB, DEPUTY DIRECTOR, SAN DIEGO COAST DISTRICT**  
**GABRIEL BUHR, COASTAL PROGRAM MANAGER, SD COAST DISTRICT**  
**TONI ROSS COASTAL PROGRAM ANALYST, SD COAST DISTRICT**

**SUBJECT:STAFF RECOMMENDATION ON CITY OF OCEANSIDE MAJOR  
AMENDMENT LCP-6-OCN-15-0043-5 (Part B - Inclusionary Housing) for  
Commission Meeting of November 2-4, 2016**

**SYNOPSIS**

The subject LCP implementation plan amendment (LCP-6-OCN-15-0043-5 (Part B Inclusionary Housing)) was submitted and filed as complete on August 28, 2016. A one-year time extension was granted on October 6, 2016. As such, the last date for Commission action on this item is October 6, 2017. This report addresses one of three components of the City's submittal. LCP-6-OCN-15-0043-5 (Part A – Emergency Shelters) will allow for emergency shelters within the City's Light Industrial Zone (outside the Coastal Zone only) and Transitional and Supportive Housing within residentially zoned properties and LCP-6-OCN-15-0043-5 (Part C – Reasonable Accommodations) will include new Article 41 setting procedures for persons with disabilities to seek reasonable accommodations. Both of these items are also scheduled for the Commission's November, 2016 agenda. The proposed amendment will affect the certified LCP Implementation Plan only.

**SUMMARY OF AMENDMENT REQUEST**

In an effort to provide additional lower-income dwelling units within Oceanside, the City is proposing to include a number of provisions that would facilitate Inclusionary Housing standards. Similar to the State-required density bonus provisions, inclusionary housing would facilitate increased density and reduced or modified development standards for projects that include the construction and maintenance of lower-income dwelling units. However, the distinction of the proposed amendment is that the Inclusionary Housing policies proposed by the City will provide incentives specifically for those projects that include the lower-income units either on- or off-site as opposed to providing in-lieu fees for the construction of a future project containing lower-income units. These incentives include a rounding down of the units required and projects would also be eligible for an increased maximum building height of one additional story not to exceed eight (8) feet as well as a reduction in parking standards, on average, by half a space per unit. As

proposed by the City, the possible incentives, concessions, or deviations from standards would be limited to these specific allowances, no other incentives, deviations from standards, etc., are considered. Further, the reduction of parking requirements and the increase in height standards would apply only to parcels located outside the redevelopment area of the City and within either R-3 or R-T zoning designations, and must include 10 or more units within the development proposal. The proposed amendment would also eliminate the need for Inclusionary Housing projects to obtain a conditional use permit; however, a coastal development permit would still be required for those projects located within the Coastal Zone.

The City's Municipal Code Chapter 14.C contains the provisions for Inclusionary Housing proposals. This chapter has not been formally included in the proposed amendment. However, there are numerous references to Chapter 14.C within the proposed amendment, and therefore, if the subject LCP amendment is approved, provisions of this chapter will become incorporated by reference into the City's certified LCP.

Therefore, the proposed amendment includes incorporation by reference of Chapter 14.C of the Municipal Code as well as modification of five (5) articles within the City's certified Implementation Plan. Specifically, the amendment includes revisions to three residential zones and include changes to Article 5 (R-1 Single Family Residential Zone) Article 7 (R-3 – Medium Residential Zone) and Article 32 (Residential Tourist Zone). These articles will be amended to establish a “base density” for each zone. Base density is defined in Chapter 14.C as *“the lowest end of the density range established for residential development within a particular zoning district. The base density is considered the appropriate density for development within each residential land use designation as established by the Land Use Element of the City of Oceanside General Plan.”* The City has indicated that the establishment of a base density within each of these zones is intended to be used as the number by which density bonuses and required low-income units will be calculated. It is important to distinguish that the amended language will allow for proposals that include Inclusionary Housing provisions within all three residential zones, but only development proposed within R-3 and the R-T zones will potentially be afforded the two incentives discussed above regarding parking and height standards.

The proposed amendment will also modify Article 17 (General Provisions, Development Standards, Conditions and Exceptions) to incorporate the same base densities discussed above, and will allow projects that include the proposed low-income units either on- or off-site (as opposed to paying an in-lieu fee) to be eligible for an increased maximum building height of one additional story not to exceed eight (8) feet. The amended language clarifies that if a concession is granted, it does not preclude the discretionary review process; which, in this case, would be the issuance of a coastal development permit. The final revision included in the proposed amendment modifies Article 27 (Off-Street Parking) and would facilitate the reduction of required parking (a reduction by half a space/unit, on average) for those projects that include the proposed low-cost units either

on- or off-site. The specific reductions in parking as proposed are included in Table 1 in Section IV.B – Specific Findings for Rejection of this staff report.

### **SUMMARY OF STAFF RECOMMENDATION**

Staff is recommending first that the LCP amendment be rejected and then approved with two suggested modifications. As proposed, the City's Inclusionary Housing regulations raise several issues. In particular, Commission staff have identified that significant impacts to coastal resources could result through the granting of the associated waiver/modification in height and parking standards. Examples of this include public access impacts through reduced parking requirements and impacts on public views through permitting structures taller than would otherwise be allowed through the Land Use Plan (LUP).

Therefore, staff is suggesting the incorporation of **Suggested Modification No. 1** which would require that any increase in height limits granted for inclusionary housing proposals shall be consistent with all visual resource policies, including but not limited to, public view, community character, and bulk/scale policies, of the LCP. Staff is further recommending the inclusion of **Suggested Modification No. 2** which will further require that any decrease in parking granted for inclusionary housing proposals shall be consistent with all public access policies, including but not limited to, public access and recreation, visitor serving facilities, and beach parking policies of the LCP. By requiring consistency with the LCP, the potential impacts to coastal resources will be analyzed, and while projects may be eligible for such concessions, the City will only grant them if it can be determined that such concessions will still be considered to be consistent with the applicable LCP policies. **Suggested Modification No. 2** further requires that any incentive granted to allow a reduction in parking standards would still need to participate in the discretionary review process. This review would evaluate project approval contingent upon current public beach parking reserves, current off-street parking usage, and other considerations that may have the effect of requiring additional parking onsite. It is only through the inclusion of these suggested modifications that adequate protection of coastal resources can be assured and thus be found consistent with and adequate to implement the City's certified LUP.

The appropriate resolutions and motions begin on Page 5. The suggested modifications begin on Page 6. The findings for denial of the Implementation Plan Amendment as submitted begin on Page 9. The findings for approval of the plan, if modified, begin on Page 12.

### **ADDITIONAL INFORMATION**

Further information on the City of Oceanside LCP amendment LCP-6-OCN-15-0043-5 (Part B – Inclusionary Housing) may be obtained from Toni Ross, Coastal Planner, at (619) 767-2370.

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## PART I. OVERVIEW

### A. LCP HISTORY

The City of Oceanside first submitted its Local Coastal Program Land Use Plan (LUP) to the Commission in July 1980, and it was certified with suggested modifications on February 19, 1981. This action, however, deferred certification on a portion of the San Luis Rey River valley where an extension of State Route 76 was proposed. On January 25, 1985, the Commission approved with suggested modifications the resubmitted LUP and Implementing Ordinances. The suggested modifications for this approval were related to the guaranteed provision of recreation and visitor-serving facilities, assurance of the safety of storefront structures, and the provision of an environmentally sensitive routing of the proposed Route 76 east of Interstate 5. The suggested modifications to the Zoning/Implementation phase resulted in ordinances and other implementation measures that were consistent with the conditionally certified LUP policies.

With one exception, the conditionally certified LUP and Implementing Ordinances were reviewed and approved by the City on May 8, 1985. The City requested that certification be deferred on one parcel adjacent to Buena Vista Lagoon designated by the City for "commercial" use; the Commission's suggested modification designated it as "open space." On July 10, 1985, the Commission certified the City's Local Coastal Program as resubmitted by the City, including deferred certification on the above parcel.

The City's Implementation Plan does not currently contain any Inclusionary Housing provisions. As such, the approval of the subject amendment will facilitate another avenue by which the City of Oceanside can provide additional affordable housing units. Specifically, the proposed and will add a new density section to three residential zones (Single Family Residential/R-1, Medium Density Residential/R-3, and Residential Tourist/R-T). In addition, Article 17 (General Provisions, Development Standards, Conditions and Exceptions) and Articles 27 (Off-Street Parking) will be amended to include the modified development standards for development proposals taking advantage of the Inclusionary Housing provisions. The proposed modifications will apply Citywide, with the exception of the Redevelopment Area/Downtown District.

### B. STANDARD OF REVIEW

Pursuant to Section 30513 of the Coastal Act, the Commission may only reject zoning ordinances or other implementing actions, as well as their amendments, on the grounds that they do not conform with, or are inadequate to carry out, the provisions of the certified Land Use Plan. The Commission shall take action by a majority vote of the Commissioners present.

### C. PUBLIC PARTICIPATION

The City has held Planning Commission and City Council meetings with regard to the subject amendment request. All of those local hearings were duly noticed to the public. Notice of the subject amendment has been distributed to all known interested parties.

## **PART II. LOCAL COASTAL PROGRAM SUBMITTAL - RESOLUTIONS**

Following a public hearing, staff recommends the Commission adopt the following resolutions and findings. The appropriate motion to introduce the resolution and a staff recommendation are provided just prior to each resolution.

- I. **MOTION I:** *I move that the Commission reject the Implementation Program Amendment No. LCP-6-OCN-15-0043-5 Part B for the City of Oceanside as submitted.*

### **STAFF RECOMMENDATION OF REJECTION:**

Staff recommends a YES vote. Passage of this motion will result in rejection of Implementation Program 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 DENY CERTIFICATION OF THE IMPLEMENTATION PROGRAM AS SUBMITTED:**

The Commission hereby denies certification of the Implementation Program Amendment submitted for the City of Oceanside and adopts the findings set forth below on grounds that the Implementation Program as submitted does not conform with, and is inadequate to carry out, the provisions of the certified Land Use Plan as amended. Certification of the Implementation Program would not meet the requirements of the California Environmental Quality Act as there are feasible alternatives and mitigation measures that would substantially lessen the significant adverse impacts on the environment that will result from certification of the Implementation Program as submitted

- II. **MOTION II:** *I move that the Commission certify the Implementation Program Amendment No. LCPA-6-OCN-15-0043 Part B for the City of Oceanside if it is modified as suggested in this staff report.*

### **STAFF RECOMMENDATION:**

Staff recommends a YES vote. Passage of this motion will result in certification of the Implementation Program Amendment with suggested modifications 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 THE IMPLEMENTATION PROGRAM AMENDMENT WITH SUGGESTED MODIFICATIONS:**

The Commission hereby certifies the Implementation Program Amendment for the City of Oceanside if modified as suggested and adopts the findings set forth below on grounds that the Implementation Program Amendment, with the suggested modifications, conforms with and is adequate to carry out the certified Land Use Plan as amended. Certification of the Implementation Program Amendment if modified as suggested complies with 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 Amendment on the environment, or 2) there are no further feasible alternatives and mitigation measures that would substantially lessen any significant adverse impacts on the environment.

