

CALIFORNIA COASTAL COMMISSION

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December 22, 2016

F18a

TO: COMMISSIONERS AND INTERESTED PERSONS

**FROM: KARL SCHWING, DEPUTY DIRECTOR, SD 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 LOCAL COASTAL
PROGRAM AMENDMENT NO. LCP-6-OCN-16-0042-1 (Zoning Ordinance
Update) for Commission Meeting of January 11-13, 2017**

SYNOPSIS

The subject LCP implementation plan amendment was submitted and filed as complete on November 15, 2016. The date by which the Commission must take action, absent an extension of the time limits by the Commission, is January 15, 2016. This report addresses the entire submittal. The proposed amendment will affect the certified LCP Implementation Plan only.

BACKGROUND

Currently the City of Oceanside utilizes two different zoning ordinances, one of which applies to lands within the coastal zone and serves as the City's certified Implementation Plan (IP), the second of which applies to lands outside the coastal zone. However, moving forward, the City is working to consolidate these two documents in order to have one zoning document that would apply Citywide. As such, the City has begun to update and merge these two documents through a phased approach. City and Commission staffs have been working cooperatively to expedite those changes, which do not raise Land Use Plan or Coastal Act consistency concerns. The Commission initially certified the changes that could be found to be minor in nature in December of 2015. The subject amendment now represents the second LCP amendment that continues the merging of these two zoning ordinances. This set of revisions was determined not to qualify as minor because the proposal includes the repeal of unused zoning designations, which is considered to be a change in land use. The administrative component of the process is limited to repeal of unused articles and merging of articles the City wants to keep. No substantive revisions have been included in the subject LCP Amendment request. However, during initial review of the proposed LCP Amendment in the spring of 2016, Commission staff provided a number of recommended revisions to the City. The City incorporated these revisions prior to the amendment being approved by its City Council and; therefore, the subject LCP amendment already includes the revisions previously recommended by Commission staff. It is anticipated that as the efforts to combine these

two zoning ordinances continue to move forward, the City will submit the substantive revisions to its certified IP as it moves toward the goal of having one certified zoning document to be applied Citywide. These substantive changes will include updating the City's stringline maps, modifying height restrictions, and updating definitions for terms that have historically caused issues for the City, among others. In addition, the City recently received a Commission Local Coastal Program Local Assistance Grant to include a Sea Level Rise Vulnerability Assessment, Adaptation Plan, and overall LUP Update, and; as such, the City will include these specific components into its proposed LCP Update.

SUMMARY OF AMENDMENT REQUEST

As detailed above, the City is currently undergoing efforts to merge two different zoning documents into one consolidated document. To that end, the City is requesting the repeal, certification and/or modification of several articles. The request includes nineteen articles proposed for repeal, five new articles proposed for certification, and minor revisions/clarifications to the City's certified Sign Ordinance. The articles proposed for repeal primarily consist of outdated or unused zones. Specifically, the City is proposing to remove the following zones: Article 4 (R-A Residential Agricultural Zone); Article 6 (R-2 Two Family Residential Zone); Article 8.1 (Residential Professional Zone); Article 9 (Recreational Commercial Zone); Article 13 (General Industrial Zone); Article 13.1 (Industrial Park Zone); Article 14.1 (Suburban Agricultural Zone); Article 14.2 (General Agricultural Zone); Article 14.3 (Dairy Agricultural Zone); Article 14.6 (Military Reservation and Public Zone); Article 14.7 (Manufactured Housing Zone); Article 25 (Planned Residential Development Zone); Article 26 (Planned Community Development); Article 28 (Scenic Park Zone); Article 29 (Planned Commercial Zone); Article 37 (South Strand Overlay Zone); Article 38 (Town Center Zone). The City is also requesting the repeal of two administrative articles including Article 16 (Specific Plans – Development Plans); and Article 31 (Residential Condominium and Stock Cooperative Conversions).

Further, the City is proposing certification of new five new articles to include the following: Article 22 (SP Scenic Park Overlay District), Article 32 (Condominium Conversions); Article 34 (Mobile Home Park Conversions); Article 43 (Development Plan Review); Article 44 (Development Agreements). Both Article 22 (SP Scenic Park Overlay District) and Article 32 (Condominium Conversions) will serve to replace Article 28 (Scenic Park Zone) and Article 31 (Residential Condominium and Stock Cooperative Conversions) respectively.

Finally, the City is proposing to amend existing Article 33 (Signs) to allow for window signs, remove the ability to install private party signs on City property, and to limit digital sign illumination to not exceed 0.3 foot-candles.

The initial LCP Amendment request (and attached resolution and ordinance approving the subject amendment request) contain additional articles proposed for revision. Specifically, the amendment originally included request for the removal of Article 15,

15.2, 19, 20 and the certification of Article 36, 41 and 45. However, for various reasons, the City is removing these articles from the subject request and will be processing these revisions at a later date and through a separate LCP amendment submittal.

SUMMARY OF STAFF RECOMMENDATION

Staff is recommending the Commission approve LCP Amendment No. LCPA-6-OCN-16-0042 as submitted by the City. While the project includes a significant number of revisions to the City's Implementation Plan, through cooperative work between City and Commission staffs, all potential LUP inconsistency concerns have been previously addressed. In the spring of 2016, Commission staff began review of the proposed amendment and in response to this review, and Commission staff requested a number of revisions to the subject amendment. Specifically, the revisions recommended by staff included two revisions within Article 31 (Condominium Conversions) that clarify the parking standards that apply and require that any density bonus associated with any approved condominium conversion located within the Coastal Zone must be found consistent with the City's LUP. Two additional revisions were included that suggested modifying Article 43 (Development Plan Review) to clarify that any approved development plan must be consistent with the City's Coastal Permit Handbook as well as the LUP. Finally, a revision was recommended to Article 44 (development Agreements) that any approved development agreement for a project located within the Coastal Zone must be found consistent with the City's LUP. These revisions were incorporated into the amendment prior to Council action and have therefore already been incorporated into the subject amendment request. As such, the proposed amendment can be found consistent with the City's LUP, and can be approved as submitted.

The appropriate resolutions and motions begin on page 6. The findings for approval of the Implementation Plan Amendment as submitted begin on page 6.

ADDITIONAL INFORMATION

Further information on the City of Oceanside LCP amendment LCPA-6-OCN-16-0042 may be obtained from Toni Ross, Coastal Planner, at (619) 767-2370.

EXHIBITS

[Exhibit 1 – Resolution](#)

[Exhibit 2 – Ordinance](#)

[Exhibit 3 – Article Proposed for Repeal \(not shown in strike-out\)](#)

[Exhibit 4 – Articles Proposed for Certification \(not shown in underline\)](#)

[Exhibit 5 – Articles Proposed for Modification \(shown in strike-out and underline\)](#)

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 shorefront 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.

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 on May 23rd and June 22nd 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 move that the Commission reject the Implementation Program Amendment for the City of Oceanside LCPA No. LCP-6-OCN-16-0042 as submitted.*

STAFF RECOMMENDATION OF CERTIFICATION AS SUBMITTED:

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

RESOLUTION TO CERTIFY IMPLEMENTATION PROGRAM AMENDMENT AS SUBMITTED:

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

PART III. FINDINGS FOR APPROVAL OF THE CITY OF OCEANSIDE IMPLEMENTATION PLAN AMENDMENT, AS SUBMITTED

A. AMENDMENT DESCRIPTION

The subject LCP amendment request includes a) repeal of 19 existing articles; b) certification of 5 new articles; and 3) revisions to existing Article 33.

B. FINDINGS FOR APPROVAL

The standard of review for LCP implementation submittals or amendments is their consistency with and ability to carry out the provisions of the certified LUP. The proposed changes are discussed separately and in greater detail in Subsection No. 1

(Articles Proposed for Repeal), Subsection No. 2 (Articles Proposed for Certification), and Subsection No. 3 (Articles Proposed for Modification) below.

1. Articles Proposed for Repeal.

a) Purpose and Intent of the Ordinance. The subject LCP amendment includes a number of articles proposed for repeal, and the purpose and intent of each article is briefly described below:

- Articles 4, 14.1, 14.2, and 14.3: To facilitate various types of agricultural uses including residential, suburban, general and dairy agriculture;
- Article 6 (Two-Family Residential): To allow for mid-level density residential development;
- Article 8.1 (Residential Professional): To facilitate low intensity business and offices;
- Article 9 (Recreational Commercial Zone): To provide recreation-oriented residential and commercially activities, located near recreational and scenic areas;
- Article 13 (General Industrial): To facilitate heavy industry;
- Article 13.1 (Industrial Park Zone): To facilitate development of an Industrial Zone;
- Article 14.6 (Military Reservation and Public Zone): To identify property under Federal or State ownership;
- Article 14.7 (Manufactured Housing): To facilitate the construction of manufactured homes;
- Article 16 (Specific Plans – Development Plans): To establish guidelines for the approval of specific and/or development plans;
- Article 25 (Planned Residential Development Zone): To encourage well designed residential developments on small parcels of land;
- Article 26 (Planned Community Development): To encourage well-designed multi-use development on larger parcels of land;
- Article 28 (Scenic Park Zone): To identify and regulate development in areas of valuable natural, recreational, and/or scenic resources located adjacent to parklands;
- Article 29 (Planned Commercial Zone): To provide appropriate compatibility of proposed large-scale retail and commercial with surrounding opposing uses;
- Article 31 (Residential Condominium and Stock Cooperative Conversions): To establish criteria for conversion of existing condominium or stock cooperative uses;
- Article 37 (South Strand Overlay): To specify development allowed within the South Strand area of the City;
- Article 38 (Town Center Zone): To provide efficient mixed use development in areas that have been identified as community centers.

b) Major Provisions of the Ordinance. The majority of the articles proposed for repeal are articles that provide the regulations for various zone

classifications. Thus, each of these articles contains the permitted uses and specific design standards allowed within each specific zone. Remaining articles for repeal include Article 16 and Article 31. Article 16 provides the process by which the City may approve specific and/or development plans and Article 31 includes definitions, informational requirements, procedures, and the findings necessary (including tenant's right to purchase, relocation assistance and provision of comparable housing) associated with approving the conversion of existing condominium or stock cooperative developments.

The City is proposing the repeal of a number of articles/zones of which the City has indicated are unused or outdated. None of the articles/zones proposed for repeal are currently assigned to any parcels located in the coastal zone. In addition, the City has indicated that they don't foresee needing these articles/zones in the future. However, the removal of types of uses permitted in these articles/zones, whether currently in use or not, can potentially result in the City's inability to adequately carryout policies of its LUP. Thus, the repeal of such zones needs to be reviewed both for current as well as possible future needs.

c) Adequacy of the Ordinance to Implement the Certified LUP Segments.

As proposed, the majority of the zones are disparate and do not raise LUP consistency concerns; these include: Article 6 (Two Family Residential Zone), Article 8.1 (Residential Profession Zone), Article 13 (General Industry Zone), Article 13.1 (Industrial Park Zone), Article 14.6 (Military Reservation Zone), Article 25 (Planned Residential Development Zone), Article 26 (Planned Community Zone), Article 29 (Planned Commercial Zone), and Article 38 (Town Center Zone). Commission staff has reviewed the above articles and have determined that uses permitted within these articles/zones can be accommodated by other remaining zones, are not considered to be priority uses requiring protection, and that the repeal of these specific zones would not raise any LUP consistency concerns.

The remaining zones proposed for repeal could have potential consistency concerns, as the repeal of each zone could result in the loss of uses protected by the City's LCP. Each of these are discussed in greater detail below.

Articles 4, 14.1, 14.2, and 14.3 - Various Agricultural Uses. Articles 4, 14.1, 14.2, and 14.3 are all agricultural zones. Coastal agriculture is a priority use protected by the Coastal Act as well as many coastal LCPs. However, the City of Oceanside's coastal zone is small, does not contain any prime agricultural land or any current agricultural uses. In addition, the City's Coastal Zone is currently built-out, and therefore, any future agricultural uses would require the removal of substantial amounts of existing development, and would likely not be suitable for agriculture even once development is removed. Finally, agriculture is not specifically protected by the City's LUP. The City's Coastal Zone does, however, contain other zones, such as R-1 and R-3, which will remain as a component of the City's IP and would allow for agricultural uses. Thus, while agriculture doesn't currently exist in the City's coastal zone, the repeal of these articles

does not preclude the ability to have agriculture in the future and can be found to be consistent with the City's LUP as proposed.

Article 9 – Recreational Commercial Zone. This article/zone includes provisions that would facilitate a number of uses protected by the City's LUP. These include publically owned recreational facilities such as boating facilities and docks. Thus, repeal of this article could result in less protection for such uses, inconsistent with the City's LUP. However, the City has indicated that these types of uses are limited to the Harbor area, which has its own article/zone, Article 36. Article 36 contains provisions that adequately promote and protect recreational uses, including boating facilities and docks, and is not proposed to be removed from the IP. Therefore, the repeal of Article 9 can be found to be consistent with the City's LUP as proposed.

Article 14.7 – Manufactured Housing Zone. This article/zone was originally included to address the development of manufactured homes specifically. However, the City has indicated that it does not distinguish between mobile and manufactured homes. Thus, this type of residential development is best regulated by other certified articles which allow for manufactured/mobile style residential developments. These articles include Single Family Residential Zone (R-1) and Medium Density Residential Zone (R-3). Since the City has not utilized Article 14.7 since its original certification in 1986, and there are other articles which facilitate this type of development, the repeal of Article 14.7 does not raise any coastal resource concerns and can be found consistent with the City's LUP as proposed.

Article 16 – Specific Plans – Development Plans. Article 16 concerning Specific Plans is another article that the City has not used, and is therefore considered to be outdated. As a component of the subject LCP Amendment, the City is proposing the certification of Article 43 addressing Development Plans (discussed in Section III.B.2.c. below). The City is not proposing to replace the provisions regarding Specific Plans at this time. The City has indicated that the approval of Specific Plans is regulated by Government Code Sections 65450 - 65457, and therefore, no specific provisions need to be included in the City's IP. In addition, the certification of any Specific Plan located in the Coastal Zone would require the processing and approval of the Specific Plan through the certification of an LCP amendment. It is at this time that the policies of the City's LUP would be invoked, and consistency of the proposed Specific Plan with the certified LUP would be determined. Thus, the repeal Article 16 can be found consistent with the City's LUP.

Article 28 – Scenic Park Zone. The regulations contained within the Scenic Park Zone help to implement the City's LUP policies protecting open space, community character, and recreational uses. Thus, repeal of the article could result in the loss of the protection for such uses, inconsistent with the LUP. However, as a component of the subject LCP, the City is proposing to replace this Article with Article 22 (SP Scenic Park Overlay District), which contains similar provisions as Article 28 (discussed in greater detail in Section III.B.2.c below). In addition, Article 22 is a zone that has not been used since its inception, whereas Article 28 is an overlay that can be added to any zone. Thus the City's ability to protect existing parcels as a Scenic Park becomes more streamlined

through the certification of Article 22 and the protection would have a broader application. Therefore, the repeal of the Article 28 can be found consistent with the City's LUP as proposed.

Article 31 – Residential Condominium and Stock Cooperative Conversions. Article 31 was certified by the Commission in 1986 and has not undergone an update since that time. The majority of the provisions contained within this article are outdated, and likely do not adequately represent current housing law. The City is proposing to replace this outdated article with an updated version – Article 32. Article 32 (Condominium Conversions) is being reviewed by the Commission as a component of this amendment. The consistency of Proposed Article 32 with the City's certified LUP are discussed in greater detail in Section III.B.2.c below. Therefore, the repeal of Article 31 can be found to be consistent with the City's LUP as proposed.

Article 37- South Strand Overlay Zone. This zone was established in coordination with the Coastal Commission and was intended to protect visitor serving uses in an important shorefront location. However, the Commission has since certified the relocation of these uses to an adjacent shorefront area called the 9-Block Master Plan, which was approved by the Commission through LCPA 1-91 in February 1992. The purpose of the master plan was to insure that eventual development of the entire nine-block area includes a minimum of 240 hotel rooms and 81,800 sq. ft. of visitor-serving commercial uses as specified by the master plan. It was through this process that the South Strand area was permitted to become a predominantly residential section of the City. The South Strand has since been incorporated into the City's certified Downtown Area as Sub-District 15 (ref. LCP Amendment No. 1-91). Thus, Article 37 is a remnant zone, that has been effectively replaced through previous Commission actions and repeal of the article can be found to be consistent with the City's LUP as proposed.

2. Articles Proposed for Certification.

a) Purpose and Intent of the Ordinance. The subject LCP amendment includes the certification of five new articles. Two have been included as replacements for articles proposed for repeal, and three are entirely new articles. The two proposed replacement articles include Article 22 - Scenic Park Overlay, to replace the Scenic Park Zone and Article 32 - Condominium Conversions to replace Residential Condominium and Stock Cooperative Conversions. The purpose and intent of the Scenic Park Overlay is conserve and protect existing natural resources, to provide design standards that will be compatible with surrounding open space areas and preserve natural slopes on properties located adjacent to parklands. The purpose and intent of Article 32 - Condominium Conversions is to adequately address the social and economic concerns associated with the conversion of residential structures from one individual owner to condominiums.

The three entirely new articles proposed for certification include Article 34 – Mobile Home Park Conversions, Article 43 – Development Plan Review, and Article 44 – Development Agreements. The purpose of the article on Mobile Home Park Conversions

is to ensure that any conversion is preceded by adequate notice, and that relocation or other assistance is provided to the park residents. The purpose and intent of the article on Development Plan Review is to ensure that new development includes well-designed architecture with open space and landscaping elements, and that new development will not create public service and facility demands that exceed capacity. The purpose and intent of the article regarding Development Agreements is to be consistent with Government Code Section 65864, which authorizes local governments to enter into development agreements with applicants. These agreements, once finalized, serve to vest certain development rights, thus Article 44 establishes procedures and requirements for the City in order to allow for consideration of specific development agreements.

b) Major Provisions of the Ordinance.

Article 22 – Scenic Park Overlay District. This overlay could be applied to any property that is located in the vicinity of the City’s Guajome Regional Park (located outside the coastal zone) and any other districts bordering public parks. The article includes development regulations such as limitations on grading, view preservation, building height, materials and finishes, parking, and signage.

Article 32 – Condominium Conversions. This article would apply to anyone seeking the conversions of an existing apartment building or stock cooperative or similar style residential development to single-unit ownership. This article first restricts the application for conversion if the vacancy rate for multi-family developments within the City is less than 5 percent. The article further requires there to be a tenant agreement for conversion of 75 percent or greater of the existing units, and the applicant must agree to sell or rent 25% of the units to low- or moderate-income households. Finally, the applicant must submit evidence that all the units are in good working condition, and submit a complete list of the current tenants including family size, age and length of resident stay. All of this has been included to insure that conversion of existing rental units addresses concerns regarding social and economic equity.

Article 34 – Mobile Home Park Conversions. The major provisions of the Mobile Home Park Conversions article include applicable definitions, the permits required for a conversion, and a detailed relocation plan (including the provision of moving expenses for displaced residents). The article also lists findings for conversion, which include that there is adequate space in other housing or mobile home parks to accommodate displaced residents, that the conversion will not displace low-income mobile home residents who cannot afford rents charged in other mobile home parks in the City, that the residents have been given the right of first refusal to purchase their dwelling unit, and that any resident displaced shall be compensated.

Article 43 – Development Plan Review. The major provisions of this article include identification of who is responsible for the review of a proposed development plan. This is determined based on the zone in which the project is located. For example, for projects located within the Harbor Zone, a development plan shall be reviewed by the Harbor Board of Directors; for the Downtown Area, proposals are reviewed by the City Planner.

The article also describes what needs to be included in the application for any development plan (application form, site plans) the process by which such plans are approved (notice, administrative/public hearing), and the required findings and conditions of approval.

Article 44 – Development Agreements. The major provisions of Article 44 include the application requirements, the public hearing requirements for any proposed development agreement, and the annual review of previously approved agreements. The article allows for flexibility as to the specific developments which could be approved, to be determined at the time of review of a proposed development agreement.

c) Adequacy of the Ordinance to Implement the Certified LUP Segments.

Article 28 - Scenic Park Overlay District. As discussed in Section III.B.1.c above, the provisions contained within the Scenic Park Overlay help to implement the City's LUP policies protecting open space, community character, and recreational uses. In addition, the Scenic Park Zone currently certified (Article 22) is a distinct zone, whereas Article 28 is an overlay that can be added to any zone adjacent to public parkland. Thus the City's ability to protect existing parcels as "Scenic Park" becomes more streamlined through the certification of Article 28, and has a broader application. Therefore, the certification of Article 28 found to be consistent with the City's LUP as proposed

Article 32 – Condominium Conversions. This Article serves to replace the currently certified article (Article 31) regarding conversion of single-ownership, multi-family residential structures to individual ownership for each unit. The provisions contained within both articles are similar, however, new Article 32 includes updated provisions for the application process (Article 32 requires that the vacancy rate for multi-family developments be greater than 5% and that 75% of tenants desire to convert units to condominiums). Article 32 also requires that any conversion must confirm to all current parking requirements, and must offer the units to the current tenants for purchase at a discounted rate. The currently certified Article 31 does not require that the adequacy of parking at any development be assessed at the time of conversion. Thus, Article 32 can be considered an improvement with respect to parking impacts on public access, and can be found consistent with the City's LUP as proposed.

Article 34 – Mobile Home Park Conversions. 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 discouraged the conversion of mobile home parks as a means to protect affordable housing, the Commission must also ensure that such efforts still protect coastal resources. The conversion of mobile home parks require the subdivision of the land, which is considered as development and thus will require review and issuance of a coastal development permit. It is through the CDP review/approval process that applicable LUP policies will be applied, and adequate protection of coastal resources confirmed.

Therefore, the certification of Article 34 can be found consistent with the City's LUP as proposed.

Article 43 – Development Plan Review. Article 43 predominantly contains the administrative process for reviewing and approving development plans. However, the Commission has already certified a process for review of development plans located in the coastal zone, which is contained within the City's Coastal Permit Handbook. Through early review, Commission staff recommended that this article make reference to the Coastal Permit Handbook, and ultimately the LUP in a number of locations throughout the article. The proposed amendment includes these recommended references. Therefore, it is clear that the standards for reviewing development plans located within the coastal zone include both the Coastal Permit Handbook and the certified LUP. Therefore, the certification of Article 43 can be found consistent with the City's LUP as proposed.

Article 44- Development Agreements. The intent of development agreements is to provide a process by which the City can authorize and vest certain development rights, which are governed by Government Code Section 65864. The primary concern regarding development agreements is that time can lapse from when the development agreement was approved and when the development occurs and during this time period, development standards, LCP policies that provide protection to coastal resources, protected wildlife, etc., could be modified and/or updated. Thus, the development approved by the development agreement could be inconsistent with the City's LCP and may not be the most protective of coastal resources. However, in this case the City has included the following language:

A development agreement shall not prevent the City, in subsequent actions applicable to the property, from applying new rules, regulations, and policies which do not conflict with those rules, regulations, and policies applicable to the property as set forth herein, nor shall a development agreement prevent the City from denying or conditionally approving any subsequent development project application on the basis of such existing or new rules, regulations, and policies. No rights shall be deemed to vest in the applicant, or any other person, under any development agreement, except as expressly set forth in the development agreement.

As such, it is clear, in this case, that if new rules, regulations and policies are in place at the time the Coastal Development Permit is issued, the City has the ability to apply the new regulations and/or deny or conditionally approve the project based on these updated provisions. As such, the City has already addressed the primary concern regarding Development Agreements for properties located in the coastal zone. In addition, Section 4407 of the proposed article includes language that clarifies that for any Development Agreement issued for a property located in the coastal zone the agreement must be found consistent with all applicable policies of the certified Land Use Plan. Therefore, the certification of Article 44 can be found consistent with the City's LUP as proposed.

3. Articles Proposed for Modification.

a) Purpose and Intent of the Ordinance. The only article proposed for revisions is Article 33. The purpose and intent for this article is to provide a comprehensive process for the regulation of signs located within the Downtown District, on City-owned land, and the remainder of the City separately.

b) Major Provisions of the Ordinance. The major provisions of the ordinance vary for each sub-article. The primary provisions of Sub-Article 33A (Citywide) include the prohibition of new billboards, the permitting of pole, ground, or monument signs in commercial and industrial zones, the permitting of only small freestanding signs within the City's historic district, and the citywide prohibition on a number of sign types including animated signs, roof signs and the like. The primary provisions of Sub-Article 33B (City-owned Parcels) include the permitting of governmental signage, picketing, commercial mascots, and informative kiosks on city-owned lands. In addition, Sub-Article 33B contains a provision (Section 3318) that facilitates private party (commercial) signage on city property. The primary provisions of Sub-Article 33C (Downtown District) include provisions similar to those proposed citywide with one exception. Specifically, Sub-Article 33C (Downtown District) is located entirely in the coastal zone, and thus does not include any allowance for Digital Display Signage.

c) Adequacy of the Ordinance to Implement the Certified LUP Segments. The proposed revisions to Article 33 are minor in nature and serve to either further restrict signage, or provide clarification for specific provisions that are already a certified component of the article. Specifically the proposed revisions include clarification that digital window signs are permitted. Article 33 was originally approved by the Commission in January of 2016, however, since that time the City has recognized that the prohibition of digital display signage (digital billboards) inadvertently also prohibited smaller digital signs placed in windows. This was not the City's intent. Thus, this revision will clarify that smaller-scale digital window signs are allowed. Further, the proposed revisions would limit the illumination of proposed digital signs to 0.3 foot candles over ambient lighting and would prohibit private party signs on City property. The proposed changes would also include a number of clerical changes identified as necessary since implementation of Article 33. All of the revisions proposed to Article 33 can be found to be consistent with and adequate to carry out the certified LUP as proposed.

PART IV. 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. Instead, the Coastal Commission acts as lead agency for the purposes of fulfilling CEQA. 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 submission. 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, § 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. This report has discussed the relevant coastal resource issues with the proposed amendment and found that the amendment would not result in an intensification of land uses, or have adverse impacts on coastal resources. The proposed amendment will not result in any significant environmental effects for which feasible mitigation measures have not been employed consistent with CEQA Section 21080.5(d)(2)(A).

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LCP-6-OCN-16-0042-1

Articles 15, 15.2, 19, 20, 36, 41, and 45 NOT A PART

RESOLUTION NO. 16-R0435-1

16-R0436-3

A RESOLUTION OF THE CITY COUNCIL AND COMMUNITY DEVELOPMENT COMMISSION OF THE CITY OF OCEANSIDE AMENDING THE LOCAL COASTAL PROGRAM BY REPEALING ARTICLES 4, 6, 8.1, 9, 13, 13.1, 14.1, 14.2, 14.3, 14.6, 14.7, 15, 15.2, 16, 19, 20, 25, 26, 28, 29, 31, 37 AND 38 OF THE 1986 ZONING ORDINANCE AND AMENDING ARTICLES 22, 32, 33, 34, 36, 41, 43, 44 AND 45 OF THE 1992 ZONING ORDINANCE AND ESTABLISHING THE AMENDED TEXT AS PART OF THE IMPLEMENTING DOCUMENT OF THE COASTAL PROGRAM AND REQUESTING CALIFORNIA COASTAL COMMISSION CERTIFICATION OF SAID AMENDMENT

RECEIVED
AUG 17 2016

CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

(City of Oceanside -Applicant)

(LCPA15-00004)

WHEREAS, the California Coastal Act (Public Resources Code §30000, et seq.) (the "Coastal Act") requires that the City adopt a Local Coastal Program (LCP) which meets the requirements of the Coastal Act at the local level and implements its provisions and policies;

WHEREAS, on January 25, 1985, the California Coastal Commission ("Commission") approved with suggested modifications, the City's Land Use Plan ("LUP") and, pursuant to Public Resources Code §30512.2, found the City's LUP to be consistent with the policies and requirements of Chapter 3 of the Coastal Act and to meet the basic stated goals specified in Public Resources Code §30001.5;

WHEREAS, on December 8, 2008, the California Coastal Commission (CCC) established with the City of Oceanside that development proposals in those portions of the Coastal Zone located outside of the Downtown Redevelopment Area would be reviewed for consistency under the standards of the City's 1986 Zoning Ordinance, in light of the fact that the previously applicable 1992 Zoning Ordinance had never received CCC certification; and

WHEREAS, on May 11, 2009, the City acknowledged in correspondence to the CCC an obligation to use the 1986 Zoning Ordinance as the standard for review of development proposals within those portions of the Coastal Zone located outside of the Downtown Redevelopment Area; and

WHEREAS, it is the desire of the City Council to establish a common framework of zoning regulations for coastal and inland areas, inclusive of the downtown planning area; and

1 WHEREAS, the Planning Division has prepared recommendations for text amendments to
2 consolidate development standards and procedures within one zoning ordinance; eliminate zoning
3 districts and associated development standards not applicable to the coastal zone; and update
4 references to decision-making bodies, City departments and management staff titles to reflect the
5 City's current organization (ZA15-00008); and
6

7 WHEREAS, on May 23, 2016, the Planning Commission conducted a duly-noticed public
8 hearing as prescribed by law and recommended City Council approval of said zoning ordinance
9 text amendment and Local Coastal Program amendment by unanimous vote; and

10 WHEREAS, a Notice of Exemption was prepared by the Resource Officer of the City of
11 Oceanside for this project pursuant to the California Environmental Quality Act of 1970 and the
12 State Guidelines thereto amended to date and hereby approved by the City Council in
13 conjunction with its recommendations on the application; and

14 WHEREAS, the City Council and Community Development Commission conducted a
15 joint duly-noticed public hearing on June 22, 2016, to consider Zone Amendment ZA15-00008
16 and Local Coastal Program Amendment LCPA15-00004, and the recommendation of the
17 Planning Commission thereon, and heard and considered written and oral testimony regarding
18 the proposed amendments; and

19 WHEREAS, based upon such evidence, testimony and staff reports, this Council finds
20 that the Local Coastal Program Amendment (LCPA15-00004) conforms with and is adequate to
21 carry out the land use plan of the Local Coastal Program.