**PART III. SUGGESTED MODIFICATIONS**

Staff recommends the following suggested revisions to the proposed Implementation Plan be adopted. The underlined sections represent language that the Commission suggests be added, and the ~~struck out~~ sections represent language which the Commission suggests be deleted from the language as originally submitted.

1. Modify Article 17, Section 1709(d) as follows:

*Projects that exceed base density allowances and reserve units for lower-income households in accordance with Municipal Code section 14C.7 are eligible for one additional story, not to exceed eight (8) additional feet above the maximum allowable height for the surrounding zoning district. While this concession is granted to qualified projects without the benefit of a variance, it does not preclude the discretionary review process, through which project approval may be contingent upon neighborhood compatibility, mitigation of massing impacts, compliance with the California Environmental Quality Act, and other considerations that may have the effect of limiting overall bulk and scale. For development within the coastal zone, any modification(s) to height limits shall be consistent with all visual resource policies, including but not limited to, public view, community character, and bulk/scale policies of the certified Oceanside Local Coastal Program.*

2. Modify Article 27 – Off-Street Parking – Section 2702 as follows:

*Exceptions*

*[...]*

*(3) Projects exceeding base density allowances and reserving units for low-income households in accordance with Municipal Code section 14C.7 are eligible for the following reduced parking requirements:*

- a. One (1.0) parking space per market rate studio and one-bedroom unit;
- b. 1.5 parking spaces per market-rate unit exceeding one bedroom;
- c. 0.5 parking space per reserved studio unit;
- d. one (1.0) parking space per reserved one-bedroom unit;
- e. 1.25 parking spaces per reserved two-bedroom unit;
- f. 1.5 parking spaces per reserved unit exceeding two bedrooms.

*These ratios apply to qualifying projects that do not benefit from Exception 1<sup>1</sup> established above. This concession does not preclude the discretionary review process, as required by the Oceanside certified LCP, through which project approval may be contingent upon current public parking reserves, current off-street parking usage, and/or other considerations that may have the effect of requiring additional parking. For development within the coastal zone, any reduction in parking standards shall be consistent with all public access policies, including but not limited to, public access and recreation, visitor serving facilities, and beach parking policies of the certified Oceanside Local Coastal Program.*

## **PART IV. FINDINGS FOR REJECTION OF THE CITY OF OCEANSIDE IMPLEMENTATION PLAN AMENDMENT, AS SUBMITTED**

### **A. AMENDMENT DESCRIPTION**

In an effort to provide additional lower-income dwelling units within Oceanside, the City is proposing to include a number of provisions that would facilitate Inclusionary Housing standards. Similar to the State-required density bonus provisions, inclusionary housing would facilitate increased density and reduced or modified development standards for projects that include the construction and maintenance of lower-income dwelling units. However, the distinction of the proposed amendment is that the Inclusionary Housing policies proposed by the City will provide incentives specifically for those projects that include the lower-income units either on- or off-site as opposed to providing in-lieu fees for the construction of a future project containing lower-income units. These incentives include a rounding down of the units required and projects would also be eligible for an increased maximum building height of one additional story not to exceed eight (8) feet as well as a reduction in parking standards, on average, by half a space per unit. As proposed by the City, the possible incentives, concessions, or deviations from standards would be limited to these specific allowances, no other incentives, deviations from standards, etc., are considered. Further, the reduction of parking requirements and the increase in height standards would apply only to parcels located outside the redevelopment area of the City and within either R-3 or R-T zoning designations, and must include 10 or more units within the development proposal. The proposed amendment would also eliminate the need for Inclusionary Housing projects to obtain a

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<sup>1</sup> Exception 1 allows lesser parking standards for small lots legally subdivided before January 20, 1958.

conditional use permit; however, a coastal development permit would still be required for those projects located within the Coastal Zone.

The City's Municipal Code Chapter 14.C contains the provisions for Inclusionary Housing proposals. This chapter has not been formally included in the proposed amendment. However, there are numerous references to Chapter 14.C within the proposed amendment, and therefore, if the subject LCP amendment is approved, provisions of this chapter will become incorporated by reference into the City's certified LCP.

Therefore, the proposed amendment includes incorporation by reference of Chapter 14.C of the Municipal Code as well as modification of five (5) articles within the City's certified Implementation Plan. Specifically, the amendment includes revisions to three residential zones and include changes to Article 5 (R-1 Single Family Residential Zone) Article 7 (R-3 – Medium Residential Zone) and Article 32 (Residential Tourist Zone). These articles will be amended to establish a "base density" for each zone. Base density is defined in Chapter 14.C as "*the lowest end of the density range established for residential development within a particular zoning district. The base density is considered the appropriate density for development within each residential land use designation as established by the Land Use Element of the City of Oceanside General Plan.*" The City has indicated that the establishment of a base density within each of these zones is intended to be used as the number by which density bonuses and required low-income units will be calculated. It is important to distinguish that the amended language will allow for proposals that include Inclusionary Housing provisions within all three residential zones, but only development proposed within R-3 and the R-T zones will potentially be afforded the two incentives discussed above regarding parking and height standards.

The proposed amendment will also modify Article 17 (General Provisions, Development Standards, Conditions and Exceptions) to incorporate the same base densities discussed above, and will allow projects that include the proposed low-income units either on- or off-site (as opposed to paying an in-lieu fee) to be eligible for an increased maximum building height of one additional story not to exceed eight (8) feet. The amended language clarifies that if a concession is granted, it does not preclude the discretionary review process; which, in this case, would be the issuance of a coastal development permit. The final revision included in the proposed amendment modifies Article 27 (Off-Street Parking) and would facilitate the reduction of required parking (a reduction by half a space/unit, on average) for those projects that include the proposed low-cost units either on- or off-site. The specific reductions in parking as proposed are included in Table 1 in the following section of this staff report.

**B. SPECIFIC FINDINGS FOR REJECTION**

The standard of review for LCP implementation plan submittals or amendments is their consistency with and ability to carry out the provisions of the certified LUP.

Purpose and Intent of the Ordinance. The purpose and intent of the ordinance is to encourage the production and preservation of affordable housing units in conjunction with market-rate housing developments.

Major Provisions of the Ordinance. The major provisions of the proposed amendment would allow for two specific incentives for projects seeking a density increase through the Inclusionary Housing provisions. The first incentive would allow an increase in the potential building height for the proposed developments by one (1) story, not to exceed eight (8) feet. The second incentive would allow for a reduction of parking requirements by an average by half a space per unit. The projects that would be eligible for these incentives include proposals located outside the City's Downtown/Redevelopment Area, within the Medium Density Residential Zone (R-3) and the Residential Tourist Zone (R-T). Additionally, eligible proposals must include at least 10 dwelling units, and must provide the associated low-income unit on- or off-site, and not through the payment of an in-lieu fee.

Adequacy of the Ordinance to Implement the Certified LUP Segments. The standard of review for LCP implementation plan submittals or amendments is their consistency with and ability to carry out the provisions of the certified LUP. The City's LUP contains a number of policies that address protection of public views, preservation of community character, the provision of adequate parking, and the protection of and improvements to public access and state, in part:

**City of Oceanside LCP Land Use Policies for Visual Resources*****VI. Visual Resources and Special Communities***

- 1. In areas of significant natural aesthetic value, new developments shall be subordinate to the natural environment.*
- 3. All new development shall be designed in a manner which minimizes disruption of natural land forms and significant vegetation.*
- 4. The City shall maintain existing view corridors through public rights-of-way.*

[...]

- 8. The City shall ensure that all new development is compatible in height, scale, color and form with the surrounding neighborhood.*

*The visual orientation to the Pacific Ocean is a major identity factor for the City of Oceanside. Traditional view corridors should be preserved and reinforced in the placement of buildings and landscaping. Additionally, some views not presently recognized deserve consideration in the design and location of further coastal improvements.*

## **City of Oceanside LCP Land Use Policies for Coastal Access**

### *I. Coastal Access*

*Objective: Adequate access to and along the coast shall be provided and maintained*

### *VII. New Development and Public Works*

*1. The City shall deny any project which diminishes public access to the shoreline, degrades coastal aesthetics, or precludes adequate urban services for coastal-dependent, recreation, or visitor serving uses.*

While an LCP is not required to have affordable housing provisions (Pub. Resources Code, § 30500.1), the Commission encourages housing opportunities for persons of low and moderate income (§ 30604, subd. (f)). However, as local governments and statewide housing mandates have encouraged the use of Inclusionary Housing measures and other regulatory relief to grant incentives for the development of affordable housing, the Commission must also ensure that such efforts still protect coastal resources.

As proposed, the amendment would facilitate: 1) an increase in allowable building height (one additional story, not to exceed an additional eight (8) feet in height) and 2) a decrease in required parking for those projects that meet the Inclusionary Housing requirements and that construct the required low-income units on- or offsite, as opposed to payment of an in-lieu fee. No other incentives, concessions or deviations from the otherwise certified development standards are proposed, with the exception of density. The specific reductions in parking requirements are shown in Table 1 below.

**Table 1 - Parking Requirements**

# of rooms	Currently Required	Proposed for Low-Income units	Proposed for Associated Market-Rate Units
Studio	1.5 spaces/unit	0.5 spaces/unit	1 space/unit
1 bedroom	1.5 spaces/unit	1 space/unit	1 space/unit
2 bedrooms	2 spaces/unit	1.25 spaces/unit	1.5 spaces/unit
>2 bedrooms	2 spaces/unit	1.5 spaces/unit	1.5 spaces/unit

The modifications proposed through the subject LCP amendment raise a number of LUP consistency concerns. Specifically, the Inclusionary Housing provisions would facilitate the application of two specific concessions which could result in significant impacts to coastal resources and public access. As detailed above, the City's LUP contains a number of policies that are intended to provide and protect both visual and physical access to the beach. As such, the review of any height or parking deviation must also ensure conformance with the applicable LUP policies as well as any relevant IP provisions. This is not to say that the concessions cannot be applied in the Coastal Zone, but rather that each request needs to be taken on a case-by-case basis and the potential impacts to coastal resources need to be analyzed appropriately. The majority of residentially zoned properties within the Coastal Zone currently have a 35' tall height limit. If the building height concession was granted, this means that proposed structures could be as tall as 42'. Allowing that increase in building height should not be granted if such an increase would result in a significant public view blockage or if the building height allowance would facilitate a development that would not be compatible with the surrounding community character. Additionally, access routes near properties located within close proximity to the ocean are often highly congested, and the existing on-street parking is the primary reservoir for public beach parking in Oceanside, therefore, the granting of reduced parking standards in these locations may not be appropriate, as it could result in the usurping of public beach parking.

As proposed by the City, the number of projects that may qualify for these deviations is limited by a number of qualifiers. Specifically, the City has identified only proposals located within the R-3 and R-T zones (and outside of the City's Downtown/Redevelopment Area), that propose a minimum of 10 units, and will construct the low-income units on- or offsite (as opposed to paying in- lieu fees) will qualify for the two specific concessions. Nonetheless, a large portion of the City's Coastal Zone is zoned either R-3 or R-T and while the lots are generally too small to provide for the required 10 units, there is still the potential for significant coastal resource impacts.

In addition, the language proposed by the City that facilitates the increase in building height also specifies that the increased height does not preclude the discretionary review process, through which project approval may be contingent upon certain findings. However, no such language was included in the proposed revisions that would facilitate the reduction in parking standards. It is through this companion discretionary review that impacts to coastal resources would be properly reviewed and analyzed, and ultimately, consistency with the applicable policies of the LUP will be determined. Thus, language needs to be included within both sections that clearly indicates such review is required. Therefore, the proposed amendment as submitted cannot be found consistent with and adequate to carry out the certified Land Use Plan as proposed.

**PART V. FINDINGS FOR APPROVAL OF THE CITY OF OCEANSIDE IMPLEMENTATION PLAN AMENDMENT, IF MODIFIED**

The proposed amendment would include, by reference, Chapter 14.C of the City's Municipal Code which establishes the City's Inclusionary Housing measures. And while the Commission does not have concerns regarding Inclusionary Housing, or the requirements for low-income units, the Commission is concerned that the incentives associated with such proposals could result in significant impacts to coastal resources. As proposed, the amendment would allow for certain development proposals to be granted two incentives including an increase maximum building height of one additional story not to exceed eight (8) feet and/or the reduction of on average by half of a parking space/unit, without recognizing that such proposals must also be found consistent with the City's LCP. As discussed in greater detail above, by allowing such concessions without adequate review against the applicable policies of the LUP, such concessions may result in significant impacts to coastal resources.

**Suggested Modification No. 1** which would require that any increase in height limits granted for inclusionary housing proposals shall be consistent with all visual resource policies, including but not limited to, public view, community character, and bulk/scale policies, of the LCP. Staff is further recommending the inclusion of **Suggested Modification No. 2** which will further require that any decrease in parking granted for inclusionary housing proposals shall be consistent with all public access policies, including but not limited to, public access and recreation, visitor serving facilities, and beach parking policies of the LCP. By requiring consistency with the LCP, the potential impacts to coastal resources will be analyzed, and while projects may be eligible for such concessions, the City will only grant them if it can be determined that such concessions will still be considered to be consistent with the applicable LCP policies. **Suggested Modification No. 2** further requires that any incentive granted to allow a reduction in parking standards would still need to participate in the discretionary review process. This review would evaluate project approval contingent upon current public beach parking reserves, current off-street parking usage, and other considerations that may have the effect of requiring additional parking onsite.

To conclude, the certified LUP requires that coastal resources such as public access and public views be protected. For the reasons described above, only if modified as suggested can the proposed Implementation Plan amendment be found to be consistent with and adequate to carry out the City's certified LUP.

**PART VI. CONSISTENCY WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)**

Section 21080.9 of the California Environmental Quality Act (CEQA) exempts local government from the requirement of preparing an environmental impact report (EIR) in connection with its local coastal program. The Commission's LCP review and approval program has been found by the Resources Agency to be functionally equivalent to the

EIR process. Thus, under CEQA Section 21080.5, the Commission is relieved of the responsibility to prepare an EIR for each LCP. The City concluded that there was no possibility that the activity would have a significant effect on the environment and therefore determined that the LCP amendment was not subject to CEQA. (Cal. Code of Regs, tit. 14, Guideline § 15061 (b)(3)..)

Nevertheless, the Commission is required in an LCP submittal or, as in this case, an LCP amendment submittal, to find that the LCP, or LCP, as amended, does conform with CEQA provisions. The Commission finds that approval of the proposed ordinance amendment, as submitted, would result in significant impacts under the meaning of the California Environmental Quality Act. However, with the inclusion of the suggested modifications, implementation of the revised ordinance would not result in significant impacts to the environment within the meaning of the California Environmental Quality Act. Therefore, the Commission finds that approval of the LCP amendment will not result in any significant adverse environmental impacts.

(G:\San Diego\Digital LCP Files\Oceanside\LCP-6-OCN-15-0043-5 Inclusionary Housing, Reasonable Accommodations, Emergency Shelters\Inclusionary Housing\staff report.docx)

**RESOLUTION NO. 13-R0040-1**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
OCEANSIDE AMENDING THE LOCAL COASTAL PROGRAM TO  
PROVIDE REGULATORY CONCESSIONS FOR PROJECTS  
EXCEEDING BASE DENSITY ALLOWANCES THAT MEET  
SPECIFIED INCLUSIONARY HOUSING STANDARDS

**(Applicant: City of Oceanside)  
(LCPA 12-0001)**

WHEREAS, the City Council has determined that policies of the Land Use Element of the General Plan related to residential development exceeding base density allowances should be modified to facilitate the integration of income-restricted housing into market-rate residential projects; and

WHEREAS, the City Council has determined that provisions of the City's Inclusionary Housing Ordinance (Municipal Code Article 14C) and the Zoning Ordinance should be modified in order to establish new inclusionary housing standards for projects that exceed the City's base density allowances and provide a broader range of options for meeting inclusionary housing standards and grant regulatory concessions to encourage inclusionary housing in conjunction with projects that exceed the City's base density allowances; and

WHEREAS, on December 10, 2012, the Planning Commission conducted a duly-noticed public hearing to consider whether to recommend that the City Council adopt the proposed amendments; and

WHEREAS, the Planning Commission's recommendation is summarized in the staff report prepared by the Development Services Department; and

WHEREAS, on January 16, 2013, the City Council held a duly-noticed public hearing and heard and considered written evidence and oral testimony by all interested parties on the above-identified amendments; and

WHEREAS, the Planning Division has reviewed the proposed amendments for compliance with the California Environmental Quality Act (CEQA) and has determined that the amendments are exempt from CEQA review in accordance with CEQA Section 21065, as they would not cause either direct or reasonably foreseeable indirect physical changes in the

EXHIBIT NO. 1

## **Signed Resolution**

Oceanside LCPA-6-OCN-15-0043-5 Part B  
California Coastal Commission

1 environment; and

2 WHEREAS, based on such evidence and testimony, including but not limited to the report  
3 of the Development Services Department, the City Council finds that the Local Coastal Program  
4 as amended by the City Council conforms with and is adequate to carry out the land use plan of  
5 the Local Coastal Program; and

6 NOW, THEREFORE, the City Council of the City of Oceanside DOES RESOLVE as  
7 follows:

- 8 1. Pursuant to Public Resources Code section 30514(a), the Oceanside City Council  
9 hereby certifies and the Local Coastal Program Amendment (LCPA 12-00001) is  
10 intended to be carried out in a manner fully in conformity with the Coastal Act and  
11 said Amendment is adopted.
- 12 2. Pursuant to the California Environmental Quality Act of 1970 and the State  
13 Guidelines thereto, a Notice of Exemption has been issued for the project by the  
14 Resource Officer for the City of Oceanside.
- 15 3. Pursuant to the Coastal Commission Local Coastal Regulation 13551(b), this  
16 amendment shall take effect upon Coastal Commission approval.
- 17 4. Notice is hereby given that the time within which judicial review must be sought on  
18 this decision is governed by Public Resources Code section 30801.

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1 PASSED AND ADOPTED by the City Council of the City of Oceanside, California,  
2 this 16th day of January, 2013, by the following vote:

3 AYES: FELIEN, FELLER, KERN

4 NAYS: WOOD, SANCHEZ

5 ABSENT: NONE

6 ABSTAIN: NONE

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8 ATTEST:

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12 CITY CLERK

Jelly Probaugh, ASST.

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MAYOR OF THE CITY OF OCEANSIDE

APPROVED AS TO FORM:

Beth Hamilton, ASST.  
CITY ATTORNEY

LCPA-6-OCN-15-0043-5 Part B  
10-2015

1 ORDINANCE NO. 13-OR0084-1

2 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF  
3 OCEANSIDE AMENDING ZONING REGULATIONS FOR  
4 PROJECTS EXCEEDING THE CITY'S BASE DENSITY  
5 ALLOWANCES AND RESERVING UNITS FOR LOW AND  
6 MODERATE-INCOME HOUSEHOLDS IN ACCORDANCE  
7 WITH THE CITY'S INCLUSIONARY HOUSING STANDARDS –  
8 REGULATORY CONCESSIONS FOR PROJECTS EXCEEDING  
9 BASE DENSITY ALLOWANCES AND MEETING SPECIFIED  
10 INCLUSIONARY HOUSING STANDARDS

NOV 25 2015

GENERAL PLANNING COMMISSION  
LOCAL COASTAL DISTRICT

11 WHEREAS, the City Council has determined that provisions of the City's Inclusionary  
12 Housing Ordinance (City Code Chapter 14C) and the Zoning Ordinance should be modified in  
13 order to: 1) establish new inclusionary housing standards for projects that exceed the City's  
14 base density allowances; 2) provide a broader range of options for meeting inclusionary housing  
15 standards; and 3) grant regulatory concessions to encourage inclusionary housing in conjunction  
16 with projects exceeding the City's base density allowances; and

17 WHEREAS, regulatory concessions to encourage inclusionary housing in conjunction  
18 with projects that exceed the City's base density allowances require amendment of the City's  
19 residential zoning standards; and

20 WHEREAS, on December 10, 2012, the Planning Commission of the City of Oceanside  
21 held a duly-advertised public hearing to consider said amendments, and heard and considered  
22 written and oral testimony regarding said amendments, and voted 5-0 to recommend City  
23 Council approval of said amendments; and

24 WHEREAS, on January 16, 2013, the City Council of the City of Oceanside held a duly-  
25 advertised public hearing to consider Zone Amendment ZA13-00001 and Local Coastal  
26 Program Amendment LCPA13-00001, and the recommendation of the Planning Commission  
27 thereon, and heard and considered written and oral testimony regarding the proposed Zone  
28 Amendment; and

29 WHEREAS, based upon such evidence, testimony and staff reports, this Council finds  
30 that Zone Amendment ZA13-00001 and Local Coastal Plan Amendment LCPA13-00001  
31 conform to the General Plan and Local Coastal Program of the City of Oceanside.