22 NOW, THEREFORE, the City Council of the City of Oceanside DOES RESOLVE as
23 follows:

- 24 1. Pursuant to Public Resources Code §30510(a), the Oceanside City Council hereby
25 certifies that the Local Coastal Program Amendment (LCPA15-00004 is intended to be
26 carried out in a manner fully in conformity with the Coastal Act, and is hereby adopted.
- 27 2. Pursuant to the California Environmental Quality Act of 1970, and the State Guidelines
28 thereto amended to date, a Notice of Exemption has been issued for the project by the
Resource Officer for the City of Oceanside.

1 3. Pursuant to Coastal Commission Local Coastal Program Regulations §13551(b), this
2 Local Coastal Plan Amendment shall take effect upon Coastal Commission approval.

3 4. Notice is hereby given that the time within which judicial review must be sought on the
4 decision is governed by Public Resources Code §30801.

5 PASSED AND ADOPTED by the Oceanside City Council/Community Development
6 Commission this 22nd day of June, 2016, by the following vote:

7 AYES: FELLER, KERN, LOWERY, SANCHEZ

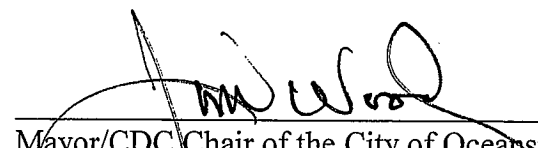
8 NAYS: NONE

9 ABSENT: NONE

10 ABSTAIN: WOOD

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13 ATTEST:

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15 _____
16 City Clerk/ CDC Secretary

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Mayor/CDC Chair of the City of Oceanside

APPROVED AS TO FORM:



City Attorney/ CDC General Counsel

Articles 15, 15.2, 19, 20, 36, 41, and 45 NOT A PART

ORDINANCE NO. 16-OR0513-1

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OCEANSIDE REPEALING ARTICLES 4, 6, 8.1, 9, 13, 13.1, 14.1, 14.2, 14.3, 14.6, 14.7, 15, 15.2, 16, 19, 20, 25, 26, 28, 29, 31, 37, AND 38 OF THE 1986 ZONING ORDINANCE, AMENDING ARTICLES 22, 32, 33, 34, 36, 41, 43 AND 44 OF THE 1992 ZONING ORDINANCE AND ESTABLISHING THE AMENDED TEXT AS PART OF THE IMPLEMENTING DOCUMENT OF THE LOCAL COASTAL PROGRAM

WHEREAS, it is the desire of the City Council to establish a common framework of zoning regulations for coastal and inland areas, inclusive of the downtown planning area; and

WHEREAS, the Planning Division has prepared recommendations for text amendments to the 1992 Oceanside Zoning Ordinance (ZA15-00008) to consolidate development standards and procedures within one zoning ordinance; eliminate zoning districts and associated development standards not applicable to the coastal zone; and update references to decision-making bodies, City departments and management staff titles to reflect the City's current organization; and

WHEREAS, on May 23, 2016, the Planning Commission conducted a duly-noticed public hearing as prescribed by law and recommended City Council approval of said zoning ordinance text amendments by unanimous vote; and

WHEREAS, the City Council conducted a duly-noticed public hearing on June 22, 2016, to consider Zone Amendment ZA15-00008, and the recommendation of the Planning Commission thereon, and heard and considered written and oral testimony regarding the proposed Zone Amendment; and

WHEREAS, based upon such evidence, testimony and staff reports, this Council finds that Zone Amendment ZA15-00008 conforms to the General Plan and Local Coastal Program of the City of Oceanside; and

WHEREAS, a Notice of Exemption was prepared by the Resource Officer of the City of Oceanside for this project pursuant to the California Environmental Quality Act of the 1970 and State Guidelines;

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

EXHIBIT NO. 2

Ordinance

Oceanside LCP No. LCPA-6-OCN-16-0042-1
California Coastal Commission

1 SECTION 1. Zone Amendment (ZA15-00008), repealing Articles 4, 6, 8.1, 9, 13,
2 13.1, 14.1, 14.2, 14.3, 14.6, 14.7, 15, 15.2, 16, 19, 20, 25, 26, 28, 29, 31, 37 and 38 of the 1986
3 Zoning Ordinance and amending Articles 22, 32, 33, 34, 36, 41, 43, and 44 of the 1992 Zoning
4 Ordinance and introducing the revised text of the Oceanside Zoning Ordinance as part of the
5 implementing document of the City's Local Coastal Program, as specified in Exhibit A, is
6 hereby adopted.

7 SECTION 2. The City Clerk of the City of Oceanside is hereby directed to publish
8 this Ordinance, or the title hereof as a summary, pursuant to state statute, once within fifteen
9 (15) days after its passage in a newspaper of general circulation published in the City of
10 Oceanside.

11 SECTION 3. Severability.

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

18 SECTION 4. Notice is hereby given that the time within which judicial review must
19 be sought on this decision is governed by Government Code Section 65009(c).

20 SECTION 5. For properties within the Coastal Zone, this ordinance shall be effective
21 upon certification of Local Coastal Plan Amendment (LCPA15-00004) by the California
22 Coastal Commission. For properties outside of the Coastal Zone, this ordinance shall be
23 effective 30 days after its adoption.

24 INTRODUCED at a regular meeting of the City Council of the City of Oceanside,
25 California, held on the 22nd day of June, 2016, 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 10th day of August, 2016, by the following vote:

3 AYES: WOOD, FELLER, KERN, LOWERY, SANCHEZ

4 NAYS: NONE

5 ABSENT: NONE


6 ABSTAIN: NONE

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8 MAYOR OF THE CITY OF OCEANSIDE

9 ATTEST:

APPROVED AS TO FORM:

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11 CITY CLERK

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13 CITY ATTORNEY

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28 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OCEANSIDE REPEALING ARTICLES 4,
6, 8, 1, 9, 13, 13.1, 14.1, 14.2, 14.3, 14.6, 14.7, 15, 15.2, 16, 19, 20, 25, 26, 28, 29, 31, 37 AND 38 OF THE
1986 ZONING ORDINANCE, AMENDING ARTICLES 22, 32, 33, 34, 36, 41, 43 AND 44 OF THE 1992
ZONING ORDINANCE AND ESTABLISHING THE AMENDED TEXT AS PART OF THE
IMPLEMENTING DOCUMENT OF THE LOCAL COASTAL PROGRAM

Articles Proposed for Repeal but Not Shown in Strike-out

ARTICLE 4

R-A - RESIDENTIAL AGRICULTURAL ZONE (R-A ZONE)

Section 400: PURPOSE. The purpose of the Residential Agricultural Zone is to serve as a "holding zone" which will provide a transition between present agricultural activities and future land uses as shown on the General Plan. It is further intended that prior to development, and land in the R-A zone with a lot size of less than one (1) acre shall be rezoned to conform with the General Plan and said land shall not be subdivided for residential, commercial or industrial purposes until such reclassification is effective.

Section 401: GENERAL CRITERIA. The following general criteria are hereby established for use in the classification of Residential Agricultural Zones:

- (a) General Plan - Compliance with the General Plan shall be established.
- (b) 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.
- (c) Utilities - The existing utility system (water, sewer, drainage, electrical, gas and communications facilities) are adequate or new systems shall be constructed to adequately serve any residential-agricultural developments.

Section 402: PERMITTED USES. In a R-A zone the following uses only are permitted as hereinafter specifically provided and allowed, subject to the provisions of Article 27 governing off-street parking requirements.

- (1) Single family dwellings.
- (2) Accessory buildings and structures, including private garages, to accommodate not more than four cars; provided additional garages or implement shelters may be erected, maintained and used on sites of ten acres or more, and provided that such structures shall not occupy any required yard space.
- (3) Greenhouses, fruit trees, nut trees, vines and other horticultural stock.

- (4) Agricultural crops.
- (5) Stands for the display and sale of agricultural products raised on the premises.
- (6) The following poultry and animals under the following conditions:
 - (a) Poultry or rabbits for domestic or commercial uses, provided that all such poultry and rabbits shall be confined at all times within an enclosure.
 - (b) Horses, and the grazing of bovine animals (excluding dairies) provided that on sites containing four acres or less such domestic animals shall not exceed a number equal to two (2) horses or two (2) bovine animals per acre of ground devoted to feed for same (excluding feed lots).
 - (c) The keeping of all domestic animals provided for in this article shall conform to all other provisions of law governing same. No pen, coop, stable or barn, shall be kept or maintained within forty (40) feet of any building used for human habitation or any portion of a required yard space located on adjoining property, or within forty (40) feet of any street or public property; nor may any fowl or animal be kept or maintained closer than forty (40) feet to any structure used for human habitation.

Section 403: DENSITY - LOT AREA PER DWELLING UNIT. All dwelling units in the R-A Zone shall have a minimum lot area of not less than one (1) acre, unless otherwise shown on the zoning map.

Section 404: FRONT YARD. See Section 1701.

Section 405: SIDE YARDS. See Section 1702.

Section 406: REAR YARD. See Section 1703.

Section 407: LOT SIZE. See Section 1704.

Section 408: LOT WIDTH. See Section 1706.

Section 409: MAXIMUM LOT COVERAGE. See Section 1707.

Section 410: LOT DEPTH. See Section 1708.

Section 411: HEIGHT. See Section 1709.

Section 412: PLACEMENT OF BUILDINGS. See Section 1710.

ARTICLE 6

R-2 - TWO FAMILY RESIDENTIAL ZONE (R-2 ZONE)

Section 600: PURPOSE. The purpose of the Two Family Residential Zone is to classify and set standards for the orderly development of two family residential subdivisions in a manner that will be compatible with surrounding properties and the protection of their values. It is further intended to provide a transition between low density and high density residential developments and/or non-residential developments.

Section 601: GENERAL CRITERIA. The following general criteria are hereby established for use in the classification or reclassification of land to the R-2 Zone:

- (a) General Plan - Compliance with the General Plan shall be established.
- (b) Location - Two family residential areas shall be located with primary access to a residential collector street as shown on the Major Street Plan having a pavement width of not less than 40 feet.
- (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 two family residential developments.

Section 602: PERMITTED USES. In the R-2 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) Any use permitted in the R-1 Single Family Zone.

- (2) Accessory buildings and structures, including private garages.
- (3) Two-family dwellings, provided if a one-family dwelling existed on such lot on the effective date of this ordinance a second one-family dwelling may be erected, provided also that on corner lots two single-family homes may be erected if one house faces the street upon which such lot fronts and the other house faces upon the side street.
- (4) A three-family or a four-family dwelling when the side line of the lot abuts lots zoned for R-P, R-T, C-1, C-2, or F, but in no case shall the property used for such three or four-family dwelling consist of more than one lot, or be more than ninety feet in width, whichever is the least.
- (5) Additional uses may be permitted as contained in Article 15 subject to the issuance of a conditional use permit.

Section 603: DENSITY - LOT AREA PER DWELLING UNIT. All dwelling units in the R-1 zone shall have a minimum lot area of 2,500 square feet per unit.

Section 604: FRONT YARD. See Section 1701.

Section 605: SIDE YARDS. See Section 1702.

Section 606: REAR YARD. See Section 1703.

Section 607: LOT SIZE. See Section 1704.

Section 608: LOT WIDTH. See Section 1706.

Section 609: MAXIMUM LOT COVERAGE. See Section 1707.

Section 610: LOT DEPTH. See Section 1708.

Section 611: HEIGHT. See Section 1709.

Section 612: PLACEMENT OF BUILDINGS. See Section 1710.

ARTICLE 8.1

RESIDENTIAL-PROFESSIONAL ZONE (R-P ZONE)

Section 801.10: PURPOSE.

- (a) To provide areas for the development of certain low-intensity business and professional offices and related uses. Low intensity uses are defined as those which function inside office-type buildings during normal business hours on weekdays, and sometimes Saturday, which require the parking usually related to regular office or medical/dental facilities and which generate traffic such as that generated by a personal service business or medical offices, and which is dispersed evenly throughout the day.
- (b) To provide a transitional area from intense uses and areas of lesser intensity.
- (c) To provide housing within walking distance of business and services.
- (d) To provide an opportunity for an integrated mixed use and unified development composed of a dominant use and subordinate uses over the entire site area as well as within individual structures..

Section 801.12: GENERAL CRITERIA. The following general criteria are hereby established for use in the classification or reclassification of land to the R-P Zone.

- (a) General Plan. Compliance with the General Plan shall be established. For residential portions the maximum density shall be 15 dwelling units to the acre.
- (b) Location. Residential-Professional uses shall be located with primary access to an arterial, major or collector street as shown on the Major Street Plan.
- (c) Need. A demonstrated public need shall be established.
- (d) Utilities. The existing utility system (water, sewer, drainage, electrical, gas and communications facilities) are adequate or new

systems shall be constructed to adequately serve office-professional and residential developments.

- (e) Development Plans. Before development of any R-P zoned land, a full Development Plan on the R-P zoned land shall be filed with and approved by the Planning Commission pursuant to the provisions of Article 16, 1611 (c) governing Development Plans.

In addition to the information required for a Development Plan, Development Plans for the R-P zone shall contain the following:

- (1) A list of the range of uses intended to be allowed in the particular area covered by the Development Plan.
- (2) The amount of parking to be provided based on the above uses and the requirements of Section 27 of the Zoning Ordinance.
- (3) The projected amount of traffic to be generated by the project and what the anticipated peak hours will be.
- (4) A preliminary sign plan for the area covered by the R-P zone.

Section 801.13: PERMITTED USES. Uses in the R-P zone (other than residential) shall be those conducted inside office spaces and requiring normal business office or medical/dental office parking. The uses shall be those in which business is conducted between the hours of 7:00 a.m. and 7:00 p.m. Monday through Saturday. Customer traffic shall be distributed throughout the day. The "Residential-Professional" designation is a Multi-Use designation which accommodates certain low intensity business and professional uses as well as multi-unit residential housing in an integrated manner.

The following is a list of typical uses:

- (a) Administrative and professional offices for doctors, dentists, oculists, optometrists, osteopaths, chiropractors, psychologists and others practicing the healing arts for human beings, accountants, attorneys, architects, engineers, planners, landscape architects, surveyors, insurance agents, real estate brokers, escrow officers and contractors.

- (b) Advertising agency offices.
- (c) Financial institutions such as banks, credit bureaus, collection agencies and savings and loans.
- (d) Child care nurseries.
- (e) Dental, medical, x-ray, bio-chemical and optometrical laboratories, provided such services are limited to human beings.
- (f) Employment agencies.
- (g) Rest homes and sanitariums, and similar human care facilities other than hospitals.
- (h) Institutions of an educational, philanthropic and charitable nature and their related offices.
- (i) Libraries and reading rooms.
- (j) Multiple unit residential dwellings and appurtenances related to such residential development with a maximum site area density of 15 units per acre which is established as consistent with the Land Use Element of the General Plan.
- (k) Pharmacies (drug stores), coffee shops, gift and flower shops as an appurtenant use to professional office buildings provided that such uses are located inside the main office building and further provided that such uses do not occupy more than 50 percent of the gross floor area of the floor on which they are located.
- (l) Public parking areas 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.
- (m) Secretarial and telephone answering services.
- (n) Security patrol services.
- (o) Personal repair services for small hand carried items such as appliances, small office equipment, shoes, etc.
- (p) Stock and bond brokerage offices, economic and financial advisors.

(q) Other uses similar to those listed above and approved by the City Planner using the criteria listed above.

(r) Additional uses may be permitted as contained in Article 15 subject to the issuance of a Conditional Use Permit.

Section 801.14: FRONT YARD. See Section 1701 (c).

Section 801.15: SIDE YARD. See Section 1702 (d).

Section 801.16: REAR YARD. See Section 1703 (b).

Section 801.17: LOT SIZE. See Section 1704 (c).

Section 801.18: LOT WIDTH. See Section 1706 (F).

Section 801.19: PERMISSIBLE LOT COVERAGE. See Section 1701 (c).

Section 801.30: LOT DEPTH. See Section 1708 (c).

Section 801.21: HEIGHT. See Section 1709 (b) and (c).

Section 801.22: PLACEMENT OF BUILDINGS. See Section 1710.

Section 801.23: LANDSCAPING. See Section 1731.

Section 801.24: LANDSCAPING MAINTENANCE STANDARDS. See Section 1732.

Section 801.25: WALLS. See Section 1721 (e).

Section 801.26: SIGNS. See Article 33.

Section 801.27: OPEN SPACE. Any area covered by the R-P zone shall have at least 10 percent of the net area in useable open space. This calculation excludes required setbacks, parking lots, driveways, and other vehicular accessways and landscape requirements, but may include sidewalks and pedestrian trails.

The open spaces shall be distributed throughout the various uses in the area covered by the zone as determined during the approval of the Development Plan. Such common open space areas shall be centrally located and available for use by residents, employees and the general public. The common open space shall be administrated and maintained by one or a combination of the following two methods:

- (a) Establishment of an association or non-profit corporation of all property owners or corporations within the project area to insure perpetual maintenance of all common open space.
- (b) Retention of ownership, control and maintenance of all common open space by the developer.

In addition, private open space for ground floor residential units shall be a minimum of 200 square feet. Units on the second or third stories may have balconies that when combined equal at least 50 square feet per unit.

ARTICLE 9

RECREATION-COMMERCIAL ZONE (R-C ZONE)

Section 900: PURPOSE. The primary purpose of the Recreation-Commercial Zone is to provide recreation-oriented residential and commercial activities, conveniently located near recreational and scenic areas with immediate and easy access to freeways and major thoroughfares.

This zone, through its various development standards, is intended to be compatible with surrounding residential developments and encourages high-quality development to ensure continued tourist support.

Section 901: GENERAL CRITERIA. The following general criteria are hereby established for use in the classification or reclassification of land to the R-C Zone.

- (a) General Plan - Compliance with the General Plan shall be established.
- (b) Recreation-commercial areas shall be so located to have easy access to or from freeways and major arterials.
- (c) Utilities - The existing utility system (water, sewer, drainage, electrical, gas and communications facilities) are adequate or new systems shall be constructed to adequately serve recreation-commercial developments and shall be underground.
- (d) Development Plans. Prior to the issuance of a building permit, a development plan shall be filed with and approved by the Planning Commission pursuant to the provisions of Article 16, Section 1611, governing development plans.

Section 902: PERMITTED USES. In the R-C Zone only the following uses are permitted as are hereinafter specifically provided and allowed subject to the provisions of Article 27 governing off-street parking requirements.

- (1) Hotels, motor hotels, and motels.
- (2) Publicly owned recreational facilities such as beaches, boat houses, boat rides, boat landing and

docking facilities, playgrounds, surf fishing and community buildings.

(3) The following commercial activities subject to limitations on permitted uses as contained hereinafter.

- (a) Barber shops and beauty shops.
- (b) Cocktail lounges and on-sale liquor facilities as accessory uses in restaurants or hotels.
- (c) Clothing stores.
- (d) Delicatessens, and grocery stores (except convenience food stores).
- (e) Dry goods, notions and souvenir stores.
- (f) Florist shops.
- (g) Jewelry stores.
- (h) Millinery shops.
- (i) Laundry agencies, or shops with coin-operated washers, dryers, or dry cleaning machines (except self-service Laundromat, non-attendant).
- (j) Restaurants full service with full alcohol and live entertainment, tea rooms, or cafes.
- (k) Restaurants fast food.
- (l) Sporting goods shops.
- (m) Travel agencies.
- (n) Professional offices.
- (o) Pharmacies and drug stores.
- (p) Camera shops, photographic studios.

(4) Other uses may be permitted as contained in Article 15 subject to the issuance of a conditional use permit.

Section 903: DENSITY - LOT AREA PER DWELLING UNIT. The minimum lot area per dwelling unit in the R-C Zone shall be as follows:

- (1) For those lots located on the west side of Interstate 5 the minimum lot area per dwelling units shall be no less than 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.

Section 904: FRONT YARD. See Section 1701 (e).

Section 905: SIDE YARDS. See Section 1702 (f).

Section 906: REAR YARD. See Section 1703 (d).

Section 907: AREA - LOT SIZE. See Section 1704 (d).

Section 908: LOT WIDTH. See Section 1706 (g).

Section 909: LOT DEPTH. See Section 1708.

Section 910: HEIGHT. See Section 1709.

Section 911: PLACEMENT OF BUILDINGS. See Section 1710.

Section 912: LANDSCAPING. See Section 1731.

Section 913: LANDSCAPING MAINTENANCE STANDARDS. See Section 1732.

Section 914: LIMITATIONS ON PERMITTED USES. See Section 1010.

Section 915: (Deleted by Ordinance No. 84-05)

ARTICLE 13

GENERAL INDUSTRIAL ZONE - (M-2 ZONE)

Section 1300: PURPOSE. The M-2 zone is intended to expand and strengthen the industrial base and to permit development of the more intensive industrial uses commonly referred to as "heavy industry". The modern day potential for compatible appearance and performance characteristics of these industries is recognized; however, due to the intensity of operation, the permitted uses may not be able to maintain the same development standards as required in the I-P and M-1 zones.

Section 1301: GENERAL CRITERIA. The following general criteria are hereby established for use in the classification or reclassification of land to M-2 zone.

- (a) General Plan - Compliance with the General Plan shall be established in accordance with Article 3, Section 313 of this ordinance.
- (b) Location - Manufacturing areas shall be located with primary access to a major or secondary street as shown on the Major Street Plan.
- (c) Need - A demonstrated public need shall be established.
- (d) Utilities - The existing utility system (water, sewer, drainage, electrical, gas and communications facilities) must be adequate or new systems shall be constructed to adequately serve manufacturing developments.
- (e) Development Plans - Before development of any M-2 zoned land, a development plan shall be filed with and approved by the Planning Commission pursuant to provisions of Article 16, Section 1611 governing development plans.

Section 1302: PERMITTED USES. Subject to the conditions of this zone, the following buildings, structures, and uses, either singly or in combination, are permitted in the M-2 zone:

- (1) Any use permitted in the I-P and M-1 zones.
- (2) Automobile assembly plants.
- (3) Contractor's storage yards.

- (4) Dairy products manufacture.
- (5) Equipment rental yards.
- (6) Glue manufacture.
- (7) Ice and cold storage plants.
- (8) Lumber yards (retail and wholesale).
- (9) Mills, planting.
- (10) Nurseries (horticultural).
- (11) Prefabricated building, manufacture of.
- (12) Public utilities service yards.
- (13) Storage areas for transit and transportation equipment.
- (14) Tire rebuilding, recapping and retreading.
- (15) Truck repair and steam cleaning.
- (16) Wineries and breweries.
- (17) Other uses may be permitted as contained in Article 15 subject to the issuance of a conditional use permit.

Section 1303: FRONT YARD. See Section 1701 (g).

Section 1304: SIDE YARDS. See Section 1702 (f).

Section 1305: REAR YARDS. See Section 1703 (d).

Section 1306: YARD REQUIREMENT WHEN ABUTTING RESIDENTIAL ZONES.

- (a) M-2 zones separated from R zones by public rights-of-way. Any M-2 zoned property which is separated from a R zone by a public right-of-way (except railroad rights-of-way) shall maintain a minimum 15 feet deep landscaped setback, with the exception of driveway areas. Landscaping shall be provided as required under the provisions of Section 1731 of this ordinance.
- (b) M-2 zones abutting R zones. Any M-2 zoned property which abuts a R zoned property shall in addition to the walls required in Section 1721 (e) provide a 10 feet deep landscaped buffer area. Landscaping so

required shall consist of a combination of trees, shrubs and ground cover to provide a noise barrier and plant materials and sizes shall be subject to approval of the City Planner and City Landscape Architect and all other provisions of Section 1731 of this ordinance.

Section 1307: LOT WIDTH. See Section 1706 (i).

Section 1308: HEIGHT. See Section 1709 (c).

Section 1309: OFF-STREET PARKING. See Article 27.

Section 1310: REQUIRED WALLS. See Section 1721 (e).

Section 1311: LANDSCAPING. See Section 1731.

Section 1312: LANDSCAPING MAINTENANCE STANDARDS. See Section 1732.

Section 1313: SCREENING.

- (a) Screening of outdoor storage and assembly areas - Any outside storage or assembly area shall be enclosed with a solid concrete, masonry, or decorative block wall at least six feet in height on that side which faces the street. The area between the wall and property line shall be landscaped in accordance with provisions of Article 17, Section 1731. Such walls shall not be placed in any required setback area. All other sides may be enclosed by a view-obscuring fence made of material such as woven wire, wood, welded wire or chain link with webbing. Materials stored therein shall not be stacked to exceed the height of the wall or fence.
- (b) Screening of mechanical equipment - Provisions of Article 17, Section 1729 shall apply.
- (c) Refuse storage - Provisions of Article 17, Section 1730 shall apply.

Section 1314: PERFORMANCE STANDARDS. All uses permitted in the M-2 district shall be subject to the following limitations:

- (1) Noise or vibration created by or resulting from any industrial machinery or process shall not be excessive or create an annoyance or safety hazard beyond the limits of the Industrial zoned area and shall conform

to the standards adopted in the Noise Element of the General Plan.

- (2) Odors, glare, heat or lighting created by or resulting directly from any use shall not be excessive or create an annoyance or safety hazard at any point beyond the industrial area.
- (3) Discharge into the atmosphere of air contaminants shall be subject to all requirements of the San Diego Air Quality and Air Pollution Control Board.
- (4) Water supply, drainage, rubbish and waste disposal systems and practices shall conform with all applicable codes and standards.
- (5) Industrial activities shall be of such nature as not to cause damage or nuisance to the health, safety, peace or general welfare of persons residing or working in the vicinity of the industrial complex.

ARTICLE 13.1

"IP" - INDUSTRIAL PARK ZONE (IP ZONE)

Section 1301.10: PURPOSE. It is the purpose of the Industrial Park (I-P) Zone to provide areas for the establishment of industrial uses which demonstrate by the quality of their development that they can locate in close proximity to residential districts and uses with a minimum of environmental conflict. It is intended that this district shall be characterized by large tracts with numerous building sites which are directly accessible from major streets or highways. The developmental and operational standards are intended to provide compatibility with and protection to surrounding properties by minimizing traffic congestion, noise, glare, vibrations, emissions of odorous, toxic or noxious matter, and to provide adequate off-street parking, landscape buffering, and proper placement of buildings.

Section 1301.11: GENERAL CRITERIA. The following general criteria are hereby established for use in the classification or reclassification of land to the I-P zone.

- (a) General Plan - Compliance with the General Plan shall be established.
- (b) Size - Land to be classified or reclassified to the I-P zone shall generally be of sufficient size to accommodate an Industrial Park concept and should generally not be less than ten (10) acres in size. Further subdivision into smaller parcels may be permitted after approval of a Development Plan and further provided that all requirements of the I-P zone are met.
- (c) Location - Industrial Parks should have primary access to a major street or highway as specified on the Major Street Plan. Land so utilized should be topographically suited to such use without major earth movement, resulting in unsafe or unsightly cut or fill slopes.
- (d) Utilities - The existing utilities systems (principally water, sewer, drainage, electrical, gas and communications facilities) are adequate or new systems will be constructed which will be adequate to

serve the Industrial Park. All such utilities shall be underground.

Section 1301.12: PERMITTED USES. In the I-P zone, no building or land shall be used, and no building shall be hereafter erected or structurally altered unless otherwise provided herein, further provided that before any building permit may be issued, a Development Plan must be approved by the Planning Commission. All uses shall be subject to review and approval by the Planning Commission shall be conducted within a completely enclosed building and shall be subject to development standards set forth in Section 1301.13.

- (a) Manufacturing uses entirely conducted within enclosed buildings.
- (b) Research facilities.
- (c) Regional or home office of industries and public utilities.
- (d) Public buildings necessary to serve the area.
- (e) Day care nurseries primarily for the use of employees of the industrial park.
- (f) And such other uses which the City Council, after review by the Planning Commission, determines to be compatible and not limited to a less restrictive district.
- (g) Other uses may be permitted as contained in Article 15 subject to the issuance of a conditional use permit. All such uses must conform with the performance standards established in this article.

Section 1301.13: ACCESSORY USES. The following accessory uses are permitted only where they are integrated with and clearly incidental to a primary permitted use. All uses shall be conducted wholly within a building:

- (a) Administrative, professional, educational offices and financial institutions.
- (b) Development of prototypes required in research and development laboratories.
- (c) Employee cafeterias, auditoriums, coffee shops, or restaurants.

- (d) Exhibition of products produced on the premises or available for wholesale distribution.
- (e) Gasoline pumps to serve only owner's own vehicles.
- (f) Outdoor off-street parking or parking structures.