1       NOW, THEREFORE, the City Council of the City of Oceanside does ordain as follows:

2       SECTION 1. Zone Amendment ZA13-00001 establishing the text of (i) the 1986 Zoning  
3       Ordinance for properties within the Coastal Zone and outside of the Downtown District and (ii)  
4       the 1992 Zoning Ordinance for properties outside the Coastal Zone and within the Downtown  
5       District, as specified in Exhibits "A" (Articles 10 and 31) and "B" (Article 5, 7, 17, 27 and 32),  
6       is hereby adopted, and the City Clerk is hereby directed to amend the 1986 and 1992 Zoning  
7       Ordinances as specified by this ordinance.

8       SECTION 2. Severability. If any section, sentence, clause or phrase of this ordinance is  
9       for any reason held to be invalid or unconstitutional by a decision of any court of competent  
10      jurisdiction, such decision shall not affect the validity of the remaining portions of this  
11      ordinance. The City Council hereby declares that it would have passed and adopted this  
12      ordinance and each section, sentence, clause or phrase thereof, irrespective of the fact that any  
13      one or more sections, subsections, sentences, clauses or phrases be declared invalid or  
14      unconstitutional.

15      SECTION 3. The City Clerk of the City of Oceanside is hereby directed to publish this  
16      ordinance, or the title hereof as a summary, pursuant to state statute, once within fifteen (15)  
17      days after its passage in the North County Times, a newspaper of general circulation published  
18      in the City of Oceanside.

19      SECTION 4. This ordinance shall take effect and shall be in force on properties outside  
20      of the Coastal Zone on the thirtieth (30<sup>th</sup>) day from and after its final passage, and within the  
21      Coastal Zone, upon Coastal Commission certification of Local Coastal Plan Amendment  
22      LCPA13-00001.

23      INTRODUCED at a regular meeting of the City Council of the City of Oceanside,  
24      California, held on the 16th day of January, 2013 and, thereafter,

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1 PASSED AND ADOPTED at a regular meeting of the City Council of the City of  
2 Oceanside, California, held on the 30th day of January, 2013, by the  
3 following vote:

4 AYES: FELIEN, FELLER, KERN

5 NAYS: WOOD, SANCHEZ

6 ABSENT: NONE

7 ABSTAIN: NONE

8 ATTEST:

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11 *Jolly Probaugh, ASST.*  
12 CITY CLERK

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MAYOR OF THE CITY OF OCEANSIDE

APPROVED AS TO FORM:

*Pauline Hamilton, ASST.*  
CITY ATTORNEY

## ARTICLE 5

### R-1 – SINGLE FAMILY RESIDENTIAL ZONE (R-1 ZONE)

Section 500: PURPOSE. The purpose of a Single Family Residential Zone is to classify and set standards for the orderly development of single family residences in a manner that will be compatible with surrounding properties and the protection of their values.

Section 501: GENERAL CRITERIA. The following general criteria are hereby established for use in the classification or reclassification of land to the R-1 Zone:

- (a) General Plan – Compliance with the General Plan shall be established.
- (b) Location – Single family residential areas shall be located with primary access on a public street.
- (c) Need – A demonstrated public need shall be established.
- (d) Public Services – The existing public services such as schools, police, and fire protection shall be available or adequate alternatives shall be provided to insure availability of those services upon occupancy.
- (e) Utilities – The existing utility system (water, sewer, drainage, electrical, gas and communications facilities) are adequate or new systems shall be constructed to adequately serve single family residential developments.

Section 502: PERMITTED USES. In a R-1 zone the following uses only are permitted, and as hereinafter specifically provided and allowed by this Article subject to the provisions of Article 27 governing off-street parking requirements.

- (1) One-family dwellings.
- (2) Accessory buildings and structures, including private garages, to accommodate not more than four cars.

- (3) Fruit trees, nut trees, vines and other horticultural stock.
- (4) Agricultural crops.
- (5) The renting of not more than two (2) rooms to not more than four (4) persons, or providing of table board to not more than four (4) boarders, or both, but not to exceed a total of four (4) in any combination thereof.
- (6) Horses under the following conditions:
  - (a) No horse shall be maintained on a lot or parcel containing less than ten thousand square feet of area.
  - (b) Not more than two horses may be maintained on a lot or parcel containing less than one and one-half acres nor more than four horses on lots or parcels containing less than four acres but more than one and one-half acres. Lots containing more than four acres in area shall be permitted two horses per acre.
  - (c) No stall or barn shall be kept or maintained within forty feet of any window or door of any building used for human habitation nor within forty feet of any portion of a required yard space on adjoining property if such property is devoted to a use other than agriculture.
- (7) A two-family dwelling when the lot upon which it is located has a side line abutting a lot or lots zoned R-3, O-P, R-T, C-1, C-2, or F, but in no case shall the property used for such two-family dwelling consist of more than one lot nor be more than ninety (90) feet in width, whichever is the least.
- (8) Maintaining of a mail and telephone address for commercial and business licensing purposes. This shall not be construed as allowing the active conduct of a business or trade within the residential zone.
- (9) Additional uses may be permitted as contained in Article 15 subject to the issuance of a Conditional Use Permit.

(10) Zero lot line development, including "twin homes" and patio homes only in R-1-6,000 zones, subject to the development standards contained in Section 513 and the approval of a Development Plan in accordance with Article 16.

Section 503: DENSITY – LOT AREA PER DWELLING UNIT. All dwelling units in the R-1 Zone shall have a minimum lot area per dwelling unit of not less than 6,000 square feet. Notwithstanding the R-1 base density allowance established in Section 313(4), for purposes of determining inclusionary housing standards for development in the R-1 zone, the base density allowance in the R-1 zone shall be one dwelling unit per 12,100 square feet of lot area (i.e., 3.6 dwelling units per acre).

Section 504: FRONT YARD. See Section 1701.

Section 505: SIDE YARDS. See Section 1702.

Section 506: REAR YARD. See Section 1703.

Section 507: LOT SIZE. See Section 1704.

Section 508: LOT WIDTH. See Section 1706.

Section 509: MAXIMUM LOT COVERAGE. See Section 1707.

Section 510: LOT DEPTH. See Section 1708.

Section 511: HEIGHT. See Section 1709.

Section 512: PLACEMENT OF BUILDINGS. See Section 1710.

Section 513: STANDARDS FOR ZERO LOT DEVELOPMENT (Including Patio and "Twin" homes). The purpose of this section is to provide a housing alternative to the conventional single family home and condominium project for retirement-oriented communities. Provisions of small lot units throughout the City in areas already containing the full range of urban services will provide this alternative at an affordable price and with the necessary outdoor living space for this segment of the housing market.

- (1) Front Yard: No front yard setback shall be less than ten (10) feet. In all cases where the garage is designed so that the entrance is straight in from the street, the minimum setback for the garage is twenty feet.
- (2) Side Yard: No side yard requirements shall be required provided that at least ten feet are left between structures. On corner lots the side street setback shall be at least ten feet.
- (3) Rear Yard: A rear yard setback of at least fifteen feet shall be provided except that an open patio awning will be permitted to be constructed to within ten feet of the rear property line.
- (4) Lot Size: No lot shall contain less than 3,500 square feet. On hilly terrain the area may be reduced to 3,200 square feet, however, no lot shall contain less than 3,000 square feet of level pad area.
- (5) Lot Width: No lot shall contain less than forty feet of lot frontage. On cul-de-sac lots, the forty feet width must be achieved at a distance within the front yard setback.
- (6) Lot Coverage: The maximum lot coverage on any lot shall not exceed 50 percent.
- (7) Lot Depth: The minimum lot depth shall not be less than eighty (80) feet.
- (8) Density: The maximum density permitted shall not exceed the density as indicated on the Land Use Element of the General Plan.
- (9) Location: Projects established under this section shall generally be located in areas already experiencing urban development. The location must be served by the full range of public and urban facilities (transit, police and fire protection, water and sewer facilities, shopping, etc.). Sites located in undeveloped areas will be discouraged. Such projects located in the immediate area of other such projects developed under this

section will also be discouraged in order to maintain a reasonable intensity of development and alternate housing choices in any given area.

- (10) Off-Street Parking Requirements: A one-car garage with a minimum inside area of 240 square feet.
- (11) Elevations: All developments using this section shall provide elevations of substantial variations to include a mixture of roof lines and exterior material.
- (12) Park Land Development: Each development shall be required to provide and improve park land or pay in-lieu fees to the City at 1.25 times the standards established in the Subdivision Ordinance. The option of paying in-lieu fees shall be solely at the discretion of the Planning Commission. All units built under this section shall be defined as single family units for the purpose of computing this requirement. Improvement of the park land shall be approved by the Parks and Recreation Commission. Complete landscaping and irrigation will be required. Minimum improvements must be no less in value than the corresponding in-lieu fees. An estimate of costs must be submitted with the development plan.
- (13) Park Land Maintenance: Park land shall either be owned and maintained by a homeowners' association or dedicated and maintained by the City through a park maintenance district. Such district must be formed prior to the sale of any units in the development.
- (14) Conditions, Covenants and Restrictions: Any project developed under this section shall be required to submit C.C.&R's to the Planning Commission for review and the City Attorney for approval. Such C.C.&R's shall address exterior maintenance, protection of views, construction and material of accessory structures, age limits of occupants, number of occupants per building and other matters as deemed necessary by the

developer and/or Planning Commission. Provision shall be made for a homeowners' association to enforce such C.C.&R's.

- (15) Procedures: Subdividers choosing to use this section shall be required to file a development plan in accordance with Section 1611 of the Zoning Ordinance.

The development plan herein acquired shall be submitted and processed in accordance with provisions of Article 20 of the Zoning Ordinance. The approval of such development plan does not exempt a development from any provision of the Subdivision Ordinance of the City of Oceanside, nor does such a plan become a substitute for either a tentative or final map of a subdivision.

The provisions of this section are to offer an alternate procedure by which zoning standards, other than usage, may be made applicable to new subdivisions. The acceptance of a plan following the procedures and standards incorporated herein shall be discretionary with the Planning Commission.

## ARTICLE 7

### R-3 – MEDIUM DENSITY RESIDENTIAL ZONE (R-3 ZONE)

Section 700: PURPOSE. The purpose of the Medium Density Residential (R-3) Zone is to classify and set standards for the orderly development of multiple family residences in a manner that will be compatible with surrounding properties and the protection of their values. It is intended that this zone be used adjacent to major or secondary street, shopping areas, or other intense uses.

Section 701: GENERAL CRITERIA. The following general criteria are hereby established for use in the classification or reclassification of land to Medium Density Residential Zone (R-3):

- (a) General Plan – Compliance with the General Plan shall be established.
- (b) Location – Medium density residential areas shall be located with primary access to a major or secondary street as shown on the Major Street Plan having a pavement width of not less than 56 feet unless specifically exempted by the Planning Commission and/or City Council.
- (c) Need – A demonstrated public need shall be established.
- (d) Public Services – The existing public services such as schools, police, and fire protection must be available or adequate alternatives shall be provided to insure availability of these services to residents upon occupancy.
- (e) Utilities – The existing utility system (water, sewer, drainage, electrical, gas and communications facilities) are adequate or new systems shall be constructed to adequately serve medium density residential developments.

- (f) All projects, with the exception of a single family dwelling or a two-family dwelling, must file a Development Plan pursuant to the provisions of Article 16, Section 1611 of this ordinance.

Section 702: PERMITTED USES. In the R-3 Zone only the following uses are permitted and as hereinafter specifically provided and allowed by this Article, subject to the off-street parking provisions of Article 27 governing these requirements.

- (1) Any use permitted in the R-2 Zone.
- (2) Group houses.
- (3) Apartment projects up to 19 units.
- (4) Rest homes.
- (5) A public parking area when developed under appropriate provisions of Article 27 where the lot on which it is located abuts upon lots zoned for commercial or industrial purposes.
- (6) Additional uses may be permitted as contained in Article 15 subject to the issuance of a conditional use permit.

Section 703: DENSITY – LOT AREA PER DWELLING UNIT. The minimum lot area per dwelling unit in the R-3 zone shall be as follows:

- (1) For those lots located on the west side of Interstate 5, the minimum lot area per dwelling unit shall be 1,000 square feet.
- (2) For those lots located on the east side of Interstate 5, the minimum lot area per dwelling unit shall be no less than 1,500 square feet.
- (3) Notwithstanding the R-3 base density allowance established in Section 313(4), for purposes of determining inclusionary housing standards for development in the R-3 zone, the following base density allowances shall apply:

- a. R-3 properties located on the west side of Interstate 5 shall have a base density allowance of one (1) dwelling unit per 1,500 square feet of lot area (i.e., 29 dwelling units per acre).
- b. R-3 properties located on the east side of Interstate 5 shall have a base density allowance of one (1) dwelling unit per 2,900 square feet of lot area (i.e., 15 dwelling units per acre).

Section 704: FRONT YARD. See Section 1701.

Section 705: SIDE YARDS. See Section 1702.

Section 706: REAR YARD. See Section 1703.

Section 707: LOT SIZE. See Section 1704.

Section 708: LOT WIDTH. See Section 1706.

Section 709: MAXIMUM LOT COVERAGE. See Section 1707.

Section 710: LOT DEPTH. See Section 1708.

Section 711: HEIGHT. See Section 1709.

Section 712: PLACEMENT OF BUILDINGS. See Section 1710.

Section 713: LANDSCAPING. See Section 1731.

Section 714: LANDSCAPING MAINTENANCE STANDARDS. See Section 1732.

Section 715: (Deleted by Ordinance No. 84-05)

## ARTICLE 17

### GENERAL PROVISIONS, DEVELOPMENT STANDARDS,

#### CONDITIONS AND EXCEPTIONS

##### Setbacks, Height, Area, Landscaping

The purpose of this section is to establish certain development standards pertaining to setbacks, height limits, placement of buildings, etc. The development standards set forth are only minimum standards and shall not necessarily mean that the standards are the ideal standards for all developments.

Section 1701: FRONT YARD. The following minimum front yard setback requirements shall be met: (for special conditions and exceptions, see further provisions in this article).

- (a) Every lot in the R-A, R-1, R-2, R-3, R-P and S-P zones shall maintain a front yard setback of twenty (20) feet.
- (b) Every lot which allows apartment development and is located west of Interstate 5 shall have a minimum front yard setback of not less than fifteen (15) feet.
- (c) Every lot in the O-P and R-C zones shall maintain a front yard setback of not less than fifteen (15) feet.
- (d) Every lot in the C-1 zone shall maintain a front yard setback of not less than ten (10) feet. At least sixty (60) percent of any required front yard setback shall be landscaped under the provisions of Article 17, Section 1731.
  - (1) A minimum of five (5) feet deep landscaped setback area shall be provided on any C-2 zoned lot with the exception of those areas which are used as driveways.

- (2) All lots fronting on Mission Avenue shall maintain a fifty (50) feet setback from the centerline of the street.
  - (3) Lots located between Wisconsin Avenue and Monterey Drive and fronting on Hill Street shall maintain a forty-five (45) feet setback from the centerline of Hill Street.
  - (4) Lots located on Hills Street between Wisconsin Avenue and the southern City limits shall maintain a fifty (50) feet setback from the centerline of Hill Street.
  - (5) Additional setbacks and landscaping may be required by the Planning Commission as a condition of approval of a Development Plan.
- (e) Every lot in the M-1 zone shall maintain a minimum front yard setback equal to the height of the primary structure on the lot but in no case shall such setback be less than fifteen (15) feet. At least 60 percent of any required front yard shall be landscaped under the provisions of Section 1731.
  - (f) Every lot in the M-2 zone shall maintain a front yard setback of not less than 10 percent of the average lot depth but need not exceed twenty-five (25) feet. At least fifty (50) percent of any required front yard setback shall be landscaped under the provisions of Article 17, Section 1731.

Section 1702: SIDE YARDS. The following minimum side yard setback requirements shall be met: (for special conditions and exceptions, see further provisions in this Article).

- (a) Interior lots in the R-A, R-1, R-2, and R-3 and SP zones shall have a minimum side yard setback of not less than ten (10) percent of the width of the lot provided that such side yard setback shall not be less than three (3) feet and need not exceed five (5) feet.

- (b) Corner lots in the above zones shall have a minimum side yard setback of ten (10) feet on the side that is adjacent to the street.
- (c) One zero (0) side yard setback is allowed in the above zones provided that the opposite side yard setback has at least ten (10) feet and further provided that all appropriate provisions of the Uniform Building Code are met. In addition, when a property owner has been required to dedicate a vertical public coastal access way along the side yard of a parcel, the area dedicated may count toward a side yard setback foot to foot up to five (5) feet on that parcel.
- (d) Side yard setbacks are not required for lots located in the O-P, R-P, C-1, C-2 and R-C zones except that corner lots shall maintain a side yard setback as defined in 1702 (a) and 1702 (b).
  - (1) Interior lots – Side yard setbacks are not required for lots located in the M-1 zone unless specified in a development plan.
  - (2) Corner lots – Corner lots in the M-2 zone shall have a minimum side yard setback of ten (10) feet. At least fifty (50) percent of any such required side yard shall be landscaped under the provisions of Section 1731.

Section 1703: REAR YARDS. The following minimum rear yard setbacks shall be met: (for special conditions and exceptions see further provisions in this Article).

- (a) Every lot in the R-A, R-1, R-2, R-3 and SP zones shall maintain a minimum rear yard setback of fifteen (15) feet except for the following:
  - (1) A minimum rear yard setback of ten (10) feet shall be maintained for enclosed patios and patio awnings.
  - (2) Lots which rear upon an alley shall maintain a five (5) foot setback.

- (3) When two lots are separated by a slope bank of twenty (20) feet or more the uphill lot need not provide any setback provided that all building codes and grading ordinance provisions are met and that a five (5) foot high fence be built on the property.
  - (4) Lots which rear upon land to be permanently maintained as open space need not have a rear setback.
- (b) Rear yard setbacks are not required for lots located in the O-P, R-P, C-1, R-C and C-2 zones. All lots in the above zones which abut lots zoned for residential purposes shall maintain a rear yard setback of not less than fifteen (15) feet except when such lots rear upon an alley, a minimum rear yard setback of five (5) feet shall be maintained.
- (1) Interior Lots – Rear yard setbacks are not required for lots located in the M-1 zone.
  - (2) Every through lot in the M-1 zone shall maintain a minimum rear yard setback equal to the height of the primary structure on the lot. A minimum of ten (10) feet depth of this setback area adjacent to the property line, except for driveway areas, shall be landscaped under the provisions of Section 1731. The remaining required setback area may be used for off-street parking.
- (c) Rear Yard – No minimum rear yards are necessary for lots in the M-2 zone except as required by Development Plan.
- (d) Notwithstanding any other provisions of this Section, buildings or structures located on lots contiguous to the shoreline shall be compatible in scale with existing development and shall not extend further seaward than the line established on the "Stringline Setback Map," which is kept on file in the Planning Division. Appurtenances such as open decks, patios and balconies may be allowed to extend seaward of the Stringline Setback

line, providing that they do not substantially impair the views from adjoining properties.

Section 1704: LOT SIZE.

- (a) The minimum required area of a lot in the R-1, R-2, and R-3 zones shall be not less than 6,000 square feet unless otherwise shown on the zoning map.
- (b) The minimum required area of a lot in the R-A zone shall be not less than one (1) acre unless shown otherwise on the zoning map.
- (c) The minimum required area of a lot in the O-P, R-P, and R-C zone shall not be less than 10,000 square feet unless shown otherwise on the zoning map.
- (d) The minimum required area of a parcel in the C-1 zone shall be not less than two (2) acres unless otherwise shown on the zoning map.