Section 1301.14: DEVELOPMENT STANDARDS. The following development standards shall apply to all industrial parks unless a waiver of one or more of the standards has been granted by the Planning Commission and City Council. A request for a waiver and justification thereof shall be filed in writing at the time that the application for a Development Plan is filed.

- (a) Development Plan - Before development of any I-P zoned land, or concurrently with an application for classification to the I-P zone, a Development Plan shall be filed with and approved by the Planning Commission pursuant to provisions of Article 16, Section 1611 governing Development Plans.
- (b) Architectural Treatment - Examples of proposed architectural treatment in the form of perspective drawings or elevation plans shall be submitted with the Development Plan. Building exteriors shall be subject to approval by the Planning Commission. Steel or corrugated metal buildings shall not be allowed.
- (c) Yards - The minimum front, side or rear yard abutting a street shall be 40 feet on any major or secondary street and 35 feet on all other streets. At least 70 percent of any required front, rear, or side yard setback abutting a street shall be landscaped; the remaining 30 percent of setback area may be used for driveway purposes. In order to provide design flexibility, no minimum side or rear yards are specified except as provided above. The Planning Commission may establish setback requirement upon a specific finding being made that it is necessary to provide for a more aesthetically pleasing project, or when such projects are adjacent to residentially zoned or developed land in which case a minimum 10-foot-deep landscaped buffer zone shall be provided.
- (d) Site Size - Each I-P zoned parcel shall have a minimum one (1) acre site area, a minimum width of 150 feet at the street line and an average depth of not less than 200 feet.

- (e) Building Height - No building or structure shall exceed a height of 4 stories or 45 feet, whichever is less, except as provided in Sections 1733 and 1502.4. For purposes of determining the height of a building, the average finished grade of the parcel on which the building is located shall be used.
- (f) Walls - A six-feet high solid concrete, masonry, or decorative block wall shall be provided at the rear or side property lines abutting a residential zone or development except where abutting a public street.
- (g) Off-Street Parking
 - (1) One parking space for each 500 square feet of gross floor area.
 - (2) The Planning Commission may require additional parking if it is determined that the total number of employees for the largest shift exceeds the number of parking spaces proposed.
 - (3) Common parking areas may be provided to serve more than one building.
 - (4) No parking shall be permitted in any landscaped front or side street side yard setback area.
 - (5) Parking areas abutting private driveways shall be separated therefrom by a 5-foot wide planter area.
 - (6) All other provisions of Article 27 relating to off-street parking requirements for industrial development shall apply.
- (h) Streets - Industrial parks containing 20 or more acres may utilize private streets provided the following criteria are met:
 - (1) Pavement sections shall have a minimum width of 30 feet.
 - (2) Where a private street enters a public street, the pavement width shall be increased to 36 feet within 150 feet of the public street to provide for turning pockets.
 - (3) No parking shall be permitted along curbs of private streets.

- (4) The developer shall provide property signalization and sign control at such locations as deemed necessary by the City or Traffic Engineer.
- (i) Landscaping Requirements - All provisions of Article 17, Section 1731 and 1732 shall apply.
- (j) Screening of Mechanical Equipment - Provisions of Article 17, Section 1729 shall apply.
- (k) Refuse Storage - Provisions of Article 16, Section 1730 shall apply.
- (l) Lighting - Artificial illumination of any structure, lot or open area including but not limited to buildings, signs, parking and storage areas, shall be so installed and arranged as to direct light away from adjoining properties. The intensity of illumination provided shall be sufficiently subdued to prevent any nuisance to other properties and uses in the vicinity.
- (m) Signs - (Deleted by Ordinance No. 84-05).
- (n) Performance Standards - All uses permitted in the I-P District shall be subject to the following limitations:
 - (1) Noise or vibration created by or resulting from any industrial machinery or process shall not be audible at the property lines and shall conform to be standards adopted in the Noise Element of the General Plan.
 - (2) Odors, glare of heat created by or resulting directly from any use shall not be perceptible at any point beyond the property lines.
 - (3) Discharge into the atmosphere of air contaminants shall be subject to all requirements of the San Diego Air Quality and Air Pollution Control Board.
 - (4) Water supply, drainage, rubbish and waste disposal systems and practices shall conform with all applicable codes and standards.
 - (5) Industrial activities shall be of such nature as not to cause damage or nuisance to the health, safety, peace, or general welfare of persons

residing or working in the vicinity of the
industrial park.

ARTICLE 14.1

A-2 ½ SUBURBAN-AGRICULTURAL ZONE

Section 1401.10: PERMITTED USE. In an A-2 ½ Zone the following uses are permitted as are hereinafter specifically allowed and provided, subject to the provisions of Article 27 governing off-street parking requirements.

- (1) Any use permitted in the R-A Residential-Agricultural Zone and under the same conditions required therein.
- (2) Accessory uses incidental to and in connection with the foregoing, including processing for market of poultry and small animals raised on the premises.
- (3) Guest houses to be used as temporary living quarters notwithstanding Section 237 hereof.

Section 1401.11: HEIGHT. In the A-2 ½ Zone no building shall exceed a height of thirty-five (35) feet, except that non-dwelling structures which require a greater height for functional purposes, such as windmills, silos and water tanks may be erected.

Section 1401.12: FRONT YARD. Every lot and every parcel of land in an A-2 ½ Zone shall have a front yard with a depth not less than twenty (20) feet.

Section 1401.13: SIDE YARDS. Every lot and every parcel shall have a side yard on each side of such lot or parcel which side yard shall be not less than ten (10) feet in width.

Section 1401.14: PLACEMENT OF BUILDINGS. Placement of buildings on any lot or parcel shall conform to the following:

- (a) No building shall occupy any portion of a required yard.
- (b) Any building, any portion of which is used for human habitation, shall observe a distance from any lot side line the equivalent of the required side yard on such lot or parcel and from the rear property line a distance of not less than ten (10) feet.
- (c) The distance between buildings used for human habitation and accessory buildings shall not be less than ten (10) feet.

- (d) A non-dwelling accessory building may be built to the rear line and to the side lines to the rear of the required yard.

Section 1401.15: AREA. The minimum required area of a lot or parcel shall be no less than two and one-half acres.

Section 1401.16: LOT AREA PER DWELLING UNIT. The lot area per dwelling unit shall be not less than two and one-half acres.

Section 1401.17: LOT WIDTH. Every lot or parcel shall have a minimum average width of one hundred fifty (150) feet.

ARTICLE 14.2

A-5 GENERAL AGRICULTURAL ZONE

Section 1401.20: PERMITTED USE. In an A-5 Zone only the following uses are permitted as are hereinafter specifically provided and allowed, subject to the provisions of Article 27 governing off-street parking requirements.

- (1) Any use permitted in the A-2 ½ Zone.
- (2) Public utilities, electrical receiving and transforming stations, pipe line pumping stations and water works.
- (3) Farm employee housing, provided the building or buildings used therefor shall conform to yard requirements and spacing applicable to any dwelling, subject to Conditional Use Permit.
- (4) Watershed areas and grazing lands.
- (5) Packing or processing plants for farm products, except animal slaughter houses and packing plants.

Section 1401.21: HEIGHT. In the A-5 Zone no building shall exceed a height of thirty-five (35) feet, except that non-dwelling structures which require a greater height for functional purposes, such as windmills, silos and water tanks may be erected.

Section 1401.22: FRONT YARD. Every lot and every parcel of land in an A-5 Zone shall have a front yard with a depth not less than twenty (20) feet.

Section 1401.23: SIDE YARDS. Every lot and every parcel shall have a side yard on each side of such lot or parcel which side yard shall be not less than ten (10) feet in width.

Section 1401.24: PLACEMENT OF BUILDINGS. Placement of buildings on any lot or parcel shall conform to the following:

- (a) No building shall occupy any portion of a required yard.
- (b) Any building, any portion of which is used for human habitation, shall observe a distance from any lot side line the equivalent of the required side yard on such

lot or parcel and from the rear property line a distance of not less than ten (10) feet.

- (c) The distance between buildings used for human habitation and accessory buildings shall not be less than ten (10) feet.
- (d) A non-dwelling accessory building may be built to the rear line and to the side lines to the rear of the required side yard.

Section 1401.25: AREA. In the A-5 Zone the minimum required area of a lot or parcel shall be not less than five (5) acres.

Section 1401.26: LOT AREA PER DWELLING UNIT. The lot area per dwelling unit shall be not less than five (5) acres.

Section 1401.27: LOT WIDTH. Every lot or parcel shall have a minimum average width of three hundred (300) feet.

ARTICLE 14.3

A-20 DAIRY AGRICULTURAL ZONE

Section 1401.30: PERMITTED USE. In an A-20 Zone only the following uses are permitted as are hereinafter specifically provided and allowed, subject to the provisions of Article 27 governing off-street parking requirements.

- (1) Any use permitted in the A-5 Zone.
- (2) Dairies, including milk processing, bottling and cheese making.
- (3) Stock feeding lots.

Section 1401.31: HEIGHT. In the A-20 Zone no building shall exceed a height of thirty-five (35) feet, except that non-dwelling structures which require a greater height for functional purposes, such as windmills, silos and water tanks may be erected.

Section 1401.32: FRONT YARD. Every lot and every parcel of land in an A-20 Zone shall have a front yard with a depth not less than twenty (20) feet.

Section 1401.33: SIDE YARDS. Every lot and every parcel shall have a side yard on each side of such lot or parcel which side yard shall be not less than ten (10) feet in width.

Section 1401.34: PLACEMENT OF BUILDINGS. Placement of buildings on any lot or parcel shall conform to the following:

- (a) No building shall occupy any portion of a required yard.
- (b) Any building, any portion of which is used for human habitation, shall observe a distance from any lot side line the equivalent of the required side yard on such lot or parcel and from the rear property line a distance of not less than ten (10) feet.
- (c) The distance between buildings used for human habitation and accessory buildings shall not be less than ten (10) feet.
- (d) A non-dwelling accessory building may be built to the rear line and to the side lines to the rear of the required side yard.

Section 1401.35: AREA. The minimum required area of a lot or parcel in the A-20 Zone shall be not less than twenty (20) acres.

Section 1401.36: LOT AREA PER DWELLING UNIT. The lot area per dwelling unit shall be not less than twenty (20) acres.

Section 1401.37: LOT WIDTH. Every lot or parcel shall have a minimum average width of three hundred (300) feet.

ARTICLE 14.6

MR-P - MILITARY RESERVATION AND PUBLIC ZONE

Section 1401.60: PURPOSE. The purpose of this zone classification shall be to identify on the Zoning Map those properties within the City under exclusive Federal or State ownership and/or jurisdiction that are used or authorized for military, public utility, open space, public recreation and related uses.

Section 1401.61: GOVERNING REGULATIONS. Lands and facilities within the Military Reservation and Public Zone shall be governed by the provisions of Federal and State laws related to land use controls and procedures.

Section 1401.62: RECLASSIFICATION. Conversion of any public or quasi-public use established in the Military Reservation and Public District to private use shall require a zone reclassification pursuant to Article 20 of the Comprehensive Zoning Ordinance.

ARTICLE 14.7

M-H - MANUFACTURED HOUSING ZONE

Section 1401.70: INTENT. The provisions of Article 14.7, inclusive, shall be known as the M-H Manufactured Housing zone. The regulations contained in this Article are intended to preserve areas for manufactured home residential uses; and to avoid the economic and social dislocations, and reduction of housing stock resulting from conversion of manufactured home parks to other uses. Typically, this zone would be applied to areas where adequate levels of public services are available and where it is appropriate to create a permanent manufactured home residential area and maintain such areas once developed.

Section 1401.71: PERMITTED USES. The following use types are permitted in the M-H zone subject to the approval of a Development Plan field pursuant to the provisions of this Article, Article 21, and Section 1611.

- (1) Manufactured homes.
- (2) Convenience structures, such as awnings, portable, demountable or permanent cabanas, storage cabinets and buildings, fences or windbreaks, carports, garages or porches, greenhouses, lathhouses, and other accessory structures permitted by Title 25 of the California Administrative Code.
- (3) Recreation facilities, such as, parks, playgrounds, riding and hiking trails, golf courses, lakes, stables, and riding rings, recreational buildings, clubhouses, community centers, and similar uses and facilities, provided that all such uses and facilities are designed for and limited to use by residents of the park and their guests.
- (4) Public utility and public service facilities.

Section 1401.72: GENERAL STANDARDS.

- (1) Minimum Area - A standard manufactured home park shall be not less than 5 acres in area.
- (2) Density - A standard manufactured home park shall conform to the applicable densities contained in the City of Oceanside General Plan.

Section 1401.73: GENERAL DEVELOPMENT CRITERIA.

- (1) Compatibility with Adjacent Land Uses - The manufactured home park shall be designed and developed in a manner compatible with and complimentary to existing and potential residential development in the immediate vicinity of the project site. Site planning on the perimeter shall give consideration to protection of the property and its residents from adverse surrounding influences, as well as protection of the surrounding area from potentially adverse influences within the development. A manufactured home park shall relate harmoniously to the topography of its site, make suitable provision for reservation of water courses, wooded areas, and shall otherwise be so designed as to use such natural features and amenities to best advantage.
- (2) Setbacks: Perimeter - Manufactured housing and buildings within a manufactured home park shall maintain the following setbacks:
 - (a) The setbacks established by Article 17 of the Oceanside Zoning Ordinance.
 - (b) A side yard and rear yard setback of at least 15 feet from the exterior boundary of the manufactured home park.
 - (c) A setback of 50 feet from the centerline of any street along the exterior boundary of the manufactured home park, except that when such street has a right-of-way greater than 60 feet, setback of 20 feet shall be maintained from the nearest edge of the street right-of-way.
- (3) Setbacks: Recreation Use Area - No recreational area or facility for use by residents or guests of the manufactured home park shall be permitted within 100 feet of any external boundary which adjoins, or is separated only by a boundary street from land in any residential zone; provided, however, that where permanent intervening open space at least 100 feet in width exists on adjacent property, this restriction may be modified.
- (4) Fencing and Landscaping - Manufactured home parks shall conform to the fencing and landscaping regulations contained in Article 17.

- (5) Open Space - At least one substantial area of group usable space shall be provided. Such area shall:
- (a) Conform to a total of at least 250 square feet per dwelling unit.
 - (b) Be of such size and shape that each side of a rectangle inscribed within it is at least 100 feet in length.
 - (c) Include outdoor recreational facilities for both active and passive recreation.
- (6) Recreational Facilities - Completely enclosed indoor recreation facilities shall be provided and shall consist of not less than 10 square feet for each dwelling unit. Outdoor recreational facilities shall provide for both active and passive recreation. This recreation shall be landscaped, improved and maintained. Handicapped parking spaces shall be provided pursuant to Article 27, Section 2711.
- (7) Interior Access Drives - Interior private access drives shall be paved with at least 2 inches of asphaltic concrete to a width of not less than 25 feet. All corners shall have a minimum 25 foot radius.
- (8) Storage Area - Common storage areas shall be provided with an enclosed fenced area for the residents of the manufactured home park for the storage of recreational vehicles, trailers, travel trailers, and other licensed or unlicensed vehicles. This area shall total not less than 50 square feet for each manufactured home lot. All storage on a manufactured home lot shall be in accordance with the provisions of Title 25 of the California Administrative Code.
- (9) Sewer and Water - Each manufactured home lot in a manufactured home park shall be provided with water and sewer connections in accordance with Title 25 of the California Administrative Code. Water shall be provided by a water supplier having a valid permit from the California Department of Health and the Department of Health Services. Public sewers shall be provided by a public agency which has obtained discharge requirements approved by the appropriate California Water Quality Control Board.

- (10) Undergrounding - All sewer and water facilities, electric, gas, telephone signal distribution systems shall be placed underground.
- (11) Fire Protection - On and off-site fire hydrants and other fire protection facilities shall be installed as specified in the Conditional Use Permit and shall be of a type approved by the City Fire Department.
- (12) Night Lighting - Energy efficient artificial light shall be provided and maintained for walks, driveways, parking areas, and other facilities as specified in Title 25 of the California Administrative Code, to assure safe and convenient nighttime use.
- (13) Signs - Signs shall conform to the regulations contained in Section 715 of the City Zoning Ordinance.
- (14) Access - Each manufactured home park shall have direct vehicular access from a publicly maintained street. This requirement does not apply to the expansion of an existing manufactured home park when adequate access is obtained through the existing portion of the manufactured home park.
- (15) Visitor Parking - Visitor parking shall be provided at a ratio of $\frac{1}{4}$ space per unit to be distributed throughout the project.

Section 1401.74: MANUFACTURED HOME LOT DEVELOPMENT CRITERIA.

- (1) Lot Size - Each manufactured home shall have the minimum size indicated below based on its occupancy:

OCCUPANCY

MINIMUM LOT SIZE

(excluding interior access drives)

A manufactured home not more than 12 feet in width containing 1 unit.

2,400 square feet

A manufactured home more than 12 feet in width containing 1 unit.

3,000 square feet

A manufactured home containing
more than 1 dwelling unit.

1,500 square feet
per dwelling unit

- (2) Coverage - Not more than 75 percent of the area of a manufactured home lot shall be covered by a manufactured home and its accessory structures.
- (3) Setback from Interior Access Drive - Each manufactured home lot shall have a front yard setback of not less than 5 feet extending the entire width of the manufactured home lot. A front yard will be measured from the nearest element of the manufactured home or any manufactured home accessory structure to the closest edge of the interior access drive.
- (4) Side Yard Setback - Each manufactured home lot shall have a side yard in accordance with Title 25 of the California Administrative Code of not less than 5 feet in width along the entire length of the manufactured home lot, unless a lesser setback is approved by the conditional use permit.
- (5) Rear Yard Setback - Each manufactured home lot shall have a rear yard in accordance with Title 25 of the California Administrative Code of not less than 20 feet and shall extend the entire width of the manufactured home lot.
- (6) Access - All manufactured home lots and recreational facilities shall have access only from an interior access drive.
- (7) Parking - Each manufactured home lot shall provide driveway access and parking area for at least one vehicle.

Section 1401.75: MODIFICATIONS OF DEVELOPMENT CRITERIA.

- (1) Modifications to the provisions contained in Sections 1401.73 and 1401.74 may be granted by the Planning Commission or City Council when the applicant can clearly show that the proposed manufactured home park will provide for, and be permanently maintained for, low and moderate housing or that there are unusual circumstances particular to the project that would warrant a modification to the provisions of Sections 1401.73 and 1401.74.

- (2) Modifications may also be granted when the proposed manufactured home park meets the development criteria of a conventional single-family subdivision.

Section 1401.76: APPLICATION TO EXISTING MANUFACTURED HOME PARKS. Manufactured home parks existing on the effective date of the ordinance adopting this article shall be exempt from the requirements of Sections 1401.72 and 1401.75. Additionally, a Development Plan is not required to accompany an application to rezone an existing manufactured home park to the M-H zone.

ARTICLE 16

SPECIFIC PLANS - DEVELOPMENT PLANS

Section 1601: AUTHORITY FOR SPECIFIC PLANS. The Planning Commission may, or if so directed by the City Council shall, prepare specific plans based on the General Plan and drafts of such regulations, programs, and legislation as may in its judgment be required for systematic execution of the General Plan and the Planning Commission may recommend such plans and measures to the City Council for adoption.

Section 1602: SCOPE OF SPECIFIC PLANS. A specific plan need not apply to the entire area covered by the General Plan. The City Council or the Planning Commission may designate areas within the City for which the development of a specific plan is necessary or convenient to the implementation of the General Plan. The Planning Commission may, or if so directed by the City Council shall, prepare specific plans for such areas and recommend such plans to the City Council for adoption.

Section 1603: CONTENT OF SPECIFIC PLAN (GENERAL). Specific plans shall include all detailed regulations, conditions, programs, and proposed legislation which shall be necessary or convenient for the systematic implementation of each element of the General Plan including, but not limited to, regulations, conditions, programs, and proposed legislation in regard to the following:

- (a) The location of housing, business, industry, open space, agriculture, recreation facilities, educational facilities, churches and related religious facilities, public buildings and grounds, solid and liquid waste disposal facilities, together with regulations establishing height, bulk and setback limits for such buildings and facilities, including the location of areas, such as flood plains or excessively steep or unstable terrain, where no building will be permitted in the absence of adequate precautionary measures being taken to reduce the level or risk to that comparable with adjoining and surrounding areas.
- (b) The location and extent of existing or proposed streets and roads, their names or numbers, the tentative proposed width with reference to prospective standards for their construction and maintenance, and the location and standards of construction,

maintenance, and use of all other transportation facilities, whether public or private.

- (c) Standards for population density and building density, including lot size, permissible types of construction, and provisions for water supply, sewage disposal, storm water drainage and the disposal of solid waste.
- (d) Standards for the conservation, development, and utilization of natural resources, including underground and surface waters, forests, vegetation and soils, rivers, creeks, and streams and fish and wildlife resources. Such standards shall include where applicable, procedures for flood control, for prevention and control of pollution of rivers, streams, creeks and other waters, regulation of land use in stream channels and other areas which may have a significant effect on fish, wildlife and other natural resources of the area, the prevention, control, and correction of soil erosion caused by subdivision roads or any other sources, and the protection of watershed areas.
- (e) The implementation of all applicable provisions of the Open Space Element.
- (f) Such other measures as may be necessary or convenient to insure the execution of the General Plan.

Section 1604: CONFORMANCE WITH SPECIFIC PLANS. Where a Specific Plan has been adopted as herein prescribed, no building permit may be issued on any parcel affected by such plan unless the application conforms to the specifications of the Specific Plan, and unless all public improvements within an existing or proposed public right-of-way specified therein have either been constructed, bonded, or included in an approved improvement district.

Section 1605: PLANNING COMMISSION ACTION.

- (a) The recommendation of any specific plan or regulation, or of any amendment to a specific plan or regulation, shall be by resolution of the Planning Commission carried by the affirmative votes of not less than a majority of its total voting members.
- (b) A copy of any specific plan, regulation, or amendment recommended shall be submitted to the City Council and

shall be accompanied by a statement of the Planning Commission's reasons for such recommendation.

- (c) Specific Plans shall be processed in the manner prescribed for amendments to this ordinance, provided only that when no reclassification of property is involved in the adoption of a Specific Plan, such adoption may be by resolution.

Section 1606: CITY COUNCIL ACTION. Upon receipt of a copy of any proposed specific plan or regulation or amendment of such plan or regulation the City Council may by ordinance or resolution adopt the plan or regulation. Before adopting the proposed specific plan or regulation, the City Council shall hold at least one (1) public hearing. Notice of the time and place of said hearing shall be given in the time and manner provided for the giving of notice of the hearing by the Planning Commission.

Section 1607: REFERRAL TO PLANNING COMMISSION. The City Council shall not make any change or addition in any proposed specific plan, regulation, or amendment thereto recommend by the Planning Commission until the proposed change or addition has been referred to the Planning Commission for a report and a copy of the report has been filed with the City Council. Failure of the Planning Commission to report within forty (40) days after the references, or such longer period as may be designated by the City Council, shall be deemed to the approval of the proposed change or addition. It shall not be necessary for the Planning Commission to hold a public hearing on such proposed change or addition.

Section 1608: INITIATION BY CITY COUNCIL. When it deems it to be for the public interest, the City Council may initiate and adopt an ordinance or resolution establishing a specific plan or an amendment thereto. The City Council shall first refer such proposal to establish such specific plan or amendment thereto to the Planning Commission for a report. Before making a report, the Planning Commission shall hold at least one public hearing. The Planning Commission shall report within 40 days after the reference, or within such longer period as may be designated by the City Council. Before adopting the proposed plan or amendment, the City Council shall hold at least one public hearing. Notice of the time and place of hearings held pursuant to this section shall be given in the time and manner provided for the giving of notice of hearings by the Planning Commission.

Section 1609: ADMINISTRATION OF SPECIFIC PLANS.

- (a) No street shall be improved and no sewers or connections or other improvements shall be laid or authorized in any street within any territory for which the City Council has adopted a specific street or highway plan until the manner has been referred to the planning agency for a report as to conformity with such specific street or highway plan and a copy of the report has been filed with the City Council unless one of the following conditions applies:
- (1) The street has been accepted, opened, or has otherwise received the legal status of a public street prior to the adoption of the plan.
 - (2) It corresponds with streets shown on the plan.
 - (3) It corresponds with streets shown on a subdivision map or record of survey approved by the legislative body.
 - (4) It corresponds with streets shown on a subdivision map previously approved by the Planning Commission.
- (b) No street shall be improved, no sewers or connections or other improvements shall be laid or public building or works including school buildings constructed within any territory for which the City Council has adopted a specific plan regulating the use of open space land until the matter has been referred to the planning agency for a report as to conformity with such specific plan, a copy of the report has been filed with the City Council, and a finding made by the City Council that the proposed improvement, connection or construction is in conformity with the specific plan. Such report shall be submitted to the City Council within forty (40) days after the matter was referred to the planning agency. The requirements of this section shall not apply in the case of a street which was accepted, opened, or had otherwise received the legal status of a public street prior to the adoption of the specific plan.

Section 1610: ADOPTION OF SPECIFIC PLAN FOR POTENTIAL ZONE CLASSIFICATION - CHANGE OF PROCEDURE. Where a parcel of land has been placed in a potential classification by the City Council and has so been designated on the official Zoning Map,

the indicated potential classification may hereafter be finalized as a change of zone by the concurrent hearing and adoption of a Development Plan in lieu of a Specific Plan under provisions of Section 1611(a-d) inclusive of this article and the Development Plan number, together with the new classification, shall constitute the Amendment to the Zoning Map.

In those cases where the City Council has approved certain specific plans prior to the effective date of this ordinance, all regulations and conditions contained in such specific plans, shall remain effective.

Section 1611: DEVELOPMENT PLANS/MASTER DEVELOPMENT PLANS.

- (a) Required Development Plans - Concurrently with or after the establishment of certain zone classifications as specified in this Ordinance, an application for approval of a Development Plan shall be filed with the Planning Division. A Development Plan may cover all or part of the property. In any zone, where a Development Plan is required, no building permit shall be issued for any new building or structure unless a Development Plan has been approved by the Planning Commission or City Planner as permitted in the section.
- (b) Scope of Development Plan Application - The Development Plan application shall be filed in accordance with Option A or Option B as indicated below.
- (c) Option A - Full Development Plan - Application filed under this option shall include the following:
 - (1) All items as contained within the application for Planning Commission hearing.
 - (2) Any other item as may be required by the Planning Division to help clarify the intent of the application.
- (d) Option B - Master Development Plan - Application filed under this option shall include the following:
 - (1) An application for Planning Commission hearing to include the following:
 - (a) Development standards that will establish future uses, setbacks, landscaping, off-

street parking, architectural treatment, placement and size of signs.

(b) A set of C.C.&R's that establish means to enforce the above development standards.

(c) A map covering the entire property to be included within the Master Development Plan. Such map shall include all street's preliminary finished grades of all pads. A tentative subdivision map may be substituted.

(2) A master development plan shall become void three (3) years after approval. The master plan may be renewed in the same manner as the original master plan was approved.

(e) Implementation of Master Development Plan - After the Planning Commission has approved a master development plan the City Planner may approve, reject or forward to the Planning Commission a site development plan indicating how the proposed development complies with the development standards adopted with the master development plan. The City Planner shall not approve any site development plan that is not consistent with the master development plan and the adopted development standards.

(f) Adoption of Development Plans -

(1) Any Development Plan may be rejected, adopted, modified and adopted, or adopted subject to conditions. A Development Plan after adoption may be amended in the same manner as first adopted hereunder.

(2) In the approval or rejection of a Development Plan, consideration shall be given and restrictions shall be imposed to the extent necessary, in view of the size and shape of the parcel and the present and proposed zoning and use of the subject property and the surrounding property, to permit the same degree of protection of adjoining properties, as would be accorded in normal circumstances by the standard restrictions imposed. The standard restrictions imposed in the various zones are intended as minimum restrictions necessary in normal circumstances to

prevent substantial depreciation of property values in the vicinity, unreasonable interference with the use and enjoyment of property in the vicinity by the occupants thereof for lawful purposes and the protection of the public peace, health, safety and general welfare. "Normal circumstances" are intended to refer to the case of a permitted use upon a lot or a normal size and shape surrounded by property in the same zone as the lot in question.

- (3) If the proposed Development Plan would substantially depreciate property values in the vicinity or would unreasonably interfere with the use or enjoyment of property in the vicinity by the occupants thereof for lawful purposes or would endanger the public peace, health, safety or general welfare, such plan shall be rejected or shall be so modified or conditioned before adoption as to remove said objections.
- (4) Application for approval of a Development Plan or an amendment thereof shall be made in such form as the Planning Commission shall prescribe. The procedure set forth in Article 21 of the Zoning Ordinance shall apply to the processing of proposed Development Plans and amendments thereof. All applications for Development Plans shall be heard by the Planning Commission, and their action shall be final unless appealed to the City Council under the manner as specified in Article 21. When a Development Plan is filed concurrently with an application for a zone change, the City Council shall have final approval.
- (g) Modification of Development Plans - The City Planner may approve by the endorsement on the approved Development Plan, minor modifications in design which do not substantially alter the approved plan or the use permitted. Such minor modifications shall be reported to the authority which has approved the Development Plan.