Section 1705: DENSITY – LOT AREA PER DWELLING UNIT. Provisions of Article 4 – Section 403, Article 5 – Section 503, Article 6 – Section 607, and Article 7 – Section 703 shall apply. Notwithstanding the base density allowances established in Section 313(4), for the purposes of determining inclusionary housing requirements, the following base density allowances shall apply:

- (a) R-1 properties shall have a base density allowance of one (1) dwelling unit per 12,100 square feet of lot area (i.e., 3.6 dwelling units per acre).
- (b) R-3 properties located on the west side of Interstate 5 shall have a base density allowance of one (1) dwelling unit per 1,500 square feet of lot area (i.e., 29 dwelling units per acre).
- (c) R-3 properties located on the east side of Interstate 5 shall have a base density allowance of one (1) dwelling unit per 2,900 square feet of lot area (i.e., 15 dwelling units per acre).

- (d) R-T properties shall have a base density allowance of one (1) dwelling unit per 1,500 square feet of lot area (i.e., 29 dwelling units per acre).

Section 1706: LOT WIDTH. (For special conditions and exceptions see further provisions in this Article).

- (a) In the R-A and R-1 zones, every lot created after the effective date of this ordinance shall have a minimum lot width as follows:

Lots designated on the zoning map as requiring a minimum lot area between:

0 to 9,999 square feet – 60 foot lot width

10,000 to 14,999 square feet – 70 foot lot width

15,000 to 19,000 square feet – 100 foot lot width

20,000 and over square feet – 125 foot lot width

- (b) Lots in the R-2 and R-3 zones created after the effective date of this ordinance shall maintain a lot width of not less than sixty (60) feet at the rear line of the required front yard.

- (c) Corner lots – Corner lots in any zone shall have a minimum lot width of seventy (70) feet.

- (d) Cul-de-sacs – Lots located on a cul-de-sac shall have a minimum lot width at the front property line of forty (40) feet.

- (e) Curved street sections – Lots located on a curved street section shall have a minimum lot width at the front property line of forty-five (45) feet.

- (f) Lots in the O-P and R-P zones shall maintain a minimum lot width of not less than seventy (70) feet unless otherwise shown on the zoning map.

- (g) Lots in the R-C zone shall maintain a minimum lot width of one hundred (100) feet for any new lots created after the effective date of this

ordinance. This provision shall not be applicable to any lot or combination of existing lots having a lot width less than one hundred (100) feet.

- (h) Lots in the M-1 zone shall maintain a minimum lot width of one hundred (100) feet for any new lot created after the effective date of this ordinance.
- (i) Lots in the M-2 zone shall maintain a minimum lot width of one hundred (100) feet for any new lot created after the effective date of this ordinance.

Section 1707:      MAXIMUM LOT COVERAGE.

- (a) All buildings in the R-A and R-1 zones including accessory buildings and structures shall not cover more than forty (40) percent of the area of the lot.
- (b) All buildings in the R-2 zone including accessory buildings and structures shall not cover more than fifty (50) percent of the area of the lot.
- (c) All buildings in the R-3, R-P, and O-P zones including accessory buildings and structures shall not cover more than sixty (60) percent of the area of the lot.

Section 1708:      LOT DEPTH. (For special conditions and exceptions, see further provisions in this Article).

All lots in the R-A, R-1, R-2, R-3, R-T, R-P, O-P, R-C and S-P zones shall have a minimum depth of one hundred (100) feet unless modified by the Planning Commission or City Council.

Section 1709:      HEIGHT. No building or structures shall be erected or enlarge unless such building or structure complies with the height regulations for the zone in which the building or structure is located or proposed to be located. For purposes of determining the height of a building or structure, the average finished grade of the parcel on which the building or structure is located shall be used.

The maximum permitted height of any building or structure shall be as follows:

- (a) No building or structure located in the R-A, R-1, R-2, PRD or SP zone shall exceed a height of 35 feet or two stories, whichever is less.
- (b) No building or structure used for residential purposes in the R-3, O-P, R-T, R-C, PRD, or SP zones shall exceed a height of 35 feet or three stories, whichever is less.
- (c) No building or structure in the R-C, O-P, C-1, C-2, M-1, M-2 or PC zones shall exceed a height of 45 feet or four stories, whichever is less.

Penthouses or roof structures for the housing of elevators, stairways, ventilator fans, air conditioning or similar equipment required to operate and maintain the building, fire or parapet walls, skylights, towers, church steeples, flag poles, chimneys, antennas and similar structures may be erected above the height limits prescribed hereinabove provided the same may be safely erected and maintained at such height, in view of the surrounding conditions and circumstances, but no penthouses or roof structures or any space above the height limit shall be allowed for the purpose of providing additional floor space.

- (d) Projects that exceed base density allowances and reserve units for low-income households in accordance with Municipal Code section 14C.7 are eligible for one additional story, not to exceed eight (8) additional feet above the maximum allowable height for the surrounding zoning district. While this concession is granted to qualified projects without the benefit of a variance, it does not preclude the discretionary review process, through which project approval may be contingent upon neighborhood compatibility, mitigation of massing impacts, compliance with the California Environmental Quality Act, and other considerations that may have the effect of limiting the overall bulk and scale of development.

Section 1710: PLACEMENT OF BUILDINGS. Placement of buildings on any lot shall conform to the following:

## ARTICLE 27

### OFF-STREET PARKING

Section 2701: INTENT. Every building, or portion of building hereinafter erected, shall be provided with such parking space as provided in this Article, and such parking space shall be made permanently available and be permanently maintained for parking purposes, provided, however, that any alterations or additions providing less than five hundred (500) square feet of additional floor space shall be exempted from this requirement. Provided further than when an addition is made to an existing building only the square feet in the addition need be used in computing the required off-street parking.

Section 2702: PARKING SPACES REQUIRED. The number of off-street parking spaces required shall be no less than as set forth in the following. Except as provided in Section 2710, a parking space shall be deemed to be an area of at least one hundred eighty (180) square feet, paved with either an asphaltic concrete or cement concrete paving. Such space shall have a width of at least nine (9) feet except in cases of parallel parking, such space may be reduced to eight (8) feet by twenty-four (24) feet and be provided with adequate ingress and egress. For purposes of definition, gross floor area is defined as the area included within the surrounding exterior walls of a building or portion thereof.

Carport – A carport shall mean a parking structure which is enclosed on at least three (3) sides, in addition to the roof, constructed on materials consisting of wood, masonry, or stucco under area limitations as specified in the Uniform Building Code. A carport may be either a single parking unit or may be a combination of several parking units. In the case of parking bays, only the back wall and end walls of the entire bay need to be enclosed. Each parking space shall contain an enclosed storage cabinet having a minimum size of one hundred sixty (160) cubic feet unless such storage space is provided in each dwelling unit or in a common storage area. No dimension of such cabinet shall be less than four (4) feet.

USE

PARKING SPACES REQUIRED

Banks, business or professional Offices	1 for each 400 sq.ft. of gross floor area.
Bowling Alleys	7 for each lane.
Churches and Accessory Uses	1 for each 4 seats, or if there are no fixed seats, then 1 for each 40 sq.ft. of floor space used assembly purposes.

Commercial Uses

Retail centers having less than 5,000 sq.ft. of gross floor area	1 for each 300 sq.ft. of gross floor area.
Retail centers having more than 5,000 and less than 20,000 sq.ft. of gross floor area	1 for each 250 sq.ft. of gross floor area.
Retail centers having more than 20,000 sq.ft. of gross floor area	1 for each 200 sq.ft. of gross floor area.
Bars or Cocktail Lounges	1 space for each 2 seats or 1 space for each 30 sq.ft. of area used for consumption of beverages (not less than 15 spaces shall be provided).

USE

PARKING SPACES REQUIRED

Drive-In Restaurants	1 space for each 3 seats or 1 space for each 45 sq.ft. of area used for sale or consumption of food and/or beverages (not less than 15 spaces shall be provided).
Drive-Through Restaurants	Minimum of 15 spaces.
Furniture and appliance stores, hardware stores, household equipment, service shops, clothing or shoe repair or personal service shops	1 for each 600 sq.ft. of gross floor area.
Hospitals	1 for each bed.
Hotels	1 for each licensed unit.
Libraries	1 for each 250 sq.ft. of gross floor area.
Motels	1 for each licensed unit.
Manufacturing uses, research and testing laboratories, creameries, bottling establishments, bakeries, canneries, printing and engraving shops	Not less than 1 for each 800 sq.ft. of gross floor area.

USEPARKING SPACES REQUIRED

Medical or dental clinics and medical- professional offices	1 for each 200 sq.ft. of gross floor area.
Mortuaries	1 for each 50 sq.ft. of floor area of assembly rooms used for service.
Motor vehicle, machinery sales or wholesale stores	1 for each 1,000 sq.ft. of gross floor area.
Offices not providing customer service on the premises	1 for each 400 sq.ft. of gross floor area.

Residential Uses

Single family dwellings	2 car garage per dwelling unit; minimum inside area of 400 sq.ft.; minimum inside width of 18 ft.
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Apartments, Duplexes, and Condominiums

1 Bedroom	1-1/2 spaces per unit, 1 carport or garage, 1/2 space open.
2 Bedrooms and more	2 spaces per unit, 1 carport or garage, 1 space open. Each space shall have a minimum 9' X 20' dimension.

USEPARKING SPACES REQUIRED

Condominiums in PRD or PCD zones      2 spaces per unit, 1 garage, 1 space open.  
each garage shall have a minimum inside dimension of 10' X 20'. Each open space shall a minimum dimension of 9' X 20'.

Exceptions

- (1) The above provisions for R-2, R-3, O-P, R-T, and R-C zones shall not be applicable to any lot legally subdivide prior to January 20, 1958, where the combination of such lots has a total area for each lot of 7,500 square feet or less. Off-street parking requirements for such a lot or combination thereof shall be the same as required by Ordinance No. 69-39 and shall be as follows:

1 and 2 bedroom units      1 enclosed or covered space per family unit.  
3 bedrooms and more      1-1/2 space for each unit, at least 1 of which is covered or enclosed.

- (2) For residential parking requirements for subdivisions which have by recorded covenants a minimum age requirement, the City Council may modify parking requirements to permit a one-car garage and one open parking space.

- (3) Projects exceeding base density allowances and reserving units for low-income households in accordance with Municipal Code section 14C.7 are eligible for the following reduced parking requirements:

- a. One (1.0) parking space per market-rate studio and one-bedroom unit;
- b. 1.5 parking spaces per market-rate unit exceeding one bedroom;

- c. 0.5 parking space per reserved studio unit;
- d. One (1.0) parking space per reserved one-bedroom unit;
- e. 1.25 parking spaces per reserved two-bedroom unit;
- f. 1.5 parking spaces per reserved unit exceeding two bedrooms.