ARTICLE 25

PLANNED RESIDENTIAL DEVELOPMENT ZONE (PRD)

Section 2500: PURPOSE. The purpose of this part is to:

- (a) Encourage development of small parcels of land under Planned Residential Development standards;
- (b) Encourage a more desirable living environment;
- (c) Encourage a more efficient, desirable and aesthetic use of land through utilization of modern innovation for residential developments, for both those with underlying ownership (such as condominiums) and those available for rental (such as apartments);
- (d) Encourage the reservation of a greater proportion of land for common open areas;
- (e) Encourage the retention of natural slopes, waterways, and other natural features by utilizing such areas as open space;
- (f) Encourage more efficient use of those public facilities required in connection with such residential development;
- (g) Insure compatibility with established residential areas; and
- (h) Provide affordable housing including apartment rental housing including apartment rental housing opportunities when such are proposed in conjunction with at least two other housing types (i.e., single family detached, various attached types, patio homes or townhomes/condominiums).

Section 2501: (Deleted by Ordinance No. 84-05.)

Section 2502: CRITERIA. The following General Criteria are hereby established for use in the classification of land to the PRD zone:

- (a) The zone may be established on land which is suitable for, and of sufficient size, to be planned and developed in a manner consistent with the purpose of this part.

- (b) Any application for PRD zone shall be accompanied by a Master Plan for the entire area covered by the application. The Master Plan, if it satisfies the requirements of Section 2508 - 2514 of this Ordinance, may serve as a Development Plan and may be processed concurrently with the application of a PRD zone.
- (c) All land in a proposed PRD zone shall be held in one ownership or under unified control, or have the written consent or agreement of all owners of property proposed for inclusion in the PRD zone.
- (d) The existing utilities systems (water, sewer, drainage, electrical, gas and communications facilities) are adequate, or new systems shall be constructed by the developer to adequately serve the development. The developer shall be responsible for his proportionate share of the cost of the new system.
- (e) Compliance with the General Plan as shown on the underlying Land Use Element, as well as all other Elements, shall be established. PRD development on areas shown as High Density Residential on the Land Use Element of the General Plan shall not exceed 29 dwelling units per acre.

Section 2503: APPLICATION. An application for a PRD zone shall be submitted by the owner, his authorized agent, or the purchaser of the land with the consent of the owner. The application shall be accompanied by the following:

- (1) Topographical maps of existing terrain drawn to a minimum five (5) foot contour.
- (2) A generalized grading plan which indicates proposed earth movement and the results of such movement.
- (3) A utility map or statement reflecting a utility system which includes, but is not limited to sewer, water, and gas capable of serving the entire development.
- (4) A Master Plan which shall show:
 - (a) Location and boundaries of the proposed development.
 - (b) The general type, character, and heights of all buildings or structures; e.g., single family houses, townhouses, cluster houses or high rise structures.

- (c) Proposed densities of all areas scheduled for residential development.
- (d) Proposed uses of all land in the development.
- (e) Natural features that are to be retained, i.e., stands of trees, rock outcroppings, canyons, natural slopes, etc.
- (f) The location and width of public and private streets which shall be consistent with the Major Street Plan.

Section 2504: (Deleted by Ordinance No. 84-05)

Section 2505: PROCEDURE. Upon receipt of an application for a PRD zone, the Planning Commission shall hold a public hearing on such application. If it finds the criteria set forth herein have been met, it may recommend the PRD zone subject to such conditions as it deems necessary. The Planning Commission may deny the application if it finds any of the criteria have not been met, or that the approval of the application would be detrimental to the public peace, health, safety or welfare. The decision and findings of the Planning Commission together with the Master Plan and/or Development Plan shall be forwarded to the City Council. The City Council shall hold a public hearing and either approve, conditionally approve or deny the application or any part thereof. The decision of the City Council shall be final.

Section 2506: PUBLIC HEARING AND APPEAL PROCEDURE. Public hearings and appeal procedure shall be governed by Article 21 of Ordinance No. 58-1.

Section 2507: TERMINATION OF PRD ZONE. Physical development of the PRD zone shall be commenced within two (2) years from the date of adoption of the ordinance establishing the PRD zone.

If no development has occurred within the time specified the City Council shall hold a public hearing and the applicant shall show cause why the zone shall not be changed back to the original zone.

An extension of time, not to exceed one (1) year may be granted by the City Council when extenuating circumstances can be clearly shown by the applicant. The request for an extension of time shall be submitted to the City Council in writing prior to the expiration date and shall clearly state the reasons why

the physical development has not been commenced and the PRD zone has not been utilized.

A further hearing as provided for above shall be held at the end of the one-year extension period if no physical development has commenced during said period to determine whether the area should be returned to the original zone.

Section 2508: APPROVAL OF A DEVELOPMENT PLAN. Concurrently with or after the establishment of a PRD zone and prior to the termination date as specified in Section 2507, an application for approval of a Development Plan which is in substantial conformance with the approved Master Plan shall be filed with the Planning Commission. A Development Plan may cover all or a portion of the property. No building permit shall be issued for any new building or structure unless a Development Plan covering the area has been approved by the Planning Commission.

The Development Plan application shall be accompanied by the following:

(a) The Development Plan must include:

- (1) The exact boundaries and legal description of the property to be developed.
- (2) All proposed improvements that are to be constructed on the land and their precise locations including, but not limited to all residential and non-residential structures, recreational facilities, walls and fences, trash areas, streets, and walk areas.
- (3) Common open space showing size, grades, and function upon completion.
- (4) The location and dimension of all off-street parking facilities, public and private.
- (5) The location and size of any public or quasi-public facilities such as schools, churches, and parks.
- (6) A tabulation of the percentage of total building coverage of the development.
- (7) A tabulation of densities within each project area or sector.

- (b) Building elevations of typical architectural styles to be constructed.
- (c) A schematic landscaping plan indicating the type and size of plant material to be used and method of providing permanent maintenance to all planted areas and open spaces.
- (d) Floor plans of typical dwelling units, the unit size in square feet, and the amount of private open space in square feet.
- (e) If applicable, a subdivision map showing land divisions. The tentative and final subdivision map shall comply with the City Subdivision Ordinance and the State Subdivision Map act.
- (f) A proposed construction schedule from ground breaking to occupancy. All common open space, as well as public and recreational facilities, shall be specifically included in the construction schedule and shall be constructed and fully improved or bonded by the developer prior to occupancy of residential structures.

Section 2508.A: APARTMENT DEVELOPMENT. Apartment development proposed within the PRD Zone shall be required to submit concurrently with the Development Plan an application for approval of a Conditional Use Permit. The application shall be filed in conformance with and shall be subject to the provisions of Article 15 of the Zoning Ordinance. The development standards and design criteria specified in the Conditional Use Permit and Master Plan and/or Development Plan shall be consistent with each other, and conditions in the Conditional Use Permit should act as a monitoring instrument to insure compliance with approved management and regulatory provisions for the apartment project.

Section 2509: COMMON OPEN SPACE. A minimum of twenty-five (25) percent of the project area covered under the Planned Residential zone shall be devoted to common open spaces. Required front, side and rear yards and private patios shall not be counted for this purpose.

A minimum of sixty (60) percent of the common open space shall be usable for active and passive recreation and slopes in excess of fifty (50) percent grade shall not be counted. The remaining forty (40) percent may be designated as visual open space.

All common open space shall be preserved for that purpose as shown in the Development Plan. The developer shall choose one or a combination of the following two methods of administering common open spaces.

- (1) Establishment of an association or non-profit corporation of all property owners or corporations within the project area to insure perpetual maintenance of all common open space.
- (2) Retention of ownership, control and maintenance of all common open space by the developer.

All privately owned common open space shall continue as such and shall only be used in accordance with the Development Plan. Appropriate land use restrictions shall be contained in all deeds to insure that the common space is permanently preserved according to the Development Plan. Said deed restrictions shall run with the land and be for the benefit of present as well as future property owners, and shall contain a prohibition against partition of common open space.

Section 2510: DESIGN CRITERIA. The following design criteria are hereby established:

- (a) The overall plan shall achieve an integrated land and building relationship.
- (b) Open spaces, pedestrian and vehicular circulation facilities, parking facilities, and other pertinent amenities shall be an integral part of the landscape and particular attention shall be given to the retention of natural landscape features of the site.
- (c) The layout of structures and other facilities shall effect a conservation in street and utility improvements.
- (d) Recreational areas, active and passive, shall be generally dispersed throughout the development and shall be easily accessible from all dwelling units.
- (e) Architectural unit and harmony within the development and with the surrounding properties shall be attained.
- (f) Zero side yard development under the following criteria.

- (1) Common open space need not be provided when the Planning Commission finds that recreational facilities are provided for in the design of the subdivision or are available in parks or schools within a reasonable distance from the subdivision.
- (2) Developments of this type shall be limited to a maximum of one hundred (100) dwelling units.
- (3) Developments of this type may be denied if located adjacent to an approved development of this concept.
- (4) The Planning Commission may waive the size of development or location of development if the finding can be made that the architectural treatment proposed is distinctly different from the approved projects in the immediate area and that the proposed architectural treatment includes a wide variety of housing types (i.e., two-story units, attached and detached units, wide range of square footage, etc.).
- (5) A minimum of thirty (30) percent of each lot's net area in a development shall be designed for private open space.
- (6) Park land dedication or in lieu fees shall be provided at a ratio of 1-1/2 times the normal rate when common open space is waived.

Section 2511: PROCEDURE FOR DEVELOPMENT PLAN APPLICATION.
The owner, his authorized agent, or the purchaser with the consent of the owner may submit an application for Development Plan approval to the Planning Commission. The Planning Commission shall hold a public hearing on such application. It may approve the Development Plan if it finds the criteria set forth herein have been satisfied subject to such conditions as it deems necessary. The Planning Commission may deny the application if it finds the criteria are not being satisfied or that such application would be detrimental to the public peace, health, safety, or welfare. If the Development Plan is submitted separately and after approval of a Master Plan, the decision of the Planning Commission shall be final unless appealed to the City Council in accordance with Article 21.

Section 2512: PUBLIC HEARING AND APPEAL. Public hearing and appeal procedure shall be governed by Article 21 of Ordinance No. 58-1.

Section 2513: (Deleted by Ordinance No. 84-05)

Section 2514: DEVELOPMENT STANDARDS. The following development standards of the underlying zone shall apply to a Planned Residential Development:

- (a) Density - In any PRD zone, the maximum gross density in the project area shall not exceed the density as shown on the approved master plan. Since the intent of the PRD zone is to encourage flexibility in design and to provide more open space, a design based on the simple expedience of attaining this density by a grid pattern of substandard lots and substandard streets shall be cause for rejection.
- (b) Density Bonus - For every one (1) acre of land dedicated or irrevocably offered to dedicate for school sites, fire stations, libraries, or other public uses except park sites and streets, the total number of dwelling units planned within the boundaries of the project area may be increased by nine (9) dwelling units for every one (1) acre dedicated for such purposes.
- (c) Underground Utilities - All utilities in the Planned Residential Development shall be underground.
- (d) Building Heights - Building height limits may be stipulated by the Planning Commission or City Council for any area covered by the Master Plan or Development Plan. Consideration shall be given to building heights in relation to adjacent property and building interrelationship within the development.
- (e) Yards - The following front, side, and rear yards shall be shown on the Development Plan and maintained.
 - (1) Front - There shall be a minimum front yard setback of five(5) feet for any building measured from the curb line of private streets, and a minimum front yard setback of twenty (20) feet for any building measured from the property line on streets. Where a garage faces a street, a twenty (20) foot setback shall be required.

A maximum six (6) feet high wall or fence may be placed within any front yard setback, provided such wall or fence is set back five (5) feet from the right-of-way line of dedicated streets. Such setback area shall be landscaped.

- (2) Side - There need be no side yard provided. However, each Development Plan will be reviewed to insure that adequate provisions are made for light and air and free pedestrian movement.
 - (3) Rear - When the rear of a dwelling unit is adjacent to common open space and accessible thereto, a rear yard need not be provided. A fifteen (15) foot rear yard shall be provided when the rear of a dwelling unit abuts adjacent private property.
 - (4) Distance Between Buildings - All buildings not attached or having common walls shall be separated by a minimum distance of ten (10) feet.
 - (5) Fire Access Ways - Each Development Plan shall provide adequate access ways for free movement of men and equipment to provide appropriate fire fighting capabilities. Such access ways shall be a minimum of five (5) feet in width and approved by the City Fire Department.
- (f) Off-Street Parking - Off-Street parking shall be required as follows:
- (1) Residential off-street parking shall be provided at the ratio of two spaces per dwelling unit, at least one of which shall be an enclosed garage with minimum 10' x 20' inside dimension.
 - (2) Covered or open parking compounds shall be designed as a functional part of the development. Parking compounds shall be conveniently accessible and adequately screened through the use of walls or landscaping.
 - (3) The arrangement and access for all parking compounds or parking spaces shall conform to City of Oceanside standards as specified in Article 17 of the Zoning Ordinance.
- (g) Ground Coverage - Total ground coverage of the entire development (not individual lot) shall not exceed

fifty (50) percent exclusive of all dedicated public rights-of-way. In determining the coverage (ground area of each dwelling), covered parking and garages shall be used.

- (h) Private Open Space - A minimum of two hundred (200) square feet of private open space per dwelling unit shall be provided on each lot for dwelling units (such as detached homes) which have their own lots. The open space may be covered and/or screened for patio use. Apartment and stacked flat projects shall provide a suitable private family outdoor space adjacent to each unit in the form of a patio or balcony and shall comply with the open space requirements of the PRD Zone.
- (i) Dedication of Park Land or Payment of In Lieu Fees - The provisions of Article VI of the Subdivision Ordinance and amendments thereto shall apply.
- (j) Landscaping Standards - All provisions of Article 17, Section 1732 and 1733 shall be applicable.
- (k) Additional uses may be permitted as contained in Article 15 subject to the issuance of a Conditional Use Permit.

Section 2515: Article 15, Section 1508, Subsections 1 through 4 inclusive are hereby repealed.

ARTICLE 26

PLANNED COMMUNITY DEVELOPMENT (PCD ZONE)

Section 2600: OBJECTIVES. The objectives of this zone are to:

- (a) Encourage development of large parcels of land (generally one hundred (100) acres or more) under Planned Community Development standards.
- (b) Provide the developer with greater flexibility in site design, density, and housing unit options in order to stimulate variety and innovation within the framework of a quality residential environment.
- (c) Direct new community growth and development in the process of implementing the General Plan.
- (d) Achieve more interest, individuality and character within and among neighborhoods.
- (e) Provide criteria for the inclusion of compatible uses designed to service the residential developments within the community.
- (f) Encourage the most effective use of a site with a variety of residential environments providing necessary public facilities, ample open space and a functional, well balanced community.

Section 2601: CRITERIA. The following general criteria are hereby established for use in the classification or reclassification of land to the Planned Community Development Zone:

- (1) General Plan - Compliance with the General Plan shall be established.
- (2) Site Area
 - (a) The Planned Community Development shall be of sufficient size to support the various land uses proposed, and such area shall generally be a minimum of one hundred (100) acres unless qualified by the City Council.

- (b) The availability and proximity of existing land uses shall be considered to determine that the PCD concept is appropriate and that a well balanced and functional community will result.
- (3) Utilities - The existing utilities systems, (water, sewer, drainage, electrical, gas and communications facilities) are adequate, or new systems shall be constructed by the developer to adequately serve the development. The developer shall be responsible for his proportionate share of the cost of the new system.
- (4) Ownership - All land in a proposed Planned Community Development shall be held in one ownership or under unified control or have the written consent or agreement of all owners of property proposed for inclusion in the Development.

Section 2602: COMMUNITY MASTER PLAN. The Planned Community Development application shall be accompanied by a Master Plan (maps and explanatory text) for the entire area and such other material as specified herein.

The Community Master Plan shall set forth the following:

- (1) Location and boundaries of the area proposed for the Planned Community Development.
- (2) Present and proposed topography of the area including natural features that are to be retained (i.e., stands of trees, rock outcroppings, canyon, etc.).
- (3) Proposed uses of all land including (but not limited to) residential, commercial and professional centers, school sites, public and private recreational facilities, industrial facilities, and all common open space.
- (4) Proposed densities of all areas scheduled for residential development.
- (5) Proposed site development standards for all residential, commercial and industrial uses.
- (6) The location and width of public and private streets.
- (7) Site data, including acreage in total development, total acreage in each density classification, school sites, church sites, commercial sites, industrial sites, and total acreage devoted to common open space.

Section 2603: APPLICATION PROCEDURE.

- (1) The owner, his authorized agent, or the purchaser with the consent of the owner may submit an application for a Planned Community Development Master Plan to the Planning Commission. The Planning Commission shall hold a public hearing on such Community Master Plan and may recommend approval or conditional approval of the Community Master Plan if it finds the criteria set forth herein have been satisfied.
- (2) The Planning Commission may deny the application if it finds any of the criteria has not been satisfied or that such Community Master Plan would be detrimental to the public peace, health, safety or welfare. The decision and findings of the Planning Commission shall be forwarded along with the Community Master Plan to the City Council.
- (3) The City Council shall hold a public hearing and either approve, conditionally approve, or deny the Community Master Plan. The decision of the City Council shall be final.

Section 2604: TERMINATION OF PCD ZONE. Physical development of the PCD zone shall be commenced within two (2) years from the date of adoption of the ordinance establishing the PCD zone.

If no development has occurred within the time specified the City Council shall hold a public hearing and the applicant shall show cause why the zone shall not be changed back to the original zone.

An extension of time, not to exceed one (1) year may be granted by the City Council when extenuating circumstances can be clearly shown by the applicant. The request for an extension of time shall be submitted to the City Council in writing prior to the expiration date and shall clearly state the reasons why the physical development has not been commenced and the PCD zone has not been utilized.

A further hearing as provided for above shall be held at the end of the one (1) year extension period if no physical development has commenced during said period to determine whether the areas should be returned to the original zone.

The Community Master Plan will become void upon the termination of the PCD zone.

Section 2605: PUBLIC HEARING AND APPEAL. Public hearing and appeal procedures shall be governed by Article 21 of Ordinance No. 58-1.

Section 2606: (Deleted by Ordinance No. 84-05)

Section 2607: DEVELOPMENT PLAN. After the establishment of a PCD zone, a Development Plan which is in substantial conformance with the approved Community Master Plan shall be filed with the Planning Commission. A Development Plan may cover all or a portion of the area included in the Community Master Plan. No building permit shall be issued for any new building or structure unless a Development Plan has been approved as specified herein.

The Development Plan shall set forth the following:

- (1) The exact boundaries and legal description of the property to be developed.
- (2) All proposed improvements that are to be constructed on the land and their precise locations including (but not limited to) all residential and non-residential structures, recreational facilities, and typical plans showing walls, fences, trash areas, streets, and walk areas.
- (3) Common open space showing size, grades, and function upon completion.
- (4) The location and dimension of all off-street parking facilities, public and private.
- (5) Location and size of all public and quasi-public sites if applicable (i.e. schools, churches, parks, etc.).
- (6) A tabulation of the percentage of total building coverage of the development.
- (7) A tabulation of densities within each project area or sector.
- (8) Building elevations of typical architectural styles to be constructed.
- (9) A schematic landscaping plan indicating the type and size of plant material to be used, and method of providing permanent maintenance to all planted areas and open spaces.

- (10) Floor plans of typical dwelling units, the unit size in square feet and the amount of private open space in square feet.
- (11) If applicable, a subdivision map showing land divisions. The tentative and final subdivision map shall comply with the City Subdivision Ordinance and the State Subdivision Map Act.
- (12) A proposed construction schedule from ground breaking to occupancy.

Section 2608: COMMON OPEN SPACE. A minimum of twenty-five (25) percent of the project area covered under the Planned Community Development Zone shall be devoted to common open spaces. Required front, side and rear yards and private patios shall not be counted for this purpose.

A minimum of sixty (60) percent of the common open space shall be usable for active and passive recreation and the slopes in excess of fifty (50) percent shall not be counted. The remaining forty (40) percent may be designated as visual open space.

All common open space shall be preserved for that purpose as shown in the Development Plan. The developer shall choose one or a combination of the following two methods of administering common open space:

- (1) Establishment of an association or non-profit corporation of all property owners or corporations within the project area to insure perpetual maintenance of all common open space.
- (2) Retention of ownership, control and maintenance of all common open space by the developer.

All privately owned common open space shall continue to conform to its intended use and remain as expressed in the Development Plan through the inclusion in all deeds of appropriate restrictions to insure that the common open space is permanently preserved according to the Development Plan. Said deed restrictions shall run with the land and be for the benefit of present as well as future property owners and shall contain a prohibition against partition.

All common open space, as well as public and recreational facilities, shall be specifically included in the Development Schedule and be constructed and fully improved by the developer

at an equivalent or greater rate than the construction of residential structures.

Section 2609: DESIGN CRITERIA. The following design criteria are hereby established:

- (1) The overall plan shall achieve an integrated land and building relationship.
- (2) Open spaces, pedestrian and vehicular circulation facilities parking facilities, and other pertinent amenities, shall be an integral part of the landscape and particular attention shall be given to the retention of natural landscape features of the site.
- (3) The layout of structures and other facilities shall effect a conservation in street and utility improvements.
- (4) Recreational areas (active and passive) shall be generally dispersed throughout the development and shall be easily accessible from all dwelling units.
- (5) Architectural unity and environmental harmony within the development and with the surrounding properties shall be attained.

Section 2610: PROCEDURE FOR DEVELOPMENT PLAN APPLICATION. The owner, his authorized agent, or the purchaser with the consent of the owner may submit an application for Development Plan approval to the Planning Commission. The Planning Commission shall hold a public hearing on such application and may approve or conditionally approve the Development Plan if it finds the criteria set forth herein have been satisfied subject to such conditions as it deems necessary.

The Planning Commission may deny the application if it finds that any of the criteria are not satisfied or that the Plan would be detrimental to the public peace, health, safety or welfare.

Section 2611: PUBLIC HEARING AND APPEAL. Public hearing and appeal procedure shall be governed by Article 21 of Ordinance No. 58-1.

Section 2612: (Deleted by Ordinance No. 84-05)

Section 2613: DEVELOPMENT STANDARDS. All development within the Planned Community Development shall meet the following minimum requirements:

- (1) Density - All residential densities shall conform to the approved community master plan.
- (2) Density Bonus - For every one (1) acre of land dedicated or irrevocably offered to dedicated for school sites, fire stations, libraries, recreational improvements or other public uses, the total number of dwelling units planned within the boundaries of the project area may be increased by nine (9) dwelling units for every one (1) acre dedicated for such purposes.
- (3) Building Coverage - The maximum building coverage shall not exceed fifty (50) percent of the area covered by the Development Plan exclusive of all dedicated public rights-of-way. In determining the coverage (ground area of each dwelling) covered parking and garages shall be included.
- (4) Off-Street Parking - All off-street parking and landscaping requirements for residential structures shall be the same as required under the provisions of the Planned Residential Development Zone, Section 2514, and all off-street parking and landscaping requirements for office professional, commercial or industrial development shall comply with the general parking provisions of Article 27 of the Zoning Ordinance.
- (5) Private Open Space - A minimum of two hundred (200) square feet of private open space per dwelling unit shall be provided on each individual lot. This private open space may be covered and/or screened for patio use. This requirement does not apply to structures three or more stories in height.
- (6) Building Height Limits - Building height limits may be stipulated by the Planning Commission and/or City Council for any area covered by the Master Plan or Development Plan. Consideration shall be given to building heights in relation to adjacent property and building interrelationship within the development.
- (7) Utilities - All utilities shall be under ground.
- (8) Other - All other standards as specified by the approved Community Master Plan and text and Development Plan and text shall be strictly adhered to.

- (9) Dedication of Park Land or Payment of In-Lieu Fees - The provisions of Article IV of the Subdivision Ordinance and amendments thereto shall apply.
- (10) Park Dedication - At the time of filing of the first Development Plan, the owner(s) of the property shall offer for dedication to the City of Oceanside, those areas of the Master Plan, which have been approved by the City Council as public park sites.
- (11) Additional uses may be permitted as contained in Article 15 subject to the issuance of a Conditional Use Permit.

ARTICLE 28

SP SCENIC PARK ZONE (SP ZONE)

Section 2801: INTENT AND PURPOSE. The SP Zone is designed to:

- (1) Protect the valuable natural resources of recreational and scenic areas for our generation and succeeding generations.
- (2) Ensure that the future development of those areas covered by the SP Zone will be compatible to abutting recreational and scenic areas.
- (3) To encourage the retention of natural slopes, waterways and other natural features by incorporating these features in the design of the development.
- (4) To ensure that the terrain of the areas included in the SP Zone will suffer minimum disfigurement by scarring from extensive cut and fill.
- (5) To encourage the reservation of greater proportion of land for common open areas.
- (6) To encourage a more efficient, desirable and aesthetic use of land surrounding the recreational and scenic areas through utilization of modern innovation in various types of development.

Section 2802: (Deleted by Ordinance No. 84-05)

Section 2803: USES NOT REQUIRING SPECIAL APPROVAL. The following uses are permitted in the SP Zone subject to all applicable provisions of Ordinance 58-1, the Zoning Ordinance.

- (1) One family dwellings, provided that the minimum lot area shall not be less than one (1) acre, and are not part of a subdivision or project containing more than four (4) lots.
- (2) Accessory buildings and structures, including private garages, to accommodate not more than four (4) cars; provided additional garage or implement shelters may be erected, maintained and used on sites of ten (10) acres or more, and provided that such structures shall not occupy any required yard space.

- (3) Greenhouses, fruit trees, nut trees, vines and other horticultural stock.
- (4) Agricultural crops.
- (5) (Deleted by Ordinance No. 84.05)
- (6) The following poultry and animals under the following conditions:
 - (a) Poultry or rabbits for domestic or commercial uses, provided that all such poultry and rabbits shall be confined at all times within an enclosure.
 - (b) Horses, and the grazing of bovine animals (excluding dairies) provided that on sites containing four (4) acres or less such domestic animals shall not exceed a number equal to two horses or two bovine animals per acre of ground devoted to feed for same (excluding feed lots).
 - (c) No horse shall be maintained on a lot or parcel containing less than ten thousand 10,000 square feet of area.
 - (d) 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.
 - (e) The keeping of all domestic animals provided for in this article shall conform to all other provisions of law governing same. No pen, coop, stable or barn, shall be kept or maintained within forty (40) feet of any building used for human habitation or any portion of a required yard space located on adjoining property, or within forty (40) feet of any street or public property; nor may any fowl or animal be kept or maintained closer than forty (40) feet to any structure used for human habitation.

Section 2804: USES REQUIRING SPECIAL APPROVAL. The following uses may be permitted in the SP Zone subject to all applicable provisions of Ordinance 58-1, the Zoning Ordinance, provided further that all such uses shall be reviewed by any

advisory agency established for that purpose, the Planning Commission and the City Council:

- (1) Single family residential development having lot area less than one (1) acre, subject to approval of a specific plan under the provisions of Section 1605 of the Zoning Ordinance.
- (2) Planned residential developments subject to all the provisions of Article 25 of Ordinance 58-1, the Zoning Ordinance.
- (3) Planned community developments subject to all the provisions of Article 26 of Ordinance 58-1, the Zoning Ordinance.
- (4) Public buildings, parks, golf courses and recreational areas subject to conditional use permit.
- (5) Other uses may be permitted as contained in Article 15 subject to the issuance of a conditional use permit.

Section 2805: DEVELOPMENT STANDARDS. The following development standards shall apply to all development within the SP Zone:

- (1) LOT AREA - The minimum lot area in the SP Zone shall not be less than 6,000 square feet unless otherwise shown on the Zoning Map.
- (2) LOT AREA PER DWELLING - The lot area per dwelling unit shall not be less than the minimum required lot area.
- (3) LOT WIDTH - In the SP Zone, every lot created after the effective date of this ordinance shall maintain a lot width of not less than the following:

Lots having 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 19,999 square feet - 100 foot lot width

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

- (4) PERMISSIBLE LOT COVERAGE - All buildings, including accessory buildings and structures, shall not cover more than forty (40) percent of the area of the lot.

(5) YARDS AND BUILDING SETBACK -

- (a) Front - There shall be a front yard setback having a minimum depth of twenty-five (25) feet extending across the full width of the lot.
- (b) Side - There shall be a side yard setback of not less than five (5) feet. On corner or reverse corner lots the side yard abutting the street shall be a minimum of fifteen (15) feet.
- (c) Where lots are 10,000 square feet or more, the side yard shall not be less than ten (10) feet.
- (d) Rear - There shall be a rear yard setback of a minimum twenty-five (25) feet extending across the full width of the lot.

Garages or carports may be located within the side or rear yards. In no case, however, may a garage or carport be constructed within fifteen (15) feet of any side street or twenty-five (25) feet of any front street.

Balconies and exterior stairways shall not project more than two (2) feet into any required setback.

- (6) HEIGHT - Maximum building height shall not exceed thirty-five (35) feet or three stories, unless approved otherwise by specific or development plan.
- (7) OFF-STREET PARKING - All provisions of Article 25, 26 and 27 of the Zoning Ordinance shall apply.
- (8) UNDERGROUND UTILITIES - All utilities shall be underground in accordance with provisions of Section 32.37 of the Code of the City of Oceanside.
- (9) (Deleted by Ordinance No. 84-05)

Section 2806: REFERRAL TO ADVISORY COMMISSION. All uses as specified in this Article, requiring review by an Advisory Commission shall be referred to the Commission after initial application has been made to the City of Oceanside. Submittal of the application together with all necessary information shall be made to the Committee at least five (5) days prior to any regularly scheduled Committee meeting by the Secretary of the Planning Commission. The Planning Commission and/or City Council shall not take action on any application until a written report setting forth recommendations regarding the particular

application, signed by the Chairman of the Advisory Commission or his representative, has been received by the City of Oceanside.