These ratios apply to qualifying projects that do not benefit from Exception 1 established above.

Restaurants	1 space for each 3 seats or 1 space for each 45 sq.ft. of area used for consumption of food or beverages (not less than 15 spaces shall be provided).
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<u>USE</u>	<u>PARKING SPACES REQUIRED</u>
Rooming houses, lodging houses, clubs and fraternity houses having sleeping rooms	1 for each 2 sleeping rooms.
Sanitariums, children's homes, homes for aged, asylums, nursing homes	1 for each 3 beds.
Schools	1 for each one employee.
Schools (business and vocational)	1 for each 40 sq.ft. of classroom area.
Stadiums, sports arenas, auditoriums, (including school auditoriums) and	1 for each 4 seats and/or 1 for each 40 sq.ft. of gross floor area used for

## ARTICLE 32

### RESIDENTIAL TOURIST ZONE (R-T ZONE)

Section 3200: PURPOSE. The R-T Zone is intended to accommodate tourist and year-round visitor-serving facilities by providing permanent and transient residential and related uses to serve all income levels. The R-T Zone is primarily designated on storefront property in order to optimize public access to the beach.

Section 3201: GENERAL CRITERIA. The following general criteria are hereby established for use in the classification or reclassification of land to the R-T Zone:

- (a) Consistency with the General Plan, the Coastal Land Use Plan, the Redevelopment Plan, Development Criteria, and Land Use Regulations shall be established.
- (b) Residential-Tourist zoned properties shall be located with primary access to a public street.
- (c) The existing utility system (water, sewer, drainage, electrical, gas and communication systems) shall be found to be adequate or new systems shall be constructed to adequately serve R-T developments. All utilities shall be underground.
- (d) All projects with the exception of a single family home must file a Development Plan pursuant to the provisions of City of Oceanside Article 16, Section 1611 governing Development Plans. Those projects in the Redevelopment Area must be approved by the Community Development Commission, with an advisory recommendation by the Planning Commission.

Section 3202: PERMITTED USES. Only the following uses are permitted in the R-T Zone subject to the provisions of Article 27 governing off-street parking requirements:

- (1) Single-family, subject to R-1 standards.
- (2) Multiple-family residences.
- (3) Condominiums and stock cooperatives.
- (4) Tourist cottages and summer rentals.
- (5) Public and semi-public uses.
- (6) Mobile Home Parks with a Conditional Use Permit.
- (7) Certain other uses with a Conditional Use Permit (as allowed in Article 15).

Section 3203: HEIGHT OF BUILDINGS. Building height is limited to 35 feet unless a Conditional Use Permit is issued in accordance with Article 15. Height standards in the Redevelopment Area are governed by the Development Criteria and Land Use Regulations. No building or structure shall exceed any adopted height restrictions that may appear in any other adopted Plan or Policy of the City including Proposition A passed by the voters April 13, 1982.

Section 3204: BUILDING SETBACKS. The minimum front yard, side yard, and rear yard setbacks shall be 10 feet for front, 3 feet for side yards, and 6 feet for rear yards unless alternate setbacks are approved through the development plan process.

- (1) Proposals for alternate front yard, side yard or rear yard setbacks will be judged on the merits of each individual proposal and the architectural compatibility of all proposed structures with existing or proposed structures on adjoining parcels. Functional site layout with special attention to design of recreational, parking and landscaped areas may produce an acceptable proposal with minimum or no setbacks. Abutting

property owners shall be advised of proposals for no setback on side and rear yards prior to approval of same.

- (2) Single family residential buildings shall have a concrete driveway approach to parking areas at least 20 feet in length by 9 feet wide per parking space.
- (3) Buildings along The Strand should be designed so that when viewed from the beach, the visual impact of the bulk of the structure is minimized to the maximum extent possible.

Section 3205: RESIDENTIAL BUILDING DENSITY. In all residential development, the density should not exceed the maximum standard of 43 dwelling units per acre, except that higher densities may be approved by the Planning Commission when development is in a master planned development. For the purposes of determining inclusionary housing standards, the base density allowance for R-T properties shall be 29 dwelling units per acre (i.e. one dwelling unit per 1,500 square feet of lot area).

Section 3206: AREA. The minimum required area of a lot in the R-T Zone shall not be less than 6,000 square feet, unless otherwise shown on the zoning map.

Section 3207: LOT WIDTH. Every lot created after the effective date of this ordinance shall maintain a width of not less than 60 feet at the rear line of the required front yard.

Section 3208: LIMITATIONS ON PERMITTED USE. When any non residential use is to be placed on a lot abutting property in any residential zone, there shall be erected and maintained along such abutting property line a block, stone, brick, stucco, or concrete wall at least six (6) feet in height, except in a required front yard setback, where the height shall be forty-two (42) inches. This provision shall be met before a certificate of occupancy permit may be issued for such use by the Building Official. For purposes of this section only, hotels and motels shall not be considered as residential uses.

Section 3209: SIGNS. The height, width, depth, colors and design features, including lighting and structural support of each and all signs to be erected outside of buildings or attached to any building shall be subject to Article 33, Sign Ordinance of the City of Oceanside.

Section 3210: LANDSCAPING. The following criteria shall apply:

- (1) A coordinated landscape design shall be developed for each site which contributes to a continuous and integrated design.
- (2) All landscaping shall be of a type which is easily maintained.
- (3) All landscaped areas shall contain an approved permanent irrigation system and, if adjacent to a street or parking area, shall be enclosed by a six (6) inch high concrete curb unless otherwise expressly approved by the Commission.
- (4) Landscaping should be provided in all front yards and side yards abutting a public street; and it is required that all other areas not used for driveway, parking, building or loading should also be landscaped. Special attention should be given to landscaping on the interior as well as the exterior of parking lots for multiple vehicles.
- (5) The utilization of depressed parking lots and/or mounded, landscaped buffers of parking areas is encouraged.
- (6) Parkways, if any, within the public right-of-way, except at approved sidewalk or driveway approach locations, shall be landscaped.
- (7) Landscaping plans are subject to regulations as defined in the City of Oceanside Guidelines and Specifications for Landscape Development (April 19, 1982; Resolution No. 82-79).

Section 3211: PUBLIC ACCESS TO BEACH. Permanent facilities shall be provided for pedestrian access from the nearest public street on the bluff top to the public beach. Between Ninth Street and Wisconsin Avenue, such access will be

provided on the average of every eight hundred (800) feet, but in no event will there be fewer than seven (7) such pedestrian access routes. Between Ninth Street and Wisconsin Avenue, no fewer than four (4) permanent facilities shall be provided for vehicular access from the nearest public street on the bluff top to the beach.

Section 3212:      PARKING. Parking shall be provided in accordance with Article 27 of the Zoning Ordinance governing off-street parking requirements.

# **Exhibit “A”**

**Chapter 14C (Inclusionary Housing)**

of the

**City of Oceanside**

**Municipal Code**

**EXHIBIT NO. 4**

**Municipal Code Section 14.C (incorporated by reference)**

Oceanside LCPA-6-OCN-15-0043-5 Part B

California Coastal Commission

## **EXHIBIT A**

### **Chapter 14C - INCLUSIONARY HOUSING [42]**

**Sec. 14C.1. - Intent.**

**Sec. 14C.2. - Applicability.**

**Sec. 14C.3. - Exemptions.**

**Sec. 14C.4. - Definitions.**

**Sec. 14C.5. - Reservation requirements.**

**Sec. 14C.6. - In-lieu fee alternative.**

**Sec. 14C.7. - Options for providing reserved units.**

**Sec. 14C.8. - Periodic review.**

**Sec. 14C.9. - Administration.**

**Sec. 14C.10. - Building permit.**

**Sec. 14C.1. - Intent.**

Housing requirements for low and moderate-income households in residential projects. It is the intent of this chapter to establish requirements for the reservation of housing units for low and moderate-income households in residential projects requiring development plans.

(Ord. No. 91-49, § 2, 10-23-91; Ord. No. 00-241-1, § 1, 4-12-00)

**Sec. 14C.2. - Applicability.**

The provisions of this chapter shall apply to all residential projects of three or more units including without limitation, condominium conversions and time extensions of development plan approval for previously approved residential projects.

(Ord. No. 91-49, § 2, 10-23-91; Ord. No. 92-05, § 1, 1-29-92; Ord. No. 00-241-1, § 1, 4-12-00; Ord. No. 00-278-1, 5-10-00)

**Sec. 14C.3. - Exemptions.**

- a. Any project located within the boundaries of the redevelopment project area shall be exempt from the provisions of this chapter.

(Ord. No. 91-49, § 2, 10-23-91; Ord. No. 00-241-1, § 1, 4-12-00)

**Sec. 14C.4. - Definitions.**

*Affordable.* For the purposes of this chapter, the term "affordable" shall refer to the affordable sales price of a home within the City of Oceanside. The affordable sales price will be calculated based on the following variables:

- a. The area median income for San Diego County based upon a three-bedroom unit and household size of four (4).
- b. The current annual percentage rate for a conventional residential mortgage.
- c. A total housing cost threshold that does not exceed thirty-three (33) percent of the monthly gross income of a household.

*Area median income.* The median household income of San Diego County or equivalent geographic area as annually estimated by HUD pursuant to Section 8 of the United States Housing Act of 1937. In the event such HUD determinations of area median income are discontinued, the area median income shall be that median household income as established and published by the State of California Department of Housing and Community Development pursuant to Health and Safety Code Section 50093.

*Base density.* The lowest end of the density range established for residential development within a particular zoning district. The base density is considered the appropriate density for development within each residential land use designation as established by the Land Use Element of the City of Oceanside General Plan.

*Household.* A person or persons living together in the same residence.

*HUD.* The United States Department of Housing and Urban Development.

*Low-income household.* A person or persons living together as a household unit whose combined incomes do not exceed eighty (80) percent of the median income for San Diego County for an equivalent size household.

*Moderate-income household.* A person or persons living together as a household unit whose combined income exceeds eighty (80) percent but does not exceed one hundred twenty (120) percent of the median income for San Diego County for an equivalent size household.

**Low and moderate-income household.** A person or persons living together as a household unit whose combined incomes do not exceed one hundred twenty (120) percent of the median income for San Diego County for an equivalent size household.

**Reserved unit.** A residential dwelling unit deed restricted for occupancy by a low or moderate-income household pursuant to the requirement of this chapter.