ARTICLE 29

PC PLANNED COMMERCIAL ZONE (PC ZONE)

Section 2901: INTENT AND PURPOSE. The PC Zone provides for retail and service commercial uses which by their nature are of relatively high intensity; are necessary to provide a wide range of shopping facilities and goods, professional and administrative offices, and entertainment establishments; and are generally within close proximity to recreational and scenic areas therefore, require extraordinary physical treatment in order to guarantee compatibility with and protection of the abutting recreational and scenic areas.

Section 2902: CRITERIA. The following general criteria are hereby established for use in the classification or reclassification of land to the PC Zone:

- (1) General Plan - Compliance with the General Plan and applicable specific plan(s) shall be established.
- (2) Location - Planned commercial centers should serve one or more communities and be located with primary access to a major street. Land so utilized should be topographically suited to such use.
- (3) Need - A demonstrated public need shall be established within the general area.
- (4) Site Area - No planned commercial zone shall be less than ten (10) acres.
- (5) Utilities - The existing utilities systems (water, sewer, drainage, electrical, gas and communications facilities) are adequate or new systems shall be constructed to adequately serve a planned commercial land use.

Section 2903: (Deleted by Ordinance No. 84-05)

Section 2904: PERMITTED USES IN THE PC ZONE. The following uses are permitted in the PC Zone subject to approval of a development plan as specified in Sections 2607 and 2610-2612 of Ordinance 58-1, the Zoning Ordinance:

- (1) The following commercial activities subject to limitations on permitted uses as contained hereinafter.

- (2) Barber shops and beauty shops.
- (3) Book or stationery stores.
- (4) Cocktail lounges and on-sale liquor facilities as accessory uses in hotels.
- (5) Clothing stores.
- (6) Delicatessens and grocery stores.
- (7) Dry goods, notions, and souvenir stores.
- (8) Florist shops.
- (9) Jewelry stores.
- (10) Millinery shops.
- (11) Restaurants full service with full alcohol and live entertainment, fast food restaurants, tea rooms or cafes.
- (12) Sporting goods shops.
- (13) Travel agencies.
- (14) Professional offices.
- (15) Pharmacies and drug stores.
- (16) Camera shops, photographic studios.
- (17) Other uses may be permitted as contained in Article 15 subject to the issuance of a conditional use permit.

Section 2905: DESIGN CRITERIA IN THE PC ZONE. The following design criteria are hereby established:

- (1) The overall plan shall achieve an integrated land and building relationship.
- (2) Open spaces, pedestrian and vehicular circulation facilities, parking facilities, and other pertinent amenities shall be an integral part of the landscape and particular attention shall be given to the retention of natural landscape features of the site.
- (3) The layout of structures and other facilities shall effect a conservation in street and utility improvements.

- (4) Architectural unity and environmental harmony within the development and with the surrounding properties shall be attained.
- (5) Off-street parking shall conform to the current City of Oceanside standards.
- (6) Building Height Limits - Building height limits may be stipulated by the Planning Commission and/or City Council for any area covered by the PC one, or any area covered by the development plan. Consideration shall be given to building heights in relation to adjacent property and building interrelationship with the development.
- (7) Utilities - All utilities shall be underground.
- (8) Refuse Storage - All outdoor trash, garbage, and refuse storage areas shall be screened on all sides from public view by a minimum 6-foot high decorative concrete block or masonry wall.
- (9) Storage - All storage of wares, merchandise, crates, bottles, or similar items shall be within a completely enclosed building.
- (10) Lighting - All lighting of the building, landscaping, parking lot, or similar facilities shall be so hooded and directed as to reflect away from adjoining properties.
- (11) Mechanical Equipment - All ground mechanical equipment shall be completely screened behind a permanent structure and all roof top mechanical equipment shall be completely screened from all view through the use of parapet walls or other similar structures.

Section 2906: (Deleted by Ordinance No. 84-05)

Section 2907: REFERRAL TO ADVISORY COMMISSION. All uses as specified in this Article, requiring review by an Advisory Commission shall be referred to the Commission after initial application has been made to the City of Oceanside. Submittal of the application together with all necessary information shall be made to the Commission at least five (5) days prior to any regularly scheduled Commission meeting by the Secretary of the Planning Commission. The Planning Commission and/or City Council shall not take action on any application until a written report setting forth recommendations regarding the particular application, signed by the Chairman of the Advisory Commission

or his representative, has been received by the City of Oceanside.

ARTICLE 31
RESIDENTIAL CONDOMINIUM AND
STOCK COOPERATIVE CONVERSIONS

Section 3100: PURPOSE AND INTENT. The purpose and intent of this ordinance is to:

- (a) Establish criteria for the conversion of existing multiple rental housing to condominiums or stock cooperatives.
- (b) Reduce the impact of such conversions on residents in rental housing who may need to relocate due to the conversion of apartments to condominiums or stock cooperatives by providing for notification and adequate time and assistance for such relocation.
- (c) Assure that purchasers of converted housing have been properly informed as to the physical condition of the structure which is offered for purchase.
- (d) Assure that converted housing meets certain minimum physical standards.
- (e) Attempt to maintain a supply of rental housing for low income persons.
- (f) Attempt to maintain a reasonable balance between ownership and rental housing opportunities.
- (g) Assure that an adequate supply of rental units exists to meet the demand within the City.
- (h) Assure that the goals and objectives of the General Plan are met.

Section 3101: APPLICABILITY. This article shall apply in full to all conversions of existing residential real property to condominium or stock cooperative projects or any other form of ownership and to all projects which do not have condominium or stock cooperative status as defined in Section 3103. All provisions, conditions, and further definitions of condominium development as included in the State Civil Code, Government Code, Taxation Code, and Business and Professions Code shall apply to divisions of real property as permitted herein.

Section 3102: DEFINITIONS. For purposes of this Article, the following definitions shall apply:

- (a) "Condominium" - An estate in real property consisting of an undivided interest in common of a parcel of real property together with a separate interest in space of a residential building in the form of a dwelling unit.
- (b) "Conversion project" - The entire area of real property divided, or proposed to be divide into condominiums or stock cooperatives, including all structures and improvements thereon.
- (c) "Low income household" - Any household wherein total household income is equal to or less than 80% of the County median income established by HUD, as adjusted annually.
- (d) "Multiple unit rental project" - The entire area of real property affected which contains two or more residential units.
- (e) "Non special cases" - Each tenant household which does not meet the definition listed in Section 3102 (g).
- (f) "Stock cooperative" - An estate in real property consisting of joint ownership as defined in Section 11003.2 of the Business and Professions Code. It is a development in which there is an interest in the land coupled with the right of exclusive occupancy of space in a residential dwelling unit. Title to the property is held by a corporation. Right of occupancy is transferable only concurrently with the transfer of the share or shares of stock in the corporation held by the person having such right of occupancy.
- (g) "Special cases" - Each tenant household which meets low income criteria as defined.

Section 3103: CONDOMINIUM OR STOCK COOPERATIVE STATUS. A conversion project shall have condominium or stock cooperative status only if Tentative Map or Tentative Parcel Map has been approved for the project by the City Council.

Section 3104: PUBLIC INTEREST PROJECTS. Multiple rental projects that were funded by a government agency to provide for low income housing shall not be considered for approval as a conversion project.

Section 3105: INFORMATIONAL REQUIREMENTS. In addition to any information otherwise required an application for a conversion project shall include the following:

(a) Site and Structural Conditions Report - The applicant is required to submit a Site and Structural Conditions Report on the conversion project in a formal as approved by the City Planner and which shall include the following information:

(1) Physical conditions of all elements of the property, including, but not limited to, foundations, roofs, insulation, electrical system, plumbing, utilities, walls, ceilings, windows, recreation facilities, sound transmission of each building, mechanical equipment and parking facilities. Regarding each element, the report shall state, based upon the knowledge or best estimate of the applicant, when such element was built or replaced, if applicable, the approximate date upon which said element will require replacement, the estimated cost of replacing said element at the time of conversion at current prices, and any variation of the physical condition of said element from current City Zoning Ordinance, Fire, Building, Electrical, Mechanical, and Plumbing Codes. Any defective or unsafe elements shall be enumerated. A building inspection report from the Building and Fire Department shall be included. A letter of clearance from San Diego Gas and Electric Company indicating the viability and acceptability of the metering or sub-metering for the project shall be included. The applicant shall identify, which, in his opinion, variations of the physical conditions of site elements from current codes and/or defective or unsafe elements cannot reasonably be corrected. This information shall be based upon the inspection reports from the Building and Fire Departments and letter of Clearance from San Diego Gas and Electric Company.

(2) A report on any know soil and geological hazards regarding soil and geologic deposits, faults, liquefaction and landslides in the vicinity of the project and a statement by a qualified soils engineer regarding any known evidence of soil

problems relating to the structures. Reference shall be made to any previous soil reports for the site and a copy submitted with the Site and Structural Conditions Report.

- (3) A statement of repairs and improvements to be made by the applicant to refurbish and restore the project to achieve an acceptable degree of habitability and safety based on minimum standards as identified in Section 3106.
- (b) A Tentative Map or Tentative Parcel Map of the conversion project shall be filed showing all parcels or lots to be created on the surface of the land and two copies of the proposed declaration of covenants, conditions and restrictions.
- (c) Two copies of floor plans and elevations or photos of elevations of the proposed project shall be filed with such Tentative Map or Tentative Parcel Map.
- (d) Mailing labels addressed to "occupant" for each rental unit in the conversion project.
- (e) A statement of the total number of units within the project, total number of parking spaces, total land area, and percent of coverage (including all buildings and residential parking spaces) of the project.

Section 3106: PROCEDURES FOR PLAN REVIEW.

- (a) A conversion project shall require a Conditional Use Permit to be considered for approval by public hearing by the Planning Commission and City Council
- (b) Processing of improvement plans and final maps shall be as required by the Subdivision Ordinance.

Section 3107: FEES.

- (a) Standard City monthly rate charges shall be made for water, sewer, and trash pickup service as though each conversion project were a newly constructed condominium project.
- (b) School fees as required by Ordinance 78-20 shall be paid for each conversion project if fees have not previously been paid or waived by the City Council.

Section 3108: PHYSICAL STANDARDS FOR CONVERSION PROJECTS.

- (a) The Planning Commission and City Council shall require conformance with all current Zoning, Fire, Building, Electrical, Mechanical, and Plumbing Codes prior to approval of the Final Subdivision or Parcel Map.
- (b) Each project parcel shall have frontage on a dedicated street or on a street to be offered for dedication, and such street shall be improved to City standards and specifications.
- (c) Each dwelling unit shall be either sub-metered or individually metered for gas and electricity.
- (d) A plan for equitable sharing of communal water costs shall be developed and included in covenants, conditions and restrictions for the project.
- (e) The City Council may modify the above requirements if the subdivider can demonstrate that certain requirements cannot reasonably be met. This shall not include code requirements for protection of public health and safety and/or modification of requirements which would result in conflict with State mandated code requirements. Requests for modifications shall be submitted in writing subsequent to the Public Services Review Committee project review.

Section 3109: FINDINGS. In addition to any other ground(s) provided for by law for which a conversion project may be denied, the City Council shall deny a Tentative Map and a Conditional Use Permit for a conversion project upon finding of any of the following:

- (a) Approval of the conversion project would be inconsistent with one or more adopted policies of the General Plan as pertaining to conversion projects.
- (b) The conversion project will not meet the requirements of Section 3108, PHYSICAL STANDARDS FOR CONVERSION PROJECTS, a separate finding must be made for Section 3108(e).
- (c) A conversion project will not meet any other provisions of this Article.
- (d) Unmitigated severe hardship for special case households is found.
- (e) The conversion project would cause significant adverse impact on the rental housing market.

Section 3110: CONVERSION PROJECT OPTIONS.

(a) At the request of the applicant, upon application to the City, a conversion project shall be processed by one of two options pursuant to the provisions of this section.

(1) Option 1 - The applicant shall enter into an agreement with the City as a condition of approval of the Tentative Map or Tentative Parcel Map. The agreement shall provide the following:

(a) The applicant or his/her successor in interest shall not offer any units for sale in the conversion project for five years from the date of project approval.

(b) The project shall be exempt from locally initiated rent control during the term of the agreement.

(c) The applicant or his/her successor in interest shall meet all requirements of Section 3112 through 3116 of this ordinance.

After issuance of the Final Map, should the applicant or his/her successor in interest determine that he/she wishes to proceed with the project under Option 2, the applicant must formally rescind the agreement with the City Council and re-enter an agreement in such form as shall be approved by the City Council, to meet the requirements of Option 2.

(2) Option 2 - The applicant shall enter into an agreement with the City as a condition of approval of the Tentative Map or Tentative Parcel Map. The agreement shall require that the applicant shall provide a Housing Assistance Fee to the City to be paid through escrow equal to 2% of the sales price per converted unit. Funds shall be deposited in a City Housing Assistance Fund to be used by the City exclusively to provide low income housing opportunities consistent with Article 34 of the California Constitution.

- (b) The City Council may waive the requirements of this section for a conversion project if approval by another public agency more stringently required provisions to mitigate loss of rental housing supply from said conversion project.

Section 3111: NOTICE OF INTENT TO CONVERT. The applicant shall deliver a Notice of Intent to Convert to each tenant household upon filing of the application for conversion and to each prospective tenant thereafter as an addendum to a proposed rental agreement. A standard form of such notice shall be used, as approved by the City Planner, and shall contain not less than the following:

- (a) Names and address of current owner or owner's representative fully empowered to represent the owner to tenants.
- (b) A description of tenant's right to purchase per Section 3112.
- (c) Approximate date on which the unit would need to be vacated by non-purchasing tenants if the conversion project is approved, including the required period for tenants to vacate per Section 3113.
- (d) Provision for relocation assistance per Section 3114.
- (e) Statement of intention to provide comparable rental information per Section 3115.

In the event that applicant fails to deliver a Notice of Intent to Convert to a prospective tenant prior to acceptance of any rent or deposit from such prospective tenant, the prospective tenant shall, if he or she becomes a tenant, be entitled to receive the greater of the following:

- (a) The relocation assistance provided for in Section 3114 or the applicant's approved alternate tenant assistance plan as provided for in Section 3116; or
- (b) The payment provided for in Government Code Section 66452.8(c).

Such a Tenant shall be entitled to receive such payment when the tenant moves from the apartment to be converted after receiving either 1) notice of vacate as provided for in Section 3113, or 2) actual or constructive knowledge that the apartment may be converted.

Section 3112: TENANT'S RIGHT TO PURCHASE. Tenants who occupy a unit which is to be converted will have nontransferable right of first refusal to purchase the unit occupied upon the same or better terms and conditions than those units will be offered to the general public. This right of first refusal shall run for the following period, unless the tenant waives such right in writing, or terminates the lease and vacates the premises:

- (a) Option 1 - per Section 3110: Not less than 60 days from the time the units are offered for sale from the date the conversion project agreement elapses.
- (b) Option 2 - per Section 3110: Not less than 60 days from the issuance of the Subdivision Final Public Report.

Section 3113: VACATION OF UNITS. Except for those tenants who have given notice of their intention to move prior to delivery of Notice of Intent to Convert, per Section 3111 or who have indicated in writing their intention to purchase a conversion unit, each tenant household will be provided the following:

- (a) Option 1 - per Section 3110:
 - (1) Non special case households - Each non special case tenant shall have up to 180 days to vacate the unit starting 180 days prior to the time the units are available for purchase based on the expiration date of the conversion project agreement.
 - (2) Special case - Each special case tenant shall have up to 240 days to vacate the unit starting 240 days prior to the time units are available for purchase based on the expiration date of the conversion project agreement.
- (b) Option 2 - per Section 3110:
 - (1) Non special case households - Each non special case tenant shall have up to 180 days to vacate the unit from the date of receiving Notice to Vacate by the applicant.
 - (2) Special case households - Each special case tenant shall have up to 180 days to vacate his or her unit from the date of receiving Notice of Vacate by the applicant.

The applicant shall deliver a Notice of Vacate in such form as shall be approved by the City Planner to each tenant household not later than the period prescribed in Subsections (a) and (b) above.

Section 3114: RELOCATION ASSISTANCE. Except for those tenants who have given written notice of their intention to move prior to delivery of the Notice to Vacate or tenants who have moved into the project after delivery of Notice of Intent to Convert, tenants shall be provided relocation assistance to be paid on or before the day the tenant vacates the unit.

- (a) Non special case - Each nonpurchasing non special case tenant shall receive an unconditional relocation assistance payment equal to one month current rent based on the unit from which they are displaced.
- (b) Special case - Each nonpurchasing special case tenant shall receive an unconditional relocation assistance payment equal to two months current rent based on the unit from which they are displaced.

Any applicant who fails to timely tender any relocation assistance to which any tenant is entitled pursuant to either the provisions of this section or an alternate tenant assistance plan approved pursuant to Section 3116 shall be liable to the tenant for a sum three times the amount of the relocation assistance to which the tenant was entitled. An applicant satisfies the foregoing tender requirements if such assistance is mailed to the tenant by registered mail at least five (5) days prior to date of vacation as specified in Notice to Vacate.

Section 3115: NOTICE OF COMPARABLE HOUSING AVAILABILITY.

- (a) At commencement of the required periods to vacate per Section 3113, the applicant shall provide a report which lists available multiple rental dwelling units in the same approximate rental range as the existing rental rates of the property proposed to be converted, names of apartments, sizes, manager's name and phone number. Said report shall include, within the area of the City of Oceanside, and within a five mile radius outside of Oceanside, at least a total number of available units equal to the total number of units proposed to be converted, as feasible. In addition to inclusion in the Notice to vacate per Section 3113, this list shall be posted in commonly used conspicuous locations on the property. Such notice shall be posted simultaneously with service of Notice to vacate

and shall be updated once every 30 days until final expiration date of the periods to vacate per Section 3113 by affected tenant groups.

- (b) This notice and updates shall be delivered to each tenant household.

Section 3116: ALTERNATE TENANT ASSISTANCE PLAN. The applicant may present his/her own tenant assistance plan for Section 3112 through 3115. If approved by the City Council this plan shall take precedence over these sections.

Section 3117: STRUCTURAL ALTERATIONS. The applicant shall not perform any construction or remodeling on the project which would impair the health, safety, or quiet enjoyment of the tenants prior to expiration of the periods to vacate per Section 3113.

Section 3118: WAIVER OF MODIFICATION OF TENANT'S RIGHTS. Any provision of a lease or rental agreement of a dwelling unit in an multiple unit rental project by which the tenant agrees to modify or waive any right granted under this Article shall be void as contrary to public policy. This Section shall apply only to leases and rental agreements executed on or after the effective date of this Article.

Section 3119: RETALIATION. It shall be unlawful for any person to evict or cause to be evicted any tenant where the dominant purpose of such eviction is retaliation against the tenant for the exercise or attempted exercise of any right granted under this Article or for the peaceful and lawful opposition by such tenant to the proposed conversion of the multiple unit rental project within which such tenant resides.

Section 3120: UNLAWFUL DETAINER DEFENSE. Each of the following acts or omissions shall constitute a separate defense to any unlawful detainer action:

- (a) Failure of the applicant to comply with the provisions of Section 3111, 3112, 3113, 3114, 3115, 3118, and/or 3119.
- (b) Failure of the applicant to provide tenant relocation benefits as set forth in any alternate tenant relocation assistance plan approved pursuant to Section 3116.
- (c) Failure of the applicant to provide the notice required by Government Code Section 66452.50.

Section 3121: FAILURE TO PROVIDE TENANT BENEFITS. It shall be unlawful for any person to knowingly fail to provide to any tenant any benefit established by the provisions of Sections 3111, 3112, 3113, 3114, 3115, 3116, and/or 3117 to which such tenant is entitled.

ARTICLE 37

SOUTH STRAND OVERLAY ZONE (S-S)

Section 3700: PURPOSE. The purpose of the South Strand Zone (S-S) is to specify development criteria for certain oceanfront properties which, because of their unique location, topographical constraints, and limited access, requires special consideration in order to stimulate the execution of the Local Coastal Program. These criteria are designed to permit and encourage development and redevelopment in a balanced manner by permitting economically viable residential, visitor-serving commercial and open space uses.

Section 3701: DESIGNATED PROPERTIES. All those properties shown on the attached map shall be subject to the provisions of the S-S Zone. Generally described, these properties are bounded by Pacific Street to the east, Wisconsin Street to the south, the Pacific Ocean to the west and Tyson Street to the north.

Section 3702: GENERAL CRITERIA. The following general criteria are hereby established for use in the classification and reclassification of land to the S-S Zone:

- (a) Consistency with the General Plan, the Coastal Land Use Plan, the Redevelopment Plan, Redevelopment Development Criteria and Land Use Regulations shall be established.
- (b) South Strand 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 South Strand developments. All utilities shall be underground.
- (d) All projects must file either a Development Plan pursuant to the provisions of Article 16, Section 1611 or, if a conditional use is specified under Section 3703 below, a Conditional Use Permit pursuant to the provisions of Article 15 shall be required. Projects must also be approved by the Community Development Commission.
- (e) The ratio for development, for areas encompassed by the S-S Zone, shall be not less than 34% for hotels

and motels, appurtenant uses and visitor-serving public and semi-public uses, nor more than 66% for permanent residential uses.

- (f) All new development in the S-S Zone shall be pursuant to a plan for development of the entire contiguous property owned or controlled by the applicant in the zone. For purposes of this section, property shall be considered as contiguous units even if it is separated by roads, streets, utility easements or rights-of-way.
- (g) Hotels, motels, and tourist accommodations with associated restaurants and visitor facilities are preferred over proposals for accommodations without restaurants and visitor facilities.

Section 3703: PERMITTED USES. Only the following uses are permitted in the S-S Zone subject to the provisions of Article 27 governing off-street parking requirements:

- (a) Single-family residences.
- (b) Multiple-family residences.
- (c) Condominiums and stock cooperatives.
- (d) Tourist cottages and summer rentals.
- (e) Public and semi-public uses.
- (f) Time-share condominiums with a Conditional Use Permit.
- (g) Hotels and motels with a Conditional Use Permit.
- (h) Bed and breakfast inns with a Conditional Use Permit.
- (i) Gift shops and beach visitor-related sales and services, including recreational equipment rentals and sundries sales as appurtenant to hotels, motels or time-share condominiums, with a Conditional Use Permit.
- (j) Dining rooms, coffee shops, tea rooms, sidewalk cafes, or restaurants as appurtenant uses to hotels, motels or time-share condominiums, with a Conditional Use Permit.

Section 3704: HEIGHT OF BUILDINGS. Height standards in the S-S Zone are governed by the Redevelopment 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 3705: 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.

- (a) 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 with 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.
- (b) 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.
- (c) 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 3706: RESIDENTIAL BUILDING DENSITY. In all residential development, the density should not exceed the maximum standard of 43 dwelling units per acre.

Section 3707: AREA. All new lots subdivided in the S-S Zone shall not be less than 6,000 square feet.

Section 3708: 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 3709: 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 and the Redevelopment Development Criteria and Land Use Regulations.

Section 3710: LANDSCAPING. The following criteria shall apply:

- (a) A coordinated landscape design shall be developed for each site which contributes to a continuous and integrated design.
- (b) All landscaping shall be of a type which is easily maintained.
- (c) 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 Planning Commission.
- (d) 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.
- (e) The utilization of depressed parking lots and/or mounded, landscaped buffers of parking areas is encouraged.
- (f) Parkways, if any, within the public right-of-way, except at approved sidewalk or driveway approach locations, shall be landscaped.
- (g) 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).
- (h) Landscaping buffers and/or solid walls of adequate width and height, shall separate tourist accommodations, their appurtenant uses and visitor serving public and semi-public uses from residential uses.

Section 3711: 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. Such access will be provided on the average of every five hundred (500) feet, but in no event will there be fewer than three such pedestrian access routes, and one vehicular access from Pacific Street to The Strand.

Section 3712: PARKING. Parking for new development in the S-S Zone shall conform with the provisions of Article 27 of the

Oceanside Zoning Ordinance and the Redevelopment Development Criteria and Land Use Regulations for the Downtown Redevelopment Project, except as otherwise noted below.

Hotel, motel and tourist accommodations with restaurants or commercial appurtenant uses shall be encouraged to provide public pedestrian access from both Pacific Street and The Strand. The Planning Commission and Community Development Commission may, in their discretion, authorize a reduction in the number of parking spaces required in accordance with Article 27 of the Zoning Ordinance, up to a maximum of 20%, if 24-hour pedestrian access is provided between Pacific Street and The Strand.

ARTICLE 38

TOWN CENTER ZONE (TC ZONE)

Section 3800: PURPOSE. The Town Center Zone provides the opportunity for compact and efficient mixed use urban development in areas that have been identified as community centers. The provisions of the Town Center Zone ensure orderly and responsible implementation of mixed use development. The Town Center Zone is intended to create or redevelop community commerce focal points through the integration of residential living space, professional and service offices, commercial retail and service businesses, and urban open space and recreational opportunities.

Section 3801: OBJECTIVES. The objectives of this zone are:

- (a) To provide a means of developing a variety of land uses within a particular site and/or structure.
- (b) Provide flexibility in site design, density, building and housing unit options in order to stimulate the interplay of economic activity necessary for the success of mixed use projects.
- (c) Establish community focal points in newly developing areas which further accomplish a neighborhood "sense of place".
- (d) Achieve more interest, individuality, and character within the confines of a major development.
- (e) To eliminate the possibility of over commitment to any single use type.
- (f) Reduce public reliance of automobile, thereby reducing pollution, traffic and energy consumption, through active encouragement of public and alternative transportation.
- (g) To extend to homeowners the opportunity to live in a safe, attractive, and active environment in which there is a definite feeling of community or "sense of place".
- (h) To provide a method to achieve economies of scale, management, facilities, long range values, and

maintenance due to a more intensive use of land with a wider range of activity hours and to provide superior amenities as a result of this economy.

- (i) Encourage the most effective use of a site with a variety of uses while providing necessary public facilities, urban open space, and a functional well-balanced development.

Section 3802: CRITERIA. The following general criteria are hereby established for use in the classification or reclassification of land to the Town Center Zone:

- (1) General Plan - Compliance with the General Plan shall be established per Article 3.
- (2) Site Area -
 - (a) The Town Center development shall be of sufficient size to support the various land uses proposed, and such area shall be a minimum of 50 acres.
 - (b) The availability and proximity of existing land uses shall be considered to determine that the TC concept is appropriate and that a well balanced and functional community will result.
- (3) Utilities - The existing utilities systems (water, sewer, drainage, electrical, gas and communications facilities) are adequate, or new systems shall be constructed by the developer to adequately serve the development.
- (4) Access - Access to the site shall be from existing or proposed arterial and collector streets of sufficient size to adequately handle the projected traffic generation of the site.

Section 3803: PERMITTED USES. The following list identifies general use categories appropriate for mixed use areas. The Master Development Plan required prior to development in the Town Center Zone shall define permitted uses appropriate to the particular location and development objectives of the site. Nonresidential uses shall account for a minimum of 60% of the gross area within such zone and may account for 100%. In no case shall residential uses account for more than 40% of the gross area within such zone.

The general uses permitted under the "TC" Zone shall consist of urban residential, retail, service and recreation uses as generally included under the following land use categories:

- (1) Multi-family dwellings.
- (2) Hotels and motels.
- (3) Retail and personal stores which directly serve consumers.
- (4) Restaurants and food services.
- (5) Uses as allowed in the OP Zone.
- (6) Governmental services.
- (7) Educational and cultural services, exhibit halls and museums.
- (8) Recreational services and business.
- (9) Corporate and institutional headquarters.
- (10) Other uses may be permitted as contained in Article 15 subject to the issuance of a Conditional Use Permit.

Section 3804: APPLICATION PROCEDURE.

- (1) The owner, his authorized agent, or the purchaser with the consent of the owner may submit an application for the Town Center Zone change according to the provisions of Article 20.
- (2) Prior to the issuance of building permits for development, the owner, his authorized agent or the purchaser with the consent of the owner must submit an application for a Master Development Plan. A comprehensive Site Design Plan must also be filed with the Planning Division prior to the issuance of the building permit. The Site Design Plan must conform with the criteria set forth in Section 3809 of this Article.

Section 3805: PUBLIC HEARING AND APPEAL. Public hearing and appeal procedure shall be governed by Article 21 of Ordinance No. 58-1.

Section 3806: MINOR MODIFICATIONS AND AMENDMENTS.
Applications for minor modifications and amendments may be made under the provisions of Article 16.

Section 3807: STANDARDS FOR DEVELOPMENT. The following design criteria are hereby established:

- (1) The overall plan shall achieve an integrated land and building relationship.
- (2) Open spaces, pedestrian and vehicular circulation facilities, parking facilities, and other pertinent amenities shall be an integral part of the project design.
- (3) The layout of structures and other facilities shall effect conservation in street and utility improvements.
- (4) Recreational areas (active and passive) shall be generally dispersed throughout the development and shall be easily accessible from all dwelling units.
- (5) Architectural unity and environmental harmony within the development and with the surrounding properties shall be attained.