**Residential project.** Any new construction of dwelling units or condominium conversion.

(Ord. No. 91-49, § 2, 10-23-91; Ord. No. 00-241-1, § 1, 4-12-00; Ord. No. 11-OR0543-1, § 1, 7-5-2011)

**Sec. 14C.5. - Reservation requirements.**

**(a) Reservation of for-sale units.**

(1) No development plan for a for-sale residential project of three or more units subject to this chapter shall be approved in any area of the city unless at least ten (10) percent of such housing units are reserved for sale to low and moderate income households or reserved as rental units for low-income households.

(2) Calculation of reservation requirement. The calculation of the number of housing units to be reserved shall be made utilizing the total number of housing units in the development prior to including any increase in the allowable number of such housing units authorized by any density bonus granted pursuant to Government Code Section 65915 et seq.

If the calculation of the number of housing units to be reserved results in a fraction of a whole number, the developer may either reserve one additional housing unit or pay a partial in-lieu fee equal to the remaining fraction. The amount of the in-lieu fee shall be determined according to Section 14C.6.(b).

For projects that exceed base density allowances and involve between 10 and 19 units at base density, fractional reserved unit requirements of less than 0.75 shall be rounded down. For projects that exceed base density allowances and involve 20 or more units at base density, fractional reserved unit requirements of 0.50 and above shall be rounded up to the next whole number.

(3) Timing for construction of reserved units. The reserved units shall be constructed either prior to or simultaneously with the non-reserved units within the development. If the development is being constructed in phases, the percentage of reserved units to be constructed in each phase shall be equivalent to ten (10) percent of the total number of units being constructed in that phase.

(4) Sales Price. The initial sales price and resale sales price of reserved units shall be limited to ensure that the price is affordable within the definition contained in Section 14C.4.

(5) Sales restriction. Reserved units shall be sold or resold only to eligible low or moderate-income households. The city shall determine the eligibility of such households.

A deed restriction, covenant, and/or other instrument enforceable by the city and approved by the city attorney and director of housing and neighborhood services, limiting the resale of such units to eligible low or moderate-income households shall be recorded against the title of all reserved units at affordable prices as described in subsection (4) immediately above. The duration of such resale restrictions shall be a minimum of fifty-five (55) years.

(6) Rental restriction. The requirements indicated in Section 14C.5(b)(4) shall apply if rental housing is provided as the reserved units.

(Ord. No. 91-49, § 2, 10-23-91; Ord. No. 92-05, § 2, 1-29-92; Ord. No. 00-241-1, § 1, 4-12-00; Ord. No. 11-OR0543-1, § 1, 7-5-2011)

#### Sec. 14C.6. - In-lieu fee alternative.

- (a) As an alternative to reserving units as required in section 14C.5, the developer projects that conform to the base density allowance for the applicable zone may pay a fee in-lieu of reservation in an amount according to the formula set forth in subsection (b), below, sufficient to subsidize the price of a median sales price home in Oceanside to the extent that it brings the sales price of such a home into the affordable range for a moderate income household.
- (b) The amount of the in-lieu fee for each required inclusionary unit shall be determined by the neighborhood services director at the time of issuance of building permits for the first residential units in a development project subject to this chapter. The developer may request a deferral of this fee prior to the issuance of a certificate of occupancy for the unit. The fee amount will be adjusted annually on July 1st of each year based on the sales price data and the affordable housing cost calculations per section 14C.4 of this chapter for the preceding calendar year. The fee will be calculated based upon the following methodology:
  - (1) The affordability gap per inclusionary unit is equal to the difference between the median sales price and the affordable sales price.
  - (2) To derive the affordable gap per market rate unit, the affordability gap per inclusionary unit will be multiplied times the ten-percent inclusionary housing obligation.
  - (3) The resulting affordability gap per market rate unit will be divided by the average square footage of residential units sold during the preceding calendar year.

(4) The result of the in-lieu fee calculation represents the fee that will be charged per square foot of the building area in new residential development.

(c) For projects that exceed the base density allowance for the applicable zone and involve 10 or more units at base density, units achieved above the base density allowance shall be subject to a fee in-lieu of reservation in an amount determined by the City Council. Said fee shall not exceed the cost of subsidizing the price of a median sales price home in Oceanside to the extent that it brings the sales price of such a home into the affordable range for a low income household. Projects that exceed the base density allowance shall be afforded additional options for meeting the requirements of this chapter, as specified in section 14C.7(f). Projects that exceed the base density allowance within the RS, RM, R-3, RH, and R-T zoning districts and elect to meet the requirements of this chapter through the on-site or off-site reservation of units as enumerated in sections 14C.7 shall be eligible for concessions to certain development standards as specified under applicable zoning provisions.

(d) All in-lieu fees collected hereunder shall be used by the city exclusively to provide housing opportunities for low or moderate-income households anywhere within the city. All in-lieu fees shall be held in a separate account with interest accruing to said account. All funds in the account shall be spent in any manner authorized by law as the city council deems appropriate solely to provide housing opportunities for low or moderate-income households. For the purposes of this subsection, the term "provide housing opportunities for low or moderate-income households" means any expenditure authorized by law which directly or indirectly makes housing units affordable to low or moderate-income households.

(e) If a residential project, subject to this chapter, is required to provide replacement housing pursuant to Government Code Section 65590, then the number of units required to be reserved for low or moderate-income households shall be the larger of the number of units required under Government Code Section 65590 or this chapter. The requirements for inclusionary housing under this chapter shall not be additive to the requirements for replacement housing under Government Code Section 65590. The provisions of this chapter shall not apply to units provided pursuant to an ordinance adopted as required by Section 65915 of the Government Code.

(Ord. No. 91-49, § 2, 10-23-91; Ord. No. 00-241-1, § 1, 4-12-00; Ord. No. 11-OR0543-1, § 1, 7-5-2011)

#### Sec. 14C.7. - Options for providing reserved units.

(a) On-site reservation. The required number of reserved units may be provided on the site of the subject development. In this case, the design and exterior appearance of the reserved units shall

be compatible with and substantially the same as the non-reserved units within the development and shall contain proportionately the same or a larger number of bedrooms and square footage per reserved unit as the non-reserved units.

- (b) Off-site provision of "for-sale" reserved units. If an applicant can provide evidence to demonstrate that on-site provision of reserved units is not feasible, with such evidence being deemed reasonable, accurate, and sufficient at the sole discretion of the city, then the reserved units may be provided as "for-sale" units at another site within the city limits of Oceanside conforming with the requirements of section 14C.5.
- (c) Off-site provision of rental reserved units. If an applicant can provide evidence to demonstrate that on-site provision of reserved units is not feasible, with such evidence being deemed reasonable, accurate, and sufficient at the sole discretion of the city, then the reserved units may be provided as rental units at another site within the city limits of Oceanside, excluding low-income impacted census tracts (i.e. census tracts 181, 182 (excluding blockgroup 3), 184, 186.03). Such reserved units must comply with the requirements of section 14C.5(b).
- (d) Joint venture off-site provision of rental reserved units. Provided all participating applicants can meet the "non-feasibility" test mentioned above, off-site rental projects may provide the reserved units for multiple applicants.
- (e) Reserved unit credits. If an applicant provides newly constructed units to meet the requirements for provision of reserved units pursuant to this chapter, and such new units exceed the number of reserved units required by this chapter, then the "excess" units may be used to meet the reserved unit requirements for another applicant. Any sale of "reserved unit credits" shall be an entirely civil transition with no regulation by the city (i.e. reserved unit credits may be sold for "what the market will bear"). Applicants who propose to meet their reserved unit requirement by purchasing reserved unit credits in another project must be able to meet the "non-feasibility" test for on-site provision. All reserved units credits must be deed restricted to comply with the requirements of section 14C.5(b).
- (f) Projects that exceed the base density allowance for the applicable zone and provide reserved units without the option of payment of a fee in-lieu of reservation shall be eligible for the options for providing reserved units specified in Sec. 14C.7(a) through (e), without the obligation to demonstrate that on-site provision of reserved units is infeasible. Projects that exceed the base density allowance for the applicable zone shall have the option of providing reserved units by the following additional means:
  - (1) The purchase, rehabilitation, and reservation of existing market-rate units, with the obligation to render these units consistent with current building and safety standards prior to recordation of affordability covenants;

- (2) The donation of land of adequate size and under appropriate zoning to accommodate the required number of reserved units, with the City maintaining sole discretion to approve such donation, pursuant to a legally binding agreement;
- (3) Purchase of reserved unit credits in another project, without the obligation to demonstrate the non-feasibility of on-site provision, with the City maintaining sole discretion to approve such purchase, pursuant to a legally binding agreement.

(Ord. No. 00-241-1, § 1, 4-12-00)

#### Sec. 14C.8. - Periodic review.

Annually, the city council shall review the status of compliance with this chapter, and the degree to which reserved units provided and fees collected pursuant to this chapter are addressing the shortfall of affordable housing units. Not later than five years after the effective date of this chapter, the city council shall consider a report by the city manager reviewing the reservation requirement and fee formula established to implement the provisions of this chapter to determine whether any adjustments in the reservation requirement or fee formula are warranted.

(Ord. No. 91-49, § 2, 10-23-91; Ord. No. 00-241-1, § 1, 4-12-00)

#### Sec. 14C.9. - Administration.

- (a) The provisions of this chapter shall be administered by the director of housing and neighborhood services of the City of Oceanside under the direction of the city manager.
- (b) The city council may adopt by resolution rules and regulations for the implementation of this chapter.
- (c) A developer and/or subsequent purchaser of a reserved unit shall be required to pay such fee as may be established by resolution of the city council to recover the cost to the city of administration of the provisions of this chapter.

(Ord. No. 91-49, § 2, 10-23-91; Ord. No. 00-241-1, § 1, 4-12-00)

#### Sec. 14C.10. - Building permit.

No building permit shall be issued for any residential project subject to this chapter unless the director of housing and neighborhood services has certified that the proposed development has complied with or is otherwise exempt from the provisions of this chapter.

(Ord. No. 91-49, § 2, 10-23-91; Ord. No. 00-241-1, § 1, 4-12-00)

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FOOTNOTE(S):

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(42) Editor's note—Ord. No. 91-49, § 1, adopted Oct. 23, 1991, repealed former Ch. 14C which pertained to similar provisions and derived from Ord. No. 82-49, § 1, adopted Dec. 15, 1989; and Ord. No. 83-02, § 1, adopted Feb. 9, 1983. Subsequently, Ord. No. 00-241-1, adopted April 12, 2000, repealed Ch. 14C in its entirety and substituted therefore a new chapter 14C to read as herein set out. (Back)