Section 3808: MASTER DEVELOPMENT PLAN CRITERIA.
Concurrently with or after the establishment of the TC Zone, a Master Development Plan shall be submitted for approval over the entire TC Zone area. The Town Center Master Development Plan shall set forth the following:

- (1) Location and boundaries of the area proposed for the Town Center and development.
- (2) Present and proposed topography of the area including natural features that are to be retained (i.e., trees, rock outcroppings, canyons, etc.)
- (3) Proposed uses including (but not limited to) residential, commercial and professional centers, school sites, public and private.
- (4) Percent of project proposed for residential development and resulting site area density.
- (5) Proposed site development standards for all residential, commercial, and professional uses.
- (6) The location and width of public and private streets.

- (7) Site data, including acreage in total development, total floor area ratio in each classification, school sites, church sites, commercial sites, and total acreage devoted to public open space as applicable.

Section 3809: SITE DESIGN PLAN. Concurrently with or after the approval of a Master Development Plan a site design plan shall be filed. It shall include a building design concept (floor plans and elevations). This plan shall be reviewed at a public hearing by the Planning Commission within the context of the approved Master Development Plan criteria.

The Site Design Plan application shall be accompanied by the following:

- (a) The Site Design Plan which must include:
 - (1) The exact boundaries and legal description of the property to be developed.
 - (2) All proposed improvements that are to be constructed on the land and their precise locations including, but not limited to, all residential and non-residential structures, recreational facilities, walls and fences, trash areas, streets, and walk areas.
 - (3) Common open space showing size, grades, and function upon completion.
 - (4) The location and dimension of all off-street parking facilities, public and private.
 - (5) The location and size of any public or quasi-public facilities such as schools, churches, and parks.
 - (6) A tabulation of the percentage of total building coverage of the development.
 - (7) A tabulation of densities within each project area or sector.
- (b) Building elevations of typical architectural styles to be constructed.
- (c) A schematic landscaping plan indicating the type and size of plant material to be used and method of providing permanent maintenance to all planted areas and open spaces.

- (d) Floor plans of typical dwelling units, the unit size in square feet, and the amount of private open space in square feet.
- (e) If applicable, a subdivision map showing land divisions. The tentative and final subdivision map shall comply with the City Subdivision Ordinance and the State Subdivision Map Act.
- (f) A proposed construction schedule from ground breaking to occupancy.

Section 3810: DEVELOPMENT STANDARDS. All development within the Town Center Zone shall meet the following minimum requirements.

- (1) Density - All residential floor area ratios shall conform to the approved Master Development Plan. Density shall not exceed 29 dwelling units per acre. This is determined to be consistent with the General Plan.
- (2) Off-Street Parking - Parking shall be shared and provided at the rate of:
 - (a) Five (5) spaces per 1,000 square feet of gross floor area for commercial uses on the site.
 - (b) Two spaces per residential unit. (Garages, carports or open parking shall be determined during the Development Plan approval.)
 - (c) Four (4) spaces per 1,000 square feet of office/professional gross floor area when the gross floor area of office/professional use exceeds twenty (20%) percent of the total area devoted to non-residential uses.
- (3) Private Open Space - A minimum of 200 square feet of private open space for ground floor dwelling units shall be provided. Units on the second or third story of three (3) or more story buildings may have balconies which, when combined total at least 50 square feet per unit.
- (4) Common Open Space - A minimum of ten (10%) percent of the project area covered under the Town Center Zone shall be devoted to common open spaces. Required front, side and rear setbacks and private residential open space shall not be counted for this purpose.

All public open space shall be preserved for that purpose as shown in the Development Plan and be centrally located and available for use by residents, employees and the general public. The developer shall choose one or a combination of the following two methods of administering common open space:

- (a) Establishment of an association or non-profit corporation of all property owners or corporations within the project area to insure perpetual maintenance of all common open space.
- (b) Retention of ownership, control and maintenance of all common open space by the developer.

All privately owned common open space shall continue to conform to its intended use and remain as expressed in the Development Plan through the inclusion in all deeds of appropriate restrictions to insure that the common open space is permanently preserved according to the Development Plan. Said deed restrictions shall run with the land and be for the benefit of present as well as future property owners and shall contain a prohibition against participation.

- (5) Building Height Limits - Building height limits shall be four stories or 45 feet unless stipulated by the Planning Commission and/or City Council in the Development Plan.
- (6) Utilities - All utilities shall be underground.
- (7) Dedication of Park Land or Payment of In-Lieu Fees - The provisions of Ordinance No. 71-31 and amendments thereto shall apply.
- (8) Other - All other standards as specified by the approved Master Development Plan and Site Design Plan shall be strictly adhered to.

Articles Proposed for Certification but Not Shown in Underline

Article 22 SP Scenic Park Overlay District

Sections:

- 2201 Specific Purposes
- 2202 Applicability and Zoning Map Designator
- 2203 Land Use Regulations
- 2204 Development Regulations
- 2205 Development Plan Review

2201 Specific Purposes

The specific purposes of the SP Scenic Park Overlay District are to:

- A. Conserve and protect valuable natural resources of recreational and scenic areas in and adjacent to the Guajome Regional Park and other public parks.
- B. Encourage the retention of natural slopes and waterways and minimize grading and alteration of drainage patterns.
- C. Achieve a visually pleasing and compatible relationship between buildings and structures, parking areas, walkways and planting areas, and the natural environment.
- D. Provide appropriate standards and criteria for reviewing proposals for new construction, exterior additions and alterations, relocation of buildings, and other development subject to the provisions of this Article.

2202 Applicability and Zoning Map Designator

The SP Scenic Park Overlay District may be combined with any district adjoining or in the vicinity of the Guajome Regional Park and districts bordering other public parks. The SP district boundaries shall be shown on the zoning map by adding the designator "-SP" to the base district designation.

2203 Land Use Regulations

Land use regulations shall be those of the base district with which the SP district is combined.

2204 Development Regulations

Development regulations shall be those of the base district with which the SP district is combined unless modified by another overlay district, provided that the following additional review criteria shall apply and shall govern where conflicts arise.

- A. General: All development shall be compatible with the topography, vegetation, and colors of the natural environment and the established physical scale and character of the area and not materially degrade the visual resources of the site or adjacent public parks.
- B. Grading Limitations: Alterations of existing natural or artificial contours of land shall be minimized; no major ridge line shall be altered; and any contour altered by grading shall be covered by topsoil and planted with native or drought resistant plant materials compatible with the adjacent landscape.
- C. View Preservation: Structures shall be oriented to preserve views of the Guajome Regional Park and other public parks. The Planning Director may modify this standard to protect sensitive biological resources, critical habitat, or wildlife corridors.
- D. Building Height: Maximum building height shall not exceed 25 feet within 100 feet of the boundaries of Guajome Regional Park and other public parks provided that the Planning Director may permit additional height, up to the limit set for the base district, if he finds that the proposed structures are in reasonable architectural harmony with the character of the area.
- E. Building Materials and Finishes: Primary exterior materials shall be brick, stone, exterior cement plaster (stucco), concrete or wood, and all exterior building finishes shall be painted in earth tones or other colors that are compatible with the surrounding landscape, unless the walls are textured, in which case no paint shall be required, or the Planning Director finds that the type of finish is in reasonable architectural harmony with the area. All roofing materials shall be compatible in color and texture with the surrounding environment. Fencing along the boundary of the Guajome Regional Park and other public parks, shall be of uniform texture, color, style, and materials to protect and enhance the viewshed of the park.

- F. Parking and Loading: On lots abutting a public park, no on-site (off-street) parking or loading spaces shall be exposed to view from the park.
- G. Utilities: Underground utilities shall be provided unless the Planning Director finds that underground installation would have a substantial adverse impact on the environment. Amateur and professional radio antennas, satellite antennas, and microwave transmitting and relay equipment shall not be allowed in the Scenic Park Overlay District in accordance with Section 3025 of this Zoning Ordinance.
- H. Signs: All signs shall be subject to the applicable provisions of Article 33 and the following provisions:
1. No roof signs or painted wall signs shall be permitted.
 2. The maximum height of pole signs shall not exceed 25 feet, measured from existing grade.
 3. No off-site signs, including outdoor advertising signs, temporary leasing or for sale signs, or subdivision signs, shall be permitted except for multi-use directional signs on a free-standing pole or structure no more than 8 feet high with a maximum width of 4 feet for each panel. No pole or sign structure may have more than four sign panels.
 4. No temporary promotional signs or political signs shall be permitted.

A development project that requires Planning Commission approval under Section 4303 shall be reviewed by the Planning Commission for consistency with these criteria. For all other projects, the Planning Director shall be responsible for reviewing for consistency with these criteria prior to the approval of any permit.

All development projects located within the Guajome Regional Park Sphere of Influence which require discretionary review and action shall be reviewed by the Guajome Regional Park Area and Coordinating Committee prior to action being taken by the Planning Commission or the Planning Director. The committee shall make recommendations to the Planning Commission or the Planning Director.

2205 Development Plan Review

Development plans for projects within the SP Scenic Park District shall be reviewed for compliance with the review criteria and requirements of this chapter and with all other applicable requirements of the City Code.

Article 32 Condominium Conversions (City-wide)

Sections:

- 3201 Specific Purposes
- 3202 Applicability
- 3203 Objectives
- 3204 Definitions
- 3205 Requirements
- 3206 Application Procedures
- 3207 Required Reports and Information
- 3208 Condominium Conversion Standards
- 3209 Tenant Benefits and Notification
- 3210 Housing Assistance Fee
- 3211 Effect of Proposed Conversions on the City's Low- and Moderate-Income Housing Supply
- 3212 Density Bonus for Including Low- and Moderate-Income Housing
- 3213 Retaliation
- 3214 Unlawful Detainer Defense
- 3215 Findings
- 3216 Appeals

3201 Specific Purposes

The conversion of residential structures from one individual ownership to condominiums or any other form of multiple ownership interests creates special community problems, both social and economic. Conversions may significantly affect the balance between rental and ownership housing within the city, and thereby reduce the variety of individual choices of tenure, type, price, and location of housing; increase overall rents; decrease the supply of rental housing for all income groups; displace individuals and families; and disregard the needs of the prevailing consumer market. The purpose of this article is to provide guidelines to evaluate those problems, including the impact any conversion application may have on the community, and to establish requirements which shall be included in any conversion approval.

3202 Applicability

This article shall apply to all conversions of existing residential real property to condominium or stock cooperative projects or any other form of ownership except conversion projects for which a tentative map or a tentative parcel map has been approved by the City Council prior to the effective date of this ordinance. All provisions, conditions, and further definitions of condominium development as included in the State Civil Code, Government Code, Taxation Code, and Business and Professions Code shall apply to divisions of real property as permitted herein.

3203 Objectives

This article is enacted for the following reasons:

- A. To establish procedures and standards for the conversion of existing multiple-family rental housing to condominiums;
- B. To reduce the impact of such conversions on tenants, who may be required to relocate due to the conversion of apartments to condominiums, by providing for procedures for notification and adequate time and assistance for relocation to comparable rental housing and rates;
- C. To assure that purchasers of converted housing have been properly informed as to the physical condition of the structure which is offered for purchase;
- D. To ensure that converted housing achieves a high standard of appearance, quality, and safety, and is in good condition without hidden needs for maintenance and repair;
- E. To provide the opportunity for low- and moderate-income persons to participate in the ownership process, as well as to maintain a supply of rental housing for low- and moderate-income persons; and
- F. To assure that adequate rental housing is available in the community.
- G. To establish procedures and standards for the conversion of existing multiple-family rental housing that have not received permanent occupancy permits to condominiums.

3204 Definitions

For purposes of this article, the following definitions shall apply:

- A. "Condominium" is an estate in real property consisting of an undivided interest in common of a parcel of real property together with a separate interest in space of a residential building in the form of a dwelling unit.
- B. "Conversion project" is the entire area of real property divided or proposed to be divided into condominiums or stock cooperatives, including all structures and improvements thereon.
- C. "Stock cooperative" is an estate in real property consisting of joint ownership as defined in Section 11003.2 of the Business and Professions Code. It is a development in which there is an interest in the land coupled with the right of exclusive occupancy of space in a residential dwelling unit. Title to the property is held by a corporation. Right of occupancy is transferable only concurrently with the transfer of the share or shares of stock in the corporation held by the person having such right of occupancy.

3205 Requirements

In addition to the applicable requirements and procedures set forth in Chapter 32 (Subdivisions) of the City Code, conversions of existing rental housing to condominiums, community apartments, stock cooperatives and any other subdivision which is a conversion of existing rental housing shall be subject to the additional requirements of this article.

Such conversions of four or fewer units must obtain a use permit approved by the Planning Commission, **or by the Community Development Commission (CDC) for properties within the Redevelopment Project Area**, and conversions of five or more units must obtain a use permit approved by the City Council pursuant to Article 41.

In addition, conversion of existing rental housing stock that have not received final occupancy permits and are of four or fewer units must obtain a use permit approved by the Planning Commission and conversions of five or more units must obtain a use permit approved by the City Council pursuant to Article 41.

3206 Application Procedures

The following procedures and regulations shall apply to condominium conversion applications:

A. **Preliminary Applications**. Applicants may submit preliminary applications for condominium conversions of residential structures to condominiums. Such applications shall identify the owner or authorized agent, the location and number of units in the building to be converted, and contain information on the vacancy rate of multifamily dwellings of three or more units within the city and the number of tenants who support such a conversion.

Data for determining the city's annual multifamily rate shall be compiled from a variety of sources including, but not limited to, United States Postal Service Surveys, idle utility meter reports, reports from financial institutions, real estate organizations, or a City survey.

B. **Department Review**. The **Planning Division of the Development Services** Department shall review preliminary applications for condominium conversions. Preliminary applications may be accepted for further discretionary review if any one of the following factors exists:

1. The vacancy rate of multiple-family developments of three or more rental units within the city, as determined by the Housing Director is equal to or more than 5 percent, unless the conversion will result in a decrease of the vacancy rate to less than 5 percent.
2. Tenants lawfully in possession of 75 percent of the units indicate in writing to the City their desire (one vote per unit) to convert such units to condominium ownership. To qualify under this provision, the applicant shall submit evidence that tenants have been provided with information on all estimated costs, including, but not limited to, the unit cost, down-payment requirements, financing, estimated

property management costs, and homeowner association fees. If the conversion is approved, the developer shall provide information to the City on the number of tenants who actually purchased. If at any time during the conversion approval process, a sufficient number of tenants decide not to purchase, or if misrepresentation is discovered, the Planning Commission/CDC or City Council, as the case may be, shall have sufficient grounds for denial of the use permit application.

3. The applicant agrees to sell or rent at affordable prices 25 percent of the units to low-and moderate-income households, with a minimum of 5 percent of the total units affordable to low-income households. If the units are to be made available for purchase, the maximum sales price of units intended for low- or moderate-income households shall not exceed 2.5 times the annual median income for such households as defined by the California Health and Safety Code, Section 50093. Resale controls shall be included as a deed restriction as specified by the City Council for conversions of 5 or more units, or the Planning Commission/CDC for conversions of 4 or fewer units. If the units are to be for rent, the maximum rent allowed shall keep the units within the low- or moderate-income housing stock.

C. Optional Ranking of Applications.

1. If the ~~Planning Director~~ City Planner receives more than one preliminary application during a six-month period pursuant to subsection (B)(1) of this section (vacancy rate) and determines that proposed conversions may reduce the vacancy rate to less than 5 percent, subsequent applications may be ranked by the Department based upon the following criteria:
 - (a) The extent to which the proposed conversion will provide housing opportunities for persons of all income levels in the community;
 - (b) The extent to which the proposed conversion's deleterious effect on occupying tenants will be mitigated by relocation assistance and other assistance provisions by the applicant; and
 - (c) The extent to which the project is suitable for conversion on the basis of its physical condition and other amenities.

The Planning Commission/CDC or City Council, as the case may be, shall consider the highest ranking acceptable applications, the total units not to exceed the maximum number of units permitted to be converted based on the vacancy rate, or the rental percentage. Upon a written request, the applicant shall receive from the City a written explanation of the rank given to the conversion applications.

2. All applications which meet the criteria described in subsection (B)(2) (tenant approval) and subsection (B)(3) (affordable housing) shall be considered by the Planning Commission/CDC or City Council, as the case may be, regardless of vacancy or rental percentage limitations. If approved, and after conversion, the loss of rental units shall be included in the vacancy and rental calculations.

3. Conversions of existing rental housing stock that has not received final occupancy permits may be required to follow all of the provisions of Section 3206. Final recommendation will be determined by the City Planner.

3207 Required Reports and Information

After preliminary applications are accepted for further discretionary review, the applicant shall submit all the information required for a use permit application and a tentative map pursuant to Chapter 32 of the City Code. In addition, the applicant shall submit information documenting that the project as a whole will be in good repair on the interior and the exterior when offered for sale. As part of the material necessary for the City to determine this to be the case, and to aid the review of the proposal, the reports and/or information required by this section shall be submitted. The cost of all reports shall be paid by the applicant, and the persons preparing the reports shall be approved by the City. The reports shall include information on what improvements, if any, shall be accomplished by the developer and at what point in the conversion proceedings such improvements shall be completed. All improvements cited in the reports, whether required or voluntary, shall be considered conditions of approval.

The applicant shall be responsible for the remedy of physical conditions within individual units or common areas, noted by a prospective purchaser and/or tenant, which have been missed by inspections or which occur subsequent to the inspections but prior to the close of escrow. In case of disagreement between the applicant and the prospective purchaser as to the actual condition, remedy, or cause of deterioration, the burden of proof shall be that of the applicant.

A. Physical Elements Report and Related Information. A report on the physical elements of all structures and facilities, existing tenants, and proposed covenants, conditions and restrictions shall be submitted, containing the following:

1. A report by a California-licensed structural or civil engineer detailing the structural condition, useful life, and any apparent deferred maintenance of elements of the property, including, but not limited to, foundations, walls, ceilings, retaining walls, and drainage facilities.
2. A report by a California-licensed appliance professional detailing the age, condition, expected size, and the cost of replacement for each appliance. The report shall identify any defective or unsafe appliances and set forth the proposed corrective measures to be employed.
3. A report by a California-licensed structural termite and pest control specialist certifying whether or not all attached or detached structures are free of infestation and structural damage caused by pests and dry rot. The report shall describe what procedures would be necessary to eliminate infestation or damage, if present. Such report shall be updated within six months after the close of escrow, and any infestation shall be remedied prior to sale.

4. Existing soils reports shall be submitted for review with a statement regarding any known evidence of soils problems relating to the structures. As required by the City Engineer, a new or revised report shall be prepared by a California-licensed soils engineer on soil or geological conditions on-site or off-site which could adversely affect the project site or structures.
5. A report by a California-licensed general or painting contractor verifying the condition of the painting throughout the project, including building interior and exterior surfaces and an estimate of the remaining physical life of the paint. A statement that new paint will be applied on all building interior and exterior surfaces may take the place of such report. Such statement shall include the brand name of the paint and the exterior colors to be used.
6. A report by a California-licensed general or roofing contractor verifying the condition of the roofs of all structures and an estimate of the remaining physical life of the roofs and the cost of replacement. A statement that new roof material will be applied may take the place of such report. Such statement shall include the type, grade, and color of the proposed roofing material.
7. A report by a California-licensed general contractor verifying the age, condition, estimate of remaining useful life, any apparent deferred maintenance, and cost of replacement of elements of the property, including, but not limited to, electricity, plumbing, utilities, windows, frames, mechanical equipment for heating and cooling, recreational facilities, mechanical equipment, parking facilities, refuse disposal facilities, swimming pools, saunas, jacuzzis, fountains, stone and brickwork, fireplaces, and exterior lighting.
8. A declaration of the covenants, conditions, restrictions, and rules and regulations which would be applied on behalf of any and all owners of condominium units within the project. The declaration shall include, but not be limited to: the conveyance of units; the assignment of parking and storage areas; and an agreement for common area maintenance, together with an estimate of any initial assessment fees anticipated for such maintenance, and an indication of appropriate responsibilities for the maintenance of all utility lines and services for each unit. Such documents shall be approved by the City Attorney and recorded in the Office of the County Recorder.
9. Specific information concerning the demographic and financial characteristics of the project, including, but not limited to, the following:
 - (a) The square footage and number of rooms in each unit;
 - (b) The rental rate history for each type of unit for the previous three years;
 - (c) The monthly vacancy rate for each month during the preceding three years;
 - (d) A complete list of the number of tenants and tenant households in the

project, including the following information:

- (1) Households with persons 62 years or older;
- (2) The family size of households, including a breakdown of households with children 5 years and younger; and between 5 and 18 years;
- (3) Households with handicapped persons;
- (4) The length of residence;
- (5) The age of tenants; and
- (6) The designation of low- and moderate-income households and whether receiving federal or state rent subsidies.

When the subdivider can demonstrate that demographic information is not available, this requirement may be modified by the ~~Planning Director~~ **City Planner**.

- (e) The proposed price of each of the units;
- (f) The proposed homeowners' association budget, detailed to include fixed costs, operating costs, reserves, administration, and contingencies; and
- (g) A statement of intent as to the types of financing programs to be made available, including any incentive programs for existing residents.

10. Signed copies from each tenant of the notice of intent to convert, as specified in this article. The applicant shall submit evidence that a certified letter of notification was sent to each tenant for whom a signed copy of such notice is not submitted.

B. Acceptance of Reports. The final form of the physical elements report and other documents shall be approved by the Planning Commission/ **CDC** or City Council, as the case may be. The reports in their acceptable form shall remain on file with the Department for review by any interested person.

C. Copies to Purchasers. Prior to any purchaser executing any purchase agreement or other contract to purchase a unit in the project, the subdivider shall provide each purchaser with a copy of all reports in their final form as accepted by the Planning Commission/ **CDC** or City Council, except that the demographic information required by subsection (A)(8) and copies of the notice to each tenant concerning conversion do not need to be distributed. The developer shall give the purchaser at least five days to review such reports. Copies of the reports shall be made available at all times at the sales office and shall be posted at various locations, as approved by the City.

3208 Condominium Conversion Standards

- A. Compliance with Zoning, Building, Housing, Mechanical, and Fire Codes. All units, as well as the common ownership facilities, shall be brought into compliance with all applicable state and local zoning, building, housing, mechanical, and fire codes adopted for use by the City unless, upon approval of the ~~Planning Director~~ **City Planner** and prior to recordation of the final map or parcel map, funds have been adequately escrowed to assure completion of such corrective work prior to the closing of escrow of any unit in the project.
- B. Parking Requirements. The project shall conform to all applicable parking requirements of Article 31.
- C. Sound Transmission Characteristics and Energy Conservation. The following methods shall be used to regulate noise transmission:
1. Shock Mounting of Mechanical Equipment. All permanent mechanical equipment, such as motors, compressors, pumps, and compactors, which are determined by the Building Official to be a source of structural vibration or structure-borne noise, shall be shock-mounted in inertia blocks or bases and/or vibration isolators in a manner approved by the Building Official.
 2. Noise Mitigation and Energy Conservation. Energy conservation insulation shall be installed in all heated or cooled buildings, including common ownership structures used for assembly purposes, in accordance with Title 24 of the California Administrative Code, as amended, and in effect on the date building permits are issued for condominium conversion rework. Common walls and common floor ceiling between units shall be constructed to meet a sound transmission coefficient (STC) rating of 50 or higher.
- D. Fire Protection.
1. Smoke Detectors. Every dwelling unit shall be provided with an AC-powered smoke detector approved by the State Fire Marshal. Installations shall comply with Uniform Building Code Section 1210(a).
 2. Sprinkler and Other Systems. A sprinkler system, fire alarm, and other fire protection devices shall be installed as required by the City Code.
- E. Utilities: Location and Metering.
1. Location. Each dwelling unit shall be served by gas and electric services completely within the lot lines or ownership space of each separate unit. No common gas or electrical connection or service shall be allowed. Easements for gas and electric lines shall be provided in the common ownership area where lateral service connections shall take place.

2. Undergrounding. All new utilities, both on-site and off-site, across property frontage shall be underground.
 3. Metering. Each dwelling unit shall be separately metered for gas and electricity. Individual panel boards for electrical current shall be provided for each unit. A plan for the equitable sharing of communal water metering and other shared utilities shall be included in the covenants, conditions, and restrictions.
- F. Laundry Facilities. A laundry area shall be provided in each unit, or, if common laundry areas are provided, such facilities shall consist of not less than one automatic washer and dryer for each five units or fraction thereof.
- G. Condition of Equipment and Appliances. At such time as the homeowners' association takes over the management of the condominium project, the applicant shall provide a one-year warranty to the association that any pool and/or spa and pool and/or spa equipment (filter, pumps, and chlorinator) and any appliances and mechanical equipment to be owned in common by the association is in operable working condition. The plumbing and electrical systems in both the dwellings and the common ownership areas shall also be covered by a one-year warranty for proper and safe operation and installation in a safe and workmanlike manner. Such warranty shall be offered by an independent homeowner's warranty service licensed by the California Insurance Commission.
- H. Refurbishing and Restoration. All main buildings, structures, fences, patio enclosures, carports, accessory buildings, sidewalks, driveways, landscaped areas, and additional elements as required by the Planning Commission/CDC shall be refurbished and restored as necessary to achieve a high standard of appearance, quality, and safety.
- I. Contingency Fees. The intent of the City in requiring the creation of a contingency or reserve fund for condominium conversions is to provide a surety for unexpected or emergency repairs to common areas in the interest of the economic, aesthetic, and environmental maintenance of the community, as well as to protect the general welfare, public health, and safety of the community. Upon the close of escrow for each unit, the applicant shall convey to the homeowners' association's contingency fund a minimum fee of \$200 per dwelling unit. When 50 percent or more of the total units in the project has been sold, the applicant, within 30 days, shall convey such fee for each of the unsold units. Such funds shall be used solely and exclusively as a contingency fund for emergencies which may arise relating to open space areas, exterior portions of dwelling units, and such other restoration or repairs as may be assumed by the homeowners' association.

3209 Tenant Benefits and Notification

Applications for condominium conversions shall include the following procedures as they relate to tenant notification:

- A. Notices of Intent. A notice of intent to convert shall be delivered to each tenant at least

60 days prior to filing the application for a use permit and a tentative map. Evidence of the receipt of such notice shall be submitted with the application for conversion. The form of the notice shall be in the form outlined by Section 66452.9 of the California Government Code, and shall contain not less than the following:

1. The name and address of the current owner;
2. The name and address of the proposed subdivider;
3. The approximate date on which the application and tentative map are proposed to be filed;
4. The approximate date on which the final map or parcel map is to be filed;
5. The approximate date on which the unit is to be vacated by non-purchasing tenants;
6. The tenant's rights of:
 - a. Purchase;
 - b. Notification to vacate; and
 - c. Termination of the lease.
7. A statement of no rent increase from application to two years after approval of a final map;
8. Provisions for special cases;
9. The provision of moving expenses and the tenant's right to claim any penalty imposed if timely payment is not made;
10. The anticipated price range of the units;
11. The proposed homeowners' association fees;
12. A statement of the types of financing programs to be made available, including any incentive programs for existing residents; and
13. A copy of the City's condominium conversion regulations.

B. Notification to Tenants.

1. Mailing. For projects of four units or less, two separate stamped, pre-addressed envelopes for each resident of each unit shall be furnished to the Planning ~~Department~~ **Division** by the applicant at the time the subdivider submits an application for a use permit for a conversion. The ~~Department~~ **Division** shall use one envelope to notify the residents by mailing a copy of the Planning Commission/**CDC** public hearing notice to tenants not less than 10 days prior to the

proposed hearing date on the application. The notice shall include notification of the tenant's right to appear and be heard. The second envelope shall be used by the ~~Department~~ **Division** to notify the residents of the results of the public hearing by mailing notification of the decision of the Planning Commission/**CDC** not more than seven days following the Planning Commission action. For conversions of five units or more, two additional sets of envelopes shall be provided for notification of the City Council hearing and decision. Failure of the ~~Department~~ **Division** to mail such notice shall not invalidate any proceeding or action taken by the City in considering a conversion. The list of names and addresses of the residents of each unit in the conversion project shall be current as of the day of submittal and shall be certified as such by the applicant.

2. Notices to Prospective Tenants. Commencing 60 days prior to the submittal of the application, any prospective tenants shall be notified in writing by the subdivider of the intent to convert prior to leasing or renting any unit pursuant to Section 66452.8 of the California Government Code. Such notice shall be attached to rental agreements.
 3. Posting Notices. The notice of intent shall be posted on-site in at least one location readily visible to tenants.
- C. Tenants' Discounts. Any present tenant of any unit at the time of an application for conversion shall be given a nontransferable right of first refusal to purchase the unit occupied at a discount of the price offered to the general public. The amount of the discount shall be based on the longevity of each tenant, and shall be ratified by the applicant at the time of conversion.
- D. Vacation of Units. Each non-purchasing tenant, not in default under the obligations of the rental agreement or lease under which the subject unit is occupied, shall have not less than 120 days after the date of the tentative map approval by the City or until the expiration of the tenant's lease to find substitute housing and to relocate. Tenants shall be permitted to terminate leases or tenancy with one month's notice at any time after a conversion application.
- E. No Increase in Rent. A tenant's rent shall not be increased within two months prior to a project application, nor shall the rent be increased for two years from the time of the filing of the project application or until relocation takes place.
- F. Special Cases.
1. All non-purchasing tenants 62 years old or older and all non-purchasing medically-proven permanently disabled tenants shall receive a lifetime lease. Rents for such tenants shall not be increased for two years after the filing of the project application.
 2. The following non-purchasing tenants shall receive a minimum of 12 months' relocation time, measured from the tentative map approval, to find replacement

housing;

(a) Tenants with low or moderate incomes; and

(b) Tenants with minor children in school.

- G. Moving Expenses. The subdivider shall provide moving expenses equal to three times the monthly rent to any tenant, in compliance with all the terms of the subject lease and/or financing, who relocates from the building to be converted after City approval of the use permit authorizing conversion of the units. When the tenant has given notice of his intent to move prior to City approval of the use permit, eligibility to receive moving expenses shall be forfeited.
- H. Relocation Assistance. Relocation assistance shall be provided by the subdivider to non-purchasing tenants for a minimum period of four months following the tentative map approval. Information on available rental units in the same general area with costs comparable to the preconverted apartments shall be provided by the subdivider on a calendar quarterly basis. Copies of the list shall be posted on-site, dated, and provided to the ~~Department~~ Division.
- I. Discrimination. No discrimination in the sale of any unit shall be based on race, color, creed, national origin, sex, or age, and a statement to this effect shall be included in the covenants, conditions, and restrictions. Projects created exclusively for the purpose of providing senior citizen housing shall be exempted from this requirement.
- J. Certificates of Occupancy. A certificate of occupancy shall be approved by the Planning Director and issued by the Building Official prior to the occupancy of units after sales.
- K. Condominium Conversion. Conversion of existing rental housing stock that has not received final occupancy permits is not required to follow the provision of Section 3209.

3210 Housing Assistance Fee

As a condition of approval of the use permit, all applicants for approval of a condominium conversion shall be required to enter into an agreement with the City providing for payment of a Housing Assistance Fee at the time of sale of individual units. The Housing Assistance Fee, equal to 2 percent of the sales price of each converted unit, shall be paid through escrow to the City before recording a change in title in favor of the purchaser of the unit. Fees received by the City shall be deposited in a Housing Assistance Fund to be used by the City exclusively to provide low-income housing opportunities consistent with Article 34 of the California Constitution. The money collected shall be committed within five years after payment thereof. If the money is not committed, it shall be distributed and paid to the then-record owners of the converted units.

- A. Exceptions. The Planning Commission/CDC may waive the requirements of this section for projects consisting of four or fewer units if it is determined that the conversion will not have a significant impact on the City's rental housing stock. The

City Council may waive the requirements of this section if approval by another public agency required more stringent provisions to mitigate the loss of rental housing apply attributable to the proposed conversion project.

- B. Conversion. Conversion of existing rental housing stock that has not received final occupancy permits is not required to follow the provision of Section 3210.

3211 Effect of Proposed Conversions on the City's Low- and Moderate-Income Housing Supply

In reviewing requests for the conversion of existing apartments to condominiums, the Planning Commission/CDC or City Council, as the case may be, shall consider the following:

- A. Whether or not the amount and impact of the displacement of tenants, if the conversion is approved, would be detrimental to the health, safety, or general welfare of the community.
- B. The role the apartment structure plays in the existing housing rental market. Particular emphasis will be placed on the evaluation of rental structures to determine if the existing apartment complex is serving low- and moderate-income households.
- C. The need and demand for lower-cost home ownership opportunities which are increased by the conversion of apartments to condominiums.

3212 Density Bonus for Including Low- and Moderate-Income Housing

Consistent with the requirements of Section 65915.5 of the California Government Code, the City shall offer a density bonus to condominium conversions including low- or moderate-income housing units or lower-income household units. When an applicant for approval to convert apartments to a condominium project agrees to provide at least 33 percent of the total units of the proposed condominium project to persons of low or moderate income, as defined in Section 50093 of the California Health and Safety Code, or 15 percent of the total units to lower-income households, as defined in Section 50079.5 of the California Health and Safety Code, the Planning Commission/CDC or City Council, as the case may be, shall either (1) grant a 25 percent density bonus or (2) provide other incentives of equivalent financial value. Any density bonus provided under this section shall be governed by the requirements of Section 3032.

- A. For purposes of this section, "density bonus" means an increase in units of 25 percent over the number of apartments to be provided within the existing structure or structures proposed for conversion. "Other incentives of equivalent financial value" shall not be construed to require the City to make any cash transfer payments or other monetary compensation to the subdivider, but may include the reduction or waiver of any required fees or the condominium conversion standards prescribed in Section 33208.
- B. An applicant shall be ineligible for a density bonus or other incentives under this section

if the apartments proposed for conversion constitute a housing development for which a density bonus was provided under the provisions of Section 3032.

- C. Conversion of existing rental housing stock that has not received final occupancy permits is not required to follow the provision of Section 3212.

3213 Retaliation

It shall be unlawful for any person to evict or cause to be evicted any tenant where the dominant purpose of such eviction is retaliation against the tenant for the exercise or attempted exercise of any right granted under this article or for the peaceful and lawful opposition by such tenant to the proposed conversion of the multiple-unit rental project within which such tenant resides.

3214 Unlawful Detainer Defense

Each of the following acts or omissions shall constitute a separate defense to any unlawful detainer action:

- A. Failure of the applicant to comply with the provisions of Section 3209 and/or 3213.
- B. Failure of the applicant to provide the notice required by Government Code Section 66427.1(a).

3215 Findings

The Planning Commission/CDC or City Council, as the case may be, may approve an application for a condominium conversion if it finds that the proposed conversion meets the following requirements in addition to the requirements of Section 4106:

- A. That all the provisions of the state Subdivision Map Act, this article, and other applicable provisions of the Zoning Ordinance and the City Code are met;
- B. That the proposed conversion is consistent with the General Plan and the adopted Housing Element and any applicable specific plan;
- C. That the proposed conversion will conform to the provisions of this ordinance and the City Code in effect at the time of the project approval, except as otherwise provided in this section;
- D. That the overall design and physical condition of the condominium conversion achieves a high standard of appearance, quality, and safety;
- E. That the proposed conversion will not displace a significant percentage of low- or moderate-income, permanently or totally disabled, or senior citizen tenants or delete a significant number of low- and moderate-income rental units from the City's housing stock at the time when no equivalent housing is readily available in the Oceanside area;

- F. That the dwelling units to be converted have been constructed and used as rental units for at least three years prior to the application for conversion.

3216 Appeals

The decision of the Planning Commission shall be final upon formal action at the next regular meeting, unless appealed in accord with Article 46.

Article 34 Mobile Home Park Conversions (City-wide)

Sections:

- 3401 Specific Purpose
- 3402 Definitions
- 3403 Permit Required
- 3404 Relocation Plan
- 3405 Findings for Conversion
- 3406 Conditions of Approval
- 3407 Waiver

3401 Specific Purpose

The specific purpose of the Mobile Home Park Conversion procedure is to ensure that any conversion of these parks to other uses is preceded by adequate notice, and that relocation and other assistance is provided park residents, consistent with the provisions of the California Government Code, Section 65863.7.

3402 Definitions

For purposes of the article, the following definitions shall apply:

- A. "Mobile home" is a structure designed for human habitation and for being moved on a street or highway under permit pursuant to Vehicle Code Section 35790. Mobile home does not include a recreational vehicle, as defined in Civil Code Section 799.24, or a commercial coach, as defined in Health and Safety Code Section 18218.
- B. "Mobile home park" is an area of land where two or more mobile home sites are located to accommodate mobile homes used for human habitation. This definition shall include rental mobile home parks where mobile home spaces are rented or held out for rent. A mobile home park shall also include a mobile home subdivision, condominium or stock cooperative in which specific ownership rights are acquired by the unit occupants within the mobile home park.
- C. "Conversion" means a use of a mobile home park for a purpose other than the rental, or the holding out for rent, of two or more mobile home sites to accommodate mobile homes used for human habitation. Such a conversion may affect an entire mobile home park or any portion thereof. A conversion shall include, but is not limited to, a change of the rental mobile home park or any portion thereof to a mobile home subdivision, condominium, stock cooperative, or any form of ownership wherein spaces within the mobile home park are to be sold.

3403 Permit Required

The conversion of an existing rental mobile home park to another use or to a mobile home

subdivision, condominium or stock cooperative shall require a use permit reviewed by the Planning Commission and approved by the City Council pursuant to Article 41 or for properties within the Redevelopment area, jointly approved by the Community Development Commission (CDC) and the City Council. An application for such permit shall include the following:

- A. A general description of the proposed use to which the mobile home park is to be converted.
- B. The proposed timetable for implementation of the conversion.
- C. Total mobile home spaces within the mobile home park.
 - 1. Number of mobile home spaces occupied.
 - 2. Length of time each space has been occupied by the present resident(s) thereof.
 - 3. Age, size, and type of mobile home occupying each space.
 - 4. Monthly rent currently charged for each space.
 - 5. Name and mailing address of the residents of each mobile home within the mobile home park.
- D. A disposition/relocation plan for existing tenants of the mobile home park. Upon filing an application for conversion, the ~~Planning Director~~ City Planner shall inform the applicant of the requirements of Civil Code Section 798.56 and Government Code 65863.8 regarding notification of the mobile home park residents concerning the conversion proposal.

3404 Relocation Plan

The relocation plan for tenants of a mobile home park shall be submitted to the City Council for approval as part of the application for conversion of a rental mobile home park to another use or to a mobile home subdivision, condominium or stock cooperative. The plan shall provide specifically for relocation assistance to full-time, low- and moderate-income residents of the park for a minimum period of 12 months following approval of a use permit for the conversion. Information on sites available in mobile home parks in the city and adjacent communities shall be provided to all tenants.

A relocation plan shall include, but not be limited to, consideration of the availability of medical and dental services and shopping facilities, the age of the mobile home park and the mobile homes, and the economic impact on the relocated tenants.

- A. Special Cases. The relocation plan shall specifically provide guarantees that all tenants 62 years old or older and all tenants who are medically proven to be permanently

disabled shall not have to pay an increase in rent over the amount currently paid for a period of two years following relocation.

- B. Moving Expenses. The relocation plan shall provide for moving expenses equal to the actual cost of moving up to but not exceeding the cost of moving to a location within a 250 mile radius of the park to any tenant who relocates from the park after City approval of the use permit authorizing conversion of the park. In the event a tenant has given notice of his intent to move prior to the park owner submitting an application for conversion to the City, eligibility to receive moving expenses shall be forfeited. Moving expenses and relocation assistance shall be provided in conformance with Federal, State and Local Ordinances.
- C. No Increase in Rent. A tenant's rent shall not be increased within two months prior to filing an application for conversion of a mobile home park, nor shall the rent be increased for two years from the date of filing of the conversion application or until relocation takes place.

3405 Findings for Conversion

The City Council may approve a permit for a rental mobile home park conversion if it finds that the proposed conversion meets the following requirements in addition to the requirements of Section 4106:

- A. That the proposed use of the property is consistent with the General Plan or any specific plan, and all applicable provisions of this ordinance are met.
- B. That there exists land zoned for replacement housing or adequate space in other mobile home parks for the residents who will be displaced.
- C. That the conversion will not result in the displacement of low-income mobile home residents who cannot afford rents charged in other mobile home parks within the City of Oceanside.
- D. That the age, type, size, and style of mobile homes to be displaced as a result of the conversion will be able to be relocated into other mobile home parks within the City of Oceanside.
- E. That if the rental mobile home park is to be converted to another residential use, the mobile home residents to be displaced shall be provided the right of first refusal to purchase, lease, rent or otherwise obtain residency in the replacement dwelling units, and the construction schedule for such replacement dwelling units shall not result in a displacement of unreasonable length for those mobile home residents electing to relocate in these replacement units.
- F. That any mobile home residents displaced as a result of the conversion shall be compensated by the applicant for all reasonable costs incurred as a result of their relocation.

- G. That the relocation plan mitigates the impacts of the displacement of individuals or households for a reasonable transition period and mitigates the impacts of any long-term displacement.

3406 Conditions of Approval

Consistent with Section 4107, the City Council shall impose the following conditions of approval of a permit for a rental mobile home park conversion. In addition to any other conditions:

- A. The applicant shall submit a relocation plan that shall make adequate provisions for the relocation of all mobile homes and mobile home residents to be displaced as a result of the conversion. Such plan shall include provisions to relocate such mobile homes and mobile home residents in comparable mobile home parks within the City of Oceanside. A replacement mobile home park shall be deemed comparable if it provides substantially equivalent park facilities and amenities, space rental and fees, and location, i.e., proximity to public transportation, medical and dental centers, shopping facilities, recreation facilities, religious and social facilities, etc.
- B. The applicant shall bear all reasonable costs of relocating mobile homes and mobile home residents displaced by the conversion. Such costs shall include but not be limited to: the cost of moving the mobile home to its new location; the cost of necessary permits, installations, landscaping, site preparation at the mobile home's new location; the cost of moving personal property; and the cost of temporary housing, if any. Such costs may also include the cost of purchasing replacement mobile homes for those residents owning mobile homes that are not acceptable in other mobile home parks as a result of its size, age or style, or establishing a new mobile home park for the relocation of displaced mobile homes.
- C. In addition, the City Council may establish the date on which the permit for conversion will become effective. Such date shall not be more than two years from the decision of the City Council, provided that conversion at an earlier date may be approved if the City Council receives a written petition requesting an earlier date signed by a majority of those persons residing in the subject mobile home park at the time of the City Council public hearing to consider the conversion application. The effective date of the approval in such a case shall be the date set forth in the petition. Conversion at the earlier date may be approved only if the applicant has complied with all the provisions of an approved relocation plan and submitted evidence of such compliance to the ~~Planning Director~~ **City Planner**.

3407 Waiver

The City Council may find that there is substantial evidence to support a finding by the Council that the imposition of conditions as provided for in Section 3406 would result in an extreme economic hardship for the applicant. An extreme economic hardship does not exist where the cost of implementing the relocation conditions would merely deny the

applicant the maximum profits that could be realized from the conversion of the mobile home park.

If the City Council determines that the conditions would result in extreme economic hardship for the applicant, the City Council may waive or modify any conditions that would otherwise be necessary to enable the Council to make the findings required by Section 3405. Such conditions may be waived or modified only to the extent minimally necessary to alleviate such extreme economic hardship.

Article 43 Development Plan Review

Sections:

- 4301 Purpose and Applicability
- 4302 Review Requirements
- 4303 Initiation of Development Plan Review
- 4304 Application for Development Plan
- 4305 Notice, Administrative Hearing, and Public Hearing
- 4306 Required Findings
- 4307 Conditions of Approval
- 4308 Effective Date; Lapse of Approvals; Time Extension; Changed Plans
- 4309 Appeals

4301 Purpose and Applicability

The ensure that new development complies with all applicable requirements of this ordinance, development plans shall be required for development projects as provided in this article.

More specifically, the purposes of development plan review are to:

- A. Ensure that the architectural design of structures, and that plans for the landscaping of open spaces conform with the requirements of this ordinance, and with any prior conditions of approval;
- B. Ensure that new development will not create public service and facility demands exceeding the capacity of existing and planned infrastructure.

4302 Review Requirements

Development plans shall be reviewed as follows:

- A. All development plans shall be reviewed by the Planning ~~Department~~ **Division** and by any other City department or division or governmental agency designated by the ~~Planning Director~~ **City Planner**. The ~~Planning Director~~ **City Planner** ~~or Planning Commission~~ **or Community Development Commission** shall approve, conditionally approve or deny all development plans except as provided in this section **or for projects located within the Coastal Zone, as otherwise specified in the Coastal Permit Handbook.**
- B. Development plans for projects in an H Historic Overlay District shall be reviewed by the Historic Preservation Advisory Commission, and approved, conditionally approved or denied by the Planning Commission. Development plans for the alteration, enlargement or demolition of a designated historical site shall be approved, conditionally approved or denied by the Historic Preservation Advisory Commission, as provided by Section 2111.
- C. For development plans for projects within designated ~~redevelopment~~ **Downtown** areas, the

~~Redevelopment Director~~ **City Planner** shall recommend approval, conditional approval or denial to the Community Development Commission. For development plans within the Oceanside Small Craft Harbor, recommendations shall be made by the Harbor Chief Executive Officer for processing and action by the Harbor Board of Directors.

- D. Development plans for projects in ~~redevelopment~~ **Downtown** areas shall be reviewed and approved, conditionally approved or denied by the Community Development Commission, as provided by ~~an adopted redevelopment plan(s)~~.
- E. All projects within the Oceanside Small Craft Harbor shall require Development Plans which shall be reviewed and approved, conditionally approved or denied by the Harbor Board of Directors. The Board shall have final decision-making authority except for projects which are also within a ~~redevelopment~~ **Downtown** area, in which case the Community Development Commission shall have final authority.
- F. The Planning Commission shall approve, conditionally approve, or disapprove development plans for projects as follows:
 - 1. R, A, OS, PS and PD Districts. All projects except (a) single-family residences, (b) projects with less than three housing units, (c) exterior alterations and additions of less than 2,500 square feet of floor area.
 - 2. C Districts. All proposed projects on sites of two acres or more involving new construction, all additions of more than 2,500 square feet of floor area on sites of two acres or more, and any exterior alterations to existing buildings or building complexes greater than or equal to 10,000 square feet of floor area.
 - 3. I Districts. All projects involving new construction of 100,000 square feet of floor area or more, exterior alterations to existing structures of 100,000 square feet of floor area or more, or additions of 100,000 square feet of floor area or more.
- G. The ~~Planning Director~~ **City Planner** shall administratively approve, conditionally approve, or disapprove development plans for projects as follows:
 - 1. R and A Districts. Projects as follows: (a) single-family residences in the A district, (b) projects with two housing units in R districts.
 - 2. C Districts. All proposed projects on sites of less than two acres involving new construction, any addition of square footage to existing structures on sites of less than two acres, and all additions of less than 2,500 square feet of floor area on sites of two acres or more.
 - 3. I Districts. All projects involving new construction of less than 100,000 square feet of floor area, all additions of less than 100,000 square feet of floor area, and all exterior alterations to existing buildings or building complexes greater than or equal to 10,000 square feet and less than 100,000 square feet of floor area.

- H. The ~~Planning Director~~ **City Planner** may refer development plans for any project to the Planning Commission for review and approval if he finds that the project may conflict with the purposes and standards of the base district and any overlay districts applicable to the project or with the purposes of this article, or if public services and facilities serving the project may be inadequate. Such projects shall be the subject of a public hearing, as provided by Section 4308.

4303 Initiation of Development Plan Review

An application for a development plan shall be initiated by a property owner or authorized agent. If the property is not under a single ownership, all owners shall join in the application, and a map showing the extent of ownership shall be submitted with the application.

4304 Application for Development Plan

The following plans and materials shall be submitted with a Development Plan application provided that the ~~Planning Director~~ **City Planner** may waive submission of items deemed unnecessary to determine compliance with applicable requirements of this ordinance:

- A. A completed application package and form, signed by the property owner or authorized agent, accompanied by the required fee, plans and mapping documentation in the form prescribed by the ~~Planning Director~~ **City Planner**;
- B. A fully dimensioned site plan showing:
 - 1. The architect's or designer's name, address, and telephone number;
 - 2. Scale of plan and north arrow;
 - 3. Street address of site and vicinity map showing the relationship of the site to the surrounding area;
 - 4. Existing and proposed property lines, right-of-way lines, dedications, and easements;
 - 5. Locations of existing and proposed structures, driveways, walks and open spaces; and
 - 6. Locations, heights, and materials of existing and proposed walls and fences.
- C. A statement describing the proposed use and calculations in tabular form showing compliance with applicable density, coverage, parking, and open-space regulations.
- D. A fully dimensioned landscape plan.
- E. A grading plan showing proposed changes in grade and the total volume of land to be cut or filled, with proposed drainage patterns indicated by arrows.
- F. A fully dimensioned parking and loading plan showing:

1. Locations and dimensions of all parking and loading spaces, driveways and vehicular entrances, with proposed traffic circulation patterns indicated by arrows; and
 2. Calculations showing the number of parking and loading spaces required by size and the number proposed.
- G. Elevations of proposed structures, showing exterior wall openings and describing exterior materials.
- H. Floor plans showing the proposed use and exterior wall openings.
- I. Locations, dimensions, and heights of all signs.
- J. Any other informational items deemed necessary by the ~~Planning Director~~ **City Planner** in order to fully analyze and review the proposed development.

4305 Notice, Administrative Decision, and Public Hearing

- A. Administrative Decision. For projects that require development plans to be considered by the ~~Planning Director~~ **City Planner**, the ~~Planning Director~~ **City Planner** shall administratively approve, conditionally approve, or disapprove the development plan application.
- B. Public Hearing Required. For projects that require development plans to be considered by the Planning Commission **or Community Development Commission**, a public hearing of the Planning Commission **or Community Development Commission** shall be held to approve, conditionally approve, or disapprove the development plan application.
- C. Time of Administrative Decision or Public Hearing. Within 10 working days after acceptance of a complete application, the ~~Planning Director~~ **City Planner** shall set a time and place for an administrative decision or a public hearing to be held within 60 days.
- D. Notice. Notice of the ~~Planning Director's~~ **City Planner's** administrative decision, ~~or the Planning Commission's~~ **or Community Development Commission's** public hearing as the case may be, shall be given in the following manner:
1. Published Notice. Notice shall be published in at least one newspaper of general circulation within the City at least 10 days prior to the administrative decision or public hearing on the project.
 2. Mailed or Delivered Notice. At least 10 days prior to the administrative decision or public hearing, notice shall be mailed to the applicant and all owners of property within 300 feet of the boundaries of the site, as shown on the last equalized property tax assessment role.
- E. Contents of Notice. The notice for the administrative decision or the public hearing shall

contain:

1. A description of the location of the development site and the purpose of the application;
2. A statement of the time, place, and purpose of the administrative decision or public hearing;
3. A reference to application materials on file for detailed information; and
4. A statement that any interested person or an authorized agent may comment or appear and be heard.

4306 Required Findings

The Planning Commission, **Community Development Commission** or the ~~Planning Director~~ **City Planner** as the case may be, may approve an application for a development plan if, on the basis of the application, plans, materials, and testimony submitted, the Planning Commission, **Community Development Commission** or the ~~Planning Director~~ **City Planner** finds:

A. For the Development Plan

1. That the site plan and physical design of the project as proposed is consistent with the purposes of the Zoning Ordinance.
2. That the Development Plan as proposed conforms to the General Plan of the City.
3. That the area covered by the Development Plan can be adequately, reasonably and conveniently served by existing and planned public services, utilities and public facilities.
4. That the project as proposed is compatible with existing and potential development on adjoining properties or in the surrounding neighborhood.
5. That the site plan and physical design of the project is consistent with the policies contained within Section 1.24 and 1.25 of the Land Use Element of the General Plan, the Development Guidelines for Hillside, and Section 3039 of this ordinance.

4307 Conditions of Approval

In approving a development plan, the Planning Commission, **Community Development Commission**, or the ~~Planning Director~~ **City Planner** as the case may be, may impose reasonable conditions necessary to:

- A. Achieve the general purposes of this ordinance or the specific purposes of the zoning district in which the project is located, or to make it consistent with the General Plan;
- B. Protect the public health, safety, and general welfare; and

- C. Ensure that the site plan and physical design of the project is compatible with existing and potential uses on adjoining properties or in the surrounding neighborhood.

4308 Effective Date; Lapse of Approvals; Time Extensions; Changed Plans

- A. Effective Date. Development plans administratively approved by the ~~Planning Director~~ **City Planner** shall become effective on the date of the ~~Planning Director's~~ **City Planner's** administrative decision, unless appealed to the Planning Commission **or Community Development Commission**, as provided for in this article. Development plans approved by the Planning Commission **or Community Development Commission** shall become effective on the date of adoption of the Planning **Commission or Community Development Commission** resolution, unless appealed, as provided for in Article 46 **or pursuant to applicable Coastal Act and Coastal Commission Regulations.**
- B. Lapse of Approvals. Development plan approvals shall lapse two years after the effective date of approval or conditional approval or at an alternate time specified as a condition of approval unless:
1. A grading permit has been issued and grading has been substantially completed and/or a building permit has been issued, and construction diligently pursued; or
 2. An occupancy permit has been issued; or
 3. The approval is extended; or
 4. In cases where a Development Plan is approved concurrently with a Tentative Map and a Final Map or Parcel Map is recorded, the Development Plan shall be effective for an additional 24 months from the date of recordation of the Final Map or Parcel Map.
 5. In the situation where items #1 and/or #2 above have occurred and site activity had commenced and been completed in earlier phases of the overall development plan but no site grading or building permit activity had occurred on the remaining undeveloped portion of the site for a period of five years, a new development plan must be obtained.
- C. Time Extension. Upon application by the project applicant filed prior to the expiration of an approved or conditionally approved development plan, the time at which the development plan expires may be extended by the ~~Planning Director~~ **City Planner**, ~~or~~ the Planning Commission **or the Community Development Commission** as the case may be, for a period or periods not to exceed a total of three years. Application for renewal shall be made in writing to the ~~Planning Director~~ **City Planner** no less than 30 days or more than 90 days prior to expiration.
- D. Changed Plans. A request for changes in conditions of approval of a development plan, or a change to the development plan that would affect a condition of approval, shall be treated as a new application. The ~~Planning Director~~ **City Planner** may waive the requirement for a new application if the changes requested are minor, do not involve substantial alterations or

addition to the plan or the conditions of approval, and are consistent with the intent of the project's approval or otherwise found to be in substantial conformance.

4309 Appeals

- A. Rights of Appeal and Review. Development plan decisions of the ~~Planning Director~~ **City Planner** may be appealed by any interested party to the Planning Commission **or Community Development Commission, as applicable.** Development plan decisions of the Planning Commission may be appealed by any interested party to the City Council. **Projects which are located within the appealable Coastal Zone, may be appealed to the Coastal Commission, pursuant to Coastal Act and Coastal Commission Regulation procedures.**
- B. Procedures; Public Hearings. Procedures for appeals shall be as prescribed by Article 46. **Additionally, projects which are located within the Coastal Zone are subject to compliance with Coastal Act and Coastal Commission Regulations.**

Article 44 Development Agreements

Sections:

- 4401 Purpose
- 4402 Application Requirements
- 4403 Pre-Application Process
- 4404 Department Review and Recommendation
- 4405 Public Hearing Required
- 4406 Planning Commission Action
- 4407 City Council Action
- 4408 Annual Review
- 4409 Application of Existing Rules, Regulations, and Policies
- 4410 Modification and Termination
- 4411 Administration

4401 Purpose

In order to strengthen the public planning process, encourage private participation in comprehensive planning, and reduce the economic cost of development, the Legislature of the State of California adopted Section 65864 et. seq. of the Government Code, authorizing local governments to enter into development agreements with applicants for development projects. The objective of such an agreement is to provide assurances that, upon approval of the project, the applicant may proceed with the project in accord with existing policies, rules and regulations, subject to the conditions of approval, thus vesting certain development rights in the property. The purpose of this article is to establish procedures and requirements for consideration of development agreements by the City consistent with state law.

4402 Application Requirements

An applicant may propose that the City consider entering into a development agreement pursuant to Title 7, Chapter 4, Article 2.5 of the Government Code, commencing with Section 65864, by filing an application with the Planning ~~Department~~ **Division**. The application shall be accompanied by the following:

A. A proposed agreement, which shall contain the following:

1. A legal description of the property sought to be covered by the agreement;
2. A statement of concurrence in the application by the owner if the applicant is not the fee owner;
3. A description of the proposed uses, height and size of building(s), density or intensity of use, and provision for reservation or dedication of land for public purposes;
4. A statement of terms and conditions relating to applicant financing of public facilities

and required improvements;

5. All proposed conditions, terms, restrictions, requirements for subsequent City discretionary actions;
 6. A statement specifying which rights are intended to vest on the effective date of the agreement, and the timing and sequence of subsequent discretionary approvals and vesting of rights;
 7. The proposed time when construction would be commenced and completed for the entire project and any proposed phases; and
 8. The termination date for the agreement.
- B. A completed Initial Study form.
- C. A map showing the location and street address of the property that is the subject of the amendment and of all lots of record within 300 feet of the boundaries of the property.
- D. A list, drawn from the last equalized property tax assessment roll, showing the names and addresses of the owner of record of each lot within 300 feet of the boundaries of the property. (This list shall be keyed to the map required by subsection [C] above.);
- E. A statement documenting that the project is consistent with the General Plan and all applicable specific plans.
- F. Such other information as the ~~Planning Director~~ **City Planner** may require by policy or to satisfy other requirements of law.
- G. The required fee.

4403 Pre-Application Process

City staff shall not begin to negotiate with the applicant until the City Council **/Community Development Commission** has so authorized staff, following completion of the pre-application process as set forth below.

- A. The Planning ~~Department~~ **Division** shall review the proposal, consult with all City departments, obtain such additional information from the applicant as may be deemed necessary by the City Manager, and shall, within 45 days of receipt of the proposal, prepare a report containing the ~~Department's~~ **Division's** recommendation to the City Council. The recommendation shall consist of the following:
1. A statement of potential public benefits accruing to the City if the agreement were entered into, as identified by the ~~Planning Director~~ **City Planner**;
 2. A recommendation whether the City should negotiate further with the applicant, with

supporting arguments;

3. A statement of issues for further research and investigation, and issues which should be addressed in the development agreement;
 4. A statement of those documents, applications and other items required by the ~~Planning Director~~ **City Planner** in order to further process the application or negotiate with the applicant.
- B. Upon receipt of the recommendation of the ~~Planning Director~~ **City Planner**, the report shall be set for a public hearing before the City Council **/Community Development Commission** at its next regularly scheduled meeting. The City Council **/Community Development Commission** shall consider at the hearing whether to authorize City staff to negotiate with the applicant concerning the development agreement. Notice of the hearing shall be given in accordance with Section 65090 and 65091 of the Government Code.
- C. Upon the close of the hearing, the City Council **/Community Development Commission** shall either:
1. Direct City staff, by written resolution, to begin negotiating with the applicant, and to prepare a proposed development agreement for Planning Commission **or Downtown Advisory Committee** review; or
 2. Determine that no further negotiations are desirable and so state in a written resolution, including the reasons for such a determination, and reject the application.

4404 Department Review and Recommendation

The Planning ~~Department~~ **Division** shall, at the applicant's expense and in accord with City procedures for implementation of CEQA, undertake environmental review and, upon completion of such review, transmit the application, together with the recommendations thereon, to the Planning Commission **or Downtown Advisory Committee**.

4405 Public Hearing Required

Upon receipt of an application, the results of the environmental review, and the recommendations of the staff, the Planning Commission **or Downtown Advisory Committee** shall schedule a public hearing. The Planning Commission **or Downtown Advisory Committee** hearing shall be scheduled for six months following City Council **or Community Development Commission** authorization to staff to negotiate with the applicant, unless the City and the applicant mutually agree to a later date.

Notice of intention to consider the application shall be given as provided in Sections 65090 and 65091 of the Government Code. In addition, if the application is being processed together with the development project, notice of such intention shall be given as required for consideration of the development project.

4406 Planning Commission or Downtown Advisory Committee Action

After the public hearing is closed, the **Planning** Commission shall recommend approval, modification, or disapproval of the proposed development agreement. The Commission shall transmit its recommendation to the City Council within 30 days.

4407 City Council /Community Development Commission Action

- A. Upon receipt of the application, the results of the environmental review, and the recommendations of the staff and the Planning Commission **or Downtown Advisory Committee**, the City Council **/Community Development Commission** shall schedule a public hearing on the application. Notice of intention to consider the application shall be given in the same manner as set forth in Section 4405 above.
- B. If the application is being processed together with the development project, the public hearing on the application may be held concurrently with the hearing on the project.
- C. After the public hearing is closed, the City Council **/Community Development Commission** shall approve, modify, or disapprove the proposed development agreement. An agreement shall not be approved unless the City Council **/Community Development Commission** makes the following findings:
 1. That the agreement is consistent with the General Plan and with any Specific Plan;
 2. That the agreement is consistent with all provisions of this ordinance, the City Code, and the State Subdivision Map Act;
 3. That the agreement will not be detrimental to the health, safety and general welfare; and will not adversely affect the orderly development of property or the preservation of property values;
 4. That the City Council **/Community Development Commission** has considered the effect of the development agreement on the housing needs of the region in which the City is situated and has balanced these needs against the public service needs of its residents and available fiscal and environmental resources.

Any approval of a proposed agreement shall be made by ordinance, which shall authorize the Mayor and the City Clerk to sign the agreement on behalf of the City, and shall become effective after thirty days following the second reading, unless a referendum is filed within that time.

- D. No agreement shall be signed by the Mayor and the City Clerk until it has been duly signed by the applicant and owner, if the applicant is not the owner. If the applicant has not signed and returned the approved agreement to the Mayor and the City Clerk for signing within 30 days of Council approval, said application shall be deemed withdrawn by applicant.
- E. Within 10 days after the Mayor and the City Clerk sign a development agreement and the

ordinance becomes effective, the City Clerk shall cause a copy thereof to be recorded.

- F. All agreement provisions are subject to modification or suspension as set forth in Title 7, Chapter 4, Article 2.5, of the Government Code, commencing with Section 65864.

4408 Annual Review

- A. Development agreements shall be limited in their term to a period not to exceed a maximum of 10 years from the effective date of the adopting ordinance. The City may specify in the agreement options to renew the term of the agreement.
- B. All development agreements shall be reviewed by the ~~Planning Director~~ **City Planner** at least once every 12 months, unless the agreement provides for more frequent review, in which case the agreement shall prevail.
- C. The purpose of the review shall be to inquire into the good faith compliance of the applicant with the terms and conditions of the agreement and for any other purpose specified in the agreement.
- D. The ~~Planning Director~~ **City Planner** shall begin the annual review proceeding by giving written notice to the applicant or any of its successors in interest (hereinafter collectively referred to as the "applicant") that the City intends to undertake a periodic review of the development agreement. He shall give the written notice at least 30 days and not more than 60 days prior to the first anniversary of the effective date of the development agreement and each anniversary thereafter. The notice shall specify that the applicant must submit documentation to demonstrate the applicant's good faith compliance with the development agreement. In addition to the information provided by the applicant set forth below, the ~~Planning Director~~ **City Planner** may request that the applicant address additional issues with respect to the applicant's good faith compliance with the terms of the development agreement. The ~~Planning Director~~ **City Planner** shall deliver no less than 30 days' written notice of any hearing of any requirement that the City desires to be addressed, and applicable staff reports, in a manner sufficient for the applicant to respond. Either party may address any requirement of the development agreement during the review period. If, at any time of review, an issue not previously identified in writing is required to be addressed by the City, the review at the request of either party may be continued to afford sufficient time for analysis and preparation.
- E. During the review period, the applicant shall have the duty to demonstrate its good faith compliance with the terms of the development agreement. The burden of proof of good faith compliance shall be on the applicant. The applicant's duty to demonstrate may be satisfied, by presentation to the City of: (1) a written report identifying the applicant's performance or the reasons for its non-performance or excused performance pursuant to any applicable provisions of the development agreement; or (2) oral or written evidence submitted at the time of review.
- F. The ~~Planning Director~~ **City Planner** shall determine, on the basis of substantial evidence, whether or not the Applicant has complied in good faith with the terms and conditions of the

development agreement, and shall deliver written notice of his or her determination to the applicant. If the ~~Planning Director~~ **City Planner** finds and determines on the basis of substantial evidence that the applicant has complied in good faith with the terms and conditions of the agreement during the period under review, the review for that period is concluded and no other action shall be necessary.

If the ~~Planning Director~~ **City Planner** finds and determines on the basis of substantial evidence that the applicant has not complied in good faith with the terms and conditions of the agreement during the period under review, the notice of such determination shall specify the manner in which the applicant has failed to comply. The applicant may appeal this determination to the City Council by filing a written notice of appeal with the City Clerk within 10 working days after the date the notice of determination of noncompliance is issued. If the applicant fails to appeal the determination within this time period, the ~~Planning Director~~ **City Planner** determination shall become conclusive and final. The ~~Planning Director~~ **City Planner** shall thereafter take such further action as may be deemed necessary based on the requirements of the development agreement including, but not limited to establishment of a cure period, project modification, or referral to City Council **/Community Development Commission** for modification or termination of the agreement.

- G. Upon appeal by the applicant or upon the referral of the determination by the ~~Planning Director~~ **City Planner** to the City Council **/Community Development Commission**, the City Council **/Community Development Commission** shall conduct a public hearing at which the applicant must demonstrate good faith compliance with the terms of the agreement. The burden of proof on this issue is upon the applicant. Prior to the City Council's determination, the City Council **/Community Development Commission** may refer the matter to the Planning Commission **or Downtown Advisory Committee** for their review and recommendation to the City Council **/Community Development Commission**. The City Council **/Community Development Commission** shall, in its referral, specify when the Planning Commission **or Downtown Advisory Committee** should issue its report and recommendation to the City Council **/Community Development Commission**.
- H. The City Council **/Community Development Commission** shall determine upon the basis of substantial evidence whether or not the applicant has, for the period under review, complied in good faith with the terms and conditions of the agreement. The City Council **/Community Development Commission** shall issue written findings to support its determination.
1. If the City Council **/Community Development Commission** finds and determines on the basis of substantial evidence that the applicant has complied in good faith with the terms and conditions of the agreement during the period under review, the review for that period is concluded and no other action shall be necessary.
 2. If the City Council **/Community Development Commission** finds and determines on the basis of substantial evidence that the applicant has not complied in good faith with the terms and conditions of the agreement during the period under review, the City may declare the applicant to be in default, may initiate proceedings to unilaterally modify or terminate the agreement in accordance with Section 4410, set a reasonable time for

compliance under the agreement, or take such further action as the City deems necessary and appropriate under the circumstances.

4409 Application of Existing Rules, Regulations and Policies

Unless otherwise provided by the development agreement, rules, regulations, and official policies applicable to development of the property subject to a development agreement, shall be those rules, regulations, and official policies in force at the time of execution of the agreement. A development agreement shall not prevent the City, in subsequent actions applicable to the property, from applying new rules, regulations, and policies which do not conflict with those rules, regulations, and policies applicable to the property as set forth herein, nor shall a development agreement prevent the City from denying or conditionally approving any subsequent development project application on the basis of such existing or new rules, regulations, and policies. No rights shall be deemed to vest in the applicant, or any other person, under any development agreement, except as expressly set forth in the development agreement.

4410 Modification and Termination

Any development agreement may be amended, or canceled in whole or in part, by mutual consent of the applicant (or its successor in interest) and the City, or it may be modified or terminated pursuant to the provisions of Section 4408, above. Notice of intention to take any such action shall be given in the manner provided by Section 4405, above; provided, however, that the parties may set forth an alternative procedure in the agreement for processing insubstantial amendments. Any significant amendment shall be subject to the provisions of the Government Code, Section 65867.5.

4411 Administration

The ~~Planning Director~~ **City Planner** shall prepare and adopt such application forms, checklists, and other documents as considered necessary and desirable to implement these procedures and requirements.

Article Proposed for Modification Shown in Strike-Out and Underline

Article 33A Signs

Sections:

3301	Title, Purposes and Intent
3302	Basic Principles
3303	Definitions
3304	Allowable Signs
3305	Prohibited Signs
3306	General Sign Standards
3307	Procedures for Sign Approval
3308	Non-Conforming Signs
3309	Enforcement
3310	Severability

3301 Title, Purposes and Intent

- A. Title. This Article may be known as the Sign Ordinance of the City of Oceanside, California.
- B. Purposes. This Article establishes a comprehensive system for the regulations of signs, as defined herein, within the defined regulatory scope of this Article, in the City of Oceanside, California.
- C. Intent. By adopting this Article, the City intends to balance several competing interests, including: (1) to regulate signs in a constitutional manner, with rules that do not regulate protected noncommercial speech by content or favor commercial speech over noncommercial speech; (2) to provide adequate opportunity for persons to express themselves by displaying an image or message on a sign; (3) to preserve and enhance the aesthetic, traffic safety and environmental values of our communities and growing commercial/industrial districts; (4) to minimize distraction, obstruction or other impediments to traffic circulation which would be caused by excessive or inappropriately placed signage; (5) to safeguard and preserve the health, property, and public welfare of Oceanside residents by regulating the physical design, location, and maintenance of signs; and (6) to provide a method for abatement of illegal and abandoned signs.

3302 Basic Principles

- A. Authority. This Article is adopted pursuant to the California Constitution Article XI, Section 7; the City's Charter; and general and police powers, California Government Code Sections 65000 *et seq.*, 65850(b), 38774, and 38775; Business and Professions Code Sections 5200 *et seq.*, 5230, and 5490 *et seq.*, 13530 *et seq.*, 13540, Penal Code

556 *et seq.*, and other applicable State laws.

- B. Regulatory Scope. This Article regulates signs, as defined herein, which are located on or displayed from, private property located within corporate limits of the City (excepting therefrom Downtown “D” District areas), as well as signs located on public property owned by public agencies other than the City, over which the City has land use regulatory authority. Signs on City property, as defined herein, are regulated by Article 33 B.
- C. Owner’s Consent. No sign may be displayed on private property without the consent of the property owner or person holding the present right of possession and control of the property.
- D. Noncommercial Messages. There is no location criterion for noncommercial messages that are protected by the First Amendment to the U.S. Constitution and/or the corollary provisions of the California Constitution.
- E. Message Substitution. Subject to the land owner’s consent, any constitutionally protected noncommercial message may be substituted for any duly permitted or allowed commercial message, or any duly permitted or allowed noncommercial message, provided, that the sign structure or mounting device is legal without consideration of message content. Such substitution of message may be made without any additional approval or permitting.
- F. Compliance Required. Signs, as defined herein, may be displayed within the City only in compliance with the rules stated in this Article and all other applicable laws, rules and regulations and policies. When a permit is required, an application will be approved if it conforms to all applicable laws, rules regulations and policies. If the application does not comply, then it will be denied in a written decision which specifies all points of noncompliance. The decision on the sign permit application shall be rendered within 45 calendar days of when the application is complete and all applicable fees are paid. Applications will be processed according to the procedures stated in Section 3307 of this Article.
- G. Permit Generally Required. Unless exempted from the sign permit requirement, all signs shall be installed or displayed only pursuant to a sign permit issued by the City.
- H. Discretionary Approvals. Whenever a sign or a proposed sign is subject to any discretionary review, permit, or approval, such discretion may be exercised only as to the compatibility of the sign within its location, and other structural, architectural and locational factors. Discretion may not be exercised as to the artistic merit or graphic design elements of the proposed sign or the message itself so long as such message is not excluded from First Amendment (U.S. Constitution) protection under relevant court decisions.

- I. Administrator Interpretations. All interpretations of this Article shall be exercised in light of message neutrality and message substitution policies. Where a particular type of sign is proposed, and the type is neither expressly allowed nor prohibited by this chapter, or whenever a sign does not qualify as a “structure” as defined in the Building Code, as adopted by the City of Oceanside, then the Planning Commission or City Planner, as applicable, shall approve, conditionally approve or disapprove the application based on the most similar sign type, using physical and structural similarity, that is expressly regulated by this Article.
- J. Compatibility factors. In determining compatibility of a sign with its surrounding environment, the following criteria may be considered: (1) Style or character of existing improvements upon the site and properties adjacent to the site; (2) Visual elements such as construction materials, physical design details, and the number and spacing of signs in the area; (3) The sign’s height, size and location, in relation to its proposed location and use; (5) Potential effect of the proposed sign on driver and pedestrian safety; (6) Potential blocking of view (whole or partial) of a structure or façade or public view of natural, historical or architectural significance; (7) Potential obstruction of views of users of adjacent buildings to side yards, front yards, open space, or parks; (8) Potential negative impact on visual quality of public spaces, including but not limited to recreation facilities, public squares, plazas, courtyards and the like; (9) Whether the sign structure will impose an aesthetically foreign or inharmonious element into the existing skyline or local viewscape.
- K. Billboard Policy. New billboards, as defined herein, are prohibited. It is a fundamental land use policy of the City to completely prohibit the construction, erection or use of any and all billboards, other than those which legally exist in the City, for which a valid permit has been issued and has not expired, as of the date on which this chapter, or when a prior version of this chapter containing a provision to the same effect, was adopted. In adopting this chapter, the City Council affirmatively declares that it would have adopted this policy even if it were the only provision in this chapter. The City Council intends for this billboard policy to be severable and separately enforceable even if other provision(s) of this chapter may be declared, by a court of competent jurisdiction, to be unconstitutional, invalid or unenforceable. This prohibition does not apply to agreements to relocate presently existing legal billboards as encouraged by State law including, but not limited to, Business and Professions Code Section 5412, as that section may be amended from time to time. However, in no case shall billboards be relocated in the Coastal Zone.

3303 Definitions

For purposes of this Article, the following definitions shall apply:

Abandoned signs: A sign is deemed abandoned when for a period of 90 days or more,

any of the following conditions are met: 1) there is no sign copy appearing on the sign, or 2) where the establishment with which the sign is associated has ceased operation, or 3) where it is clear that the sign has been forsaken or deserted. Any sign which is a conforming sign not in use, but which could be re-used in conjunction with the ownership or operation of a new business on a property, shall not fall under the definition of abandoned.

Alteration: Any change of size, shape, illumination, position, location, construction or supporting structure of an existing sign.

Animated sign: A sign with action or motion, rotating, flashing or color changes, not including sign elements that are actuated by wind or forced or accelerated by air or gas, such as flags, banners, streamers, whirligigs or other similar devices. Commercial mascot advertising displays and digital display (Electronic Message) signs that expose messages for 4 seconds or more and do not appear to be in motion nor change in intensity (other than between day and night) are not within this definition.

Banner: Any sign of lightweight fabric or similar material that is attached to a building or other structure, and used for advertising and/or attention getting. Flags are not within this definition.

Billboard: A permanent sign structure in a fixed location which meets any one or more of the following criteria: 1) It is used for the display of off-site commercial messages; 2) it is used for general advertising; 3) the message display area, or any part thereof, is made available to message sponsors other than the owner(s) or operators(s) of the sign; 4) the sign is a principal or secondary use of the land, rather than appurtenant or accessory to some other principal use of the land.

Building complex: A building or group of buildings on one or more lots or building sites containing three or more separate businesses or industrial uses and sharing common parking facilities.

Building face: The outermost surface of any exterior wall of a building, but not including cornices, bay windows, balconies, or other architectural features which extend beyond the general outermost surface of such exterior wall.

Canopy sign: Any sign that is part of a projecting awning, canopy, or other fabric, plastic, or structural protective cover over a door, entrance or window or outdoor service area.

Changeable copy sign: A sign on which it is possible to change the display copy by hand or with ordinary hand tools, or by electronic control.

City property: Any parcel of land that is owned or controlled by the City of Oceanside, or any of its related entities, or that is within the public right-of-way. Land and facilities

over which the City holds the present right of possession and control are within this definition.

Commercial mascot: A person or animal attired or decorated with commercial insignia, images, costumes, masks or symbols, and/or holding signs displaying commercial messages, when a principal purpose is to draw attention to or advertise a commercial enterprise. This definition includes “sign twirlers”, “sign spinners”, “sign clowns”, “sign walkers”, “human directional”, and human “sandwich board” signs. Commercial mascot advertising displays are not within the definition of animated signage.

Commercial speech: Any message which proposes a commercial transaction or primarily concerns the economic interests of the message sponsor and/or the viewing audience. Also known as “commercial message”.

Construction site: A sign that is displayed on the site of a construction development project during the period of time of actual construction.

Corner clear zone: The area at a street corner inscribed by a line drawn between points established by measuring back 15 feet from the beginning of the curb radius along the curb line, or edge of pavement when there is no curb, and the face of the curb or edge of pavement.

Courtesy sign: A sign whose message provides functional information for the convenience of the public, such as hours of operation, open/closed, credit cards accepted, entrance and exit locations and restroom directions.

Digital display: "Digital display" means display methods utilizing LED (light emitting diode), LCD (liquid crystal display), plasma display, projected images, or any functionally equivalent technology, and which is capable of automated, remote or computer control to change the image.

Directional sign: A sign whose message provides directional information for drivers and pedestrians.

Dormer: A structure located above the height of a wall projecting from a sloping roof that is enclosed on both sides and top, and does not project above the top of the roof structure.

Dwelling unit: Any building or portion thereof which contains living facilities, including provisions for sleeping, eating, cooking, and sanitation.

Election period: That period of time which begins 30 days before a special, general, or primary election in which at least some registered voters in the City are eligible to vote, and ends 5 days after such election.

Electronic message: A sign using electronic or digital technology, including but not limited to LED (light emitting diodes) or CCD (charge emitting diodes) or plasma, or their functional equivalent, which is capable of displaying, changing or changeable images.

Enforcement officer: Any City official or agent designated by the City Manager as having authority to enforce the provisions of this Article.

Establishment: Any legal use of land, other than long-term residential, which involves the use of structures subject to the Building Code. By way of example and not limitation, this definition includes businesses, factories, farms, schools, hospitals, hotels and motels, offices and libraries, but does not include single-family homes, mobile homes, residential apartments, residential care facilities, or residential condominiums. Multi-unit housing developments are considered establishments during the time of construction; individual units are not within the meaning of establishment, however, once a certificate of occupancy has been issued or once residency begins.

Feather banner: "Feather banner" or "feather banner sign" means a flexible pole to which one side of a flexible fabric, generally in the shape of a feather or similar shape, is attached, and which is used for the primary purpose of advertising or attention-getting by the public display of visually communicative images. Such banners are also known and sold under names which include, but are not limited to, "quill sign," "banana banner," "blade banner," "flutter banner," "flutter flag," "bowflag," "teardrop banners," and others. The definition includes functionally similar display devices.

Flag: A piece of fabric or other flexible material, usually rectangular, of distinctive design, used as a symbol. Well known symbols that are commonly placed on flags, when placed on a solid surface, such as a wall or door, are not within this definition.

Freestanding sign: A sign which is self supported by mounting on the ground, in contrast to being attached to and/or supported by some other structure, such as a wall, door or window. Common types include pole signs, ground signs and monument signs.

Garage sale sign: A sign whose message concerns short-term rummage, estate, boutique or garage sales of used or handmade common household items from a residential property.

General advertising: The enterprise of advertising or promoting other businesses or causes using methods of advertising, in contrast to self-promotion or onsite advertising. Also known as "advertising for hire" or "general advertising for hire".

Ground sign: Any freestanding sign greater than 6 feet in height and supported wholly by uprights, braces, or poles in or upon the ground and where any supports or angle irons are enclosed in a wood, plastic, metal or other decorative form, such that the angle irons or

supports are not visible. The entire bottom of a ground sign is generally in contact or in close proximity to the ground.

Height: The height of any sign shall be the measurement of the distance from the top of the sign structure including all ornamentation and supports, to the existing grade beneath the sign.

Historic marker: Signs or markers placed, approved or authorized by the City, State or Federal Government to be located on historic sites, points, or structures, or which describe directions to such from prominent visible locations within the public right-of-way.

Illegal sign: A sign that was installed without proper City or other approvals and/or permits at the time it was initially installed, and which has not been legalized by later action. This definition also includes a sign that was erected in conformance with all applicable laws, rules, and regulations in effect at the time of installation, but which was subsequently altered so as to be out of compliance with applicable law, including the terms of permits which authorized construction. All signs described in Business and Professions Code Section 5499.1 and defined therein as an “illegal on-premises advertising display” are also within this definition.

Illuminated sign: Any sign employing the use of lighting sources for the purpose of decorating, outlining, accentuating or brightening the sign area. This definition does not include signs lit only by ambient lighting.

Institutional: Uses whose primary function is furtherance of the public health, safety and welfare, generally, but not exclusively non-commercial in nature, including, but not limited to the following: hospitals and similar health care facilities, airports, cemeteries, recreational clubs and lodges, museums, theaters and similar cultural institutions, churches and similar religious institutions, detention facilities, fire and police stations, emergency shelters, marinas, parks and similar recreational facilities, schools and similar educational institutions, public utility facilities other than business offices.

Inflatable signs and attention getting devices: Any advertising device which is filled or activated by air or gas and is located, attached, or tethered to the ground, site, merchandise, building, or roof and used for the purposes of signage, advertising, or attention-getting.

Legal non-conforming sign: A sign which was legal when first erected, with all necessary permits, but due to a change in the law it became nonconforming.

Lot: Any piece or parcel of land or a portion of a subdivision, the boundaries of which have been established by some legal instrument of record, that is recognized and intended as a unit for the purpose of transfer of ownership.

Lot frontage: Those portions of a lot or building site which abut a public street. For purposes of determining frontage on corner lots and through lots, all sides of a lot abutting a public street (excluding an alley) shall be considered frontage.

Marquee: A permanent roofed structure attached to and supported by the building and projecting beyond the building face.

Monument sign: A freestanding sign not exceeding 6 feet in height which is supported by a base which extends the entire length of the sign area and is an integral part of the design.

Multi-faced sign: A sign with two or more sign faces where any two sign faces are oriented such that they have an interior angle of greater than 45 degrees from each other.

Non-commercial speech: A constitutionally protected message that is not commercial in nature and which presents debate or commentary on topics of public interest and concern, by way of example and not limitation, politics, religion, philosophy, science, art or social commentary. The onsite/off-site signage distinction does not apply to non-commercial messages or signs displaying them.

Non-structural trim: The molding, battens, caps, nailing strips, lattice, cutouts, or letters and walkways which are attached to the sign structure.

On-site commercial signage: A sign that advertises the commercial business, accommodation, services or activities provided on the premises on which the sign is located, or expected to be provided in the near future. In the case of developments subject to a sign program, all establishments subject to the program are considered onsite whenever located within any area covered by the program. Similarly, all establishments within a shopping center are onsite as to any sign(s) also located within the shopping center. As to construction signs, “onsite” includes messages related to any and all parties involved in the specific construction project.

Permanent sign: A sign which is constructed of rigid material and is securely attached to a building, wall, fence, sign structure or into the ground, and is designed for and intended to be on display long term. All signs described in Business and Professions Code 5499.1(b) as “on-premises advertising displays” are within this definition.

Permitted sign: A sign which may be displayed only with a sign permit issued pursuant to this Article. Also called “signs subject to permit requirements”.

Pole sign: A sign wholly supported by one or more poles and otherwise separated from the ground by air.

Prohibited signs: A sign specified within this Article as prohibited, or prohibited by other

bodies of law.

Projecting sign: A sign which projects more than 12 inches from the exterior face of a building wall or facade and which uses the building wall as its primary source of support.

Project entrance sign: A permanent sign located near the entrance to a housing complex, mobile home park, condominium subdivision or other residential subdivision which was developed with a neighborhood name, or is operated under a community name.

Protected: A message that is within the protection of the First Amendment of the United States constitution and/or corollary provisions of the California constitution, and has not been excluded from such protection by court decisions.

Public service sign: A non-commercial sign that provides general information that benefits the public, such as time and temperature.

Roof sign: A sign erected upon or above a roof or a parapet of a building or structure, and not contained within a dormer.

Setback area: That area defined as the "required minimum yard" as specified by the Zoning Ordinance for each Zoning District, unless a specific setback is designated within this Article. Also called "required setback".

Sign: The public display of a visual image, which is intended to be communicative, and which advertises, informs, projects, displays, or identifies persons, businesses, commodities, services, ideas or information, when such image is visible from any portion of the public right-of-way or from any exterior place which is open to the public. This definition includes, but is not limited to all writing, trademarks, graphic design elements, illustrations and lighting primarily directed at facilitating communication, as well as all supporting structures. Notwithstanding the generality of the foregoing, the following are not within the definition of sign:

1. Such devices not exceeding one square foot in area and bearing only property numbers, post box number, names of occupants, or other similar identification on a site.
2. Flags as defined in Section 3303 of this Article.
3. Legal notices, identification, informational or directional/traffic controlling devices erected or required by government agencies.
4. Decorative or architectural features of buildings, (not including lettering or trademarks or moving parts) which do not perform a communicative function (examples include color stripes around an office building or retail store).

5. Holiday and cultural observance decorations displayed in season, including inflatable objects, on private residential property which are on display for no more than 45 calendar days per year (cumulative, per dwelling unit) and which do not include commercial messages.
6. Government traffic controlling devices are not considered signs for purposes of this Article due to their distinct purpose.
7. Aerial banners towed behind aircraft.
8. Automated teller Machines (ATMs, when not used for general advertising).
9. Cornerstones and foundation stones.
10. The legal use of fireworks, candles and artificial lighting not otherwise regulated by this chapter.
11. Grave markers, gravestones, headstones, mausoleums, shrines, and other markers of the deceased.
12. Historical monuments, plaques and tablets.
13. Inflatable gymnasiums associated with legal residential uses – inflatable, temporary, moveable gymnasium devices commonly used for children's birthday parties, and similar devices (also called "party jumps" or "bounce houses"), including balloons.
14. Interior graphics – visual communicative devices that are located entirely within a building or other enclosed structure and are not visible from the exterior thereof.
15. California State Lottery signs, approved by the Lottery Commission for display by Lottery Game Retailers, in accordance with the California Government Code.
16. Manufacturer's marks – marks on tangible products, which identify the maker, seller, provider of product, and which customarily remain attached to the product even after sale.
17. Mass transit graphics – graphic images mounted on duly licensed and authorized mass transit vehicles that legally pass through the City.
18. Searchlights used as part of a search and rescue or other emergency operation (this exclusion does not apply to searchlights used as attention attracting devices for commercial or special events).
19. Shopping carts, golf carts, horse drawn carriages, and similar devices (any self-

propelled or motorized vehicle which may be legally operated upon a public right-of-way is not within this exclusion).

20. Symbols embedded in architecture – symbols of non-commercial organizations or concepts including but not limited to, religious or political symbols, when such are permanently integrated into the structure of a permanent building which is otherwise legal, by way of example and not limitation, such symbols include stained glass windows on churches, carved or bas relief doors or walls, bells and religious statuary.
21. Vehicle and vessel insignia – on street legal vehicles and properly licensed watercraft: license plates, license plate frames, registration insignia, non-commercial messages, messages relating to the business of which the vehicle or vessel is an instrument or tool (not including general advertising) and messages relating to the proposed sale, lease or exchange of the vehicle or vessel. All other vehicle signs on: 1) vehicles parked on public right-of-way are not permitted and 2) vehicles parked on private property will count toward the total allowable display area.

Sign area: The entire area contained within the frame, cabinet or fixture, including all ornamentation or decoration used to attract attention. In the case of pole signs, that area above the supporting column, provided such supporting column is not decorated or displayed with advertising. The area of signs painted on walls, individual letter signs, through signs, and other directly illuminated signs, shall be calculated on the basis of the smallest rectangle, circle or spherical figure that will enclose the entire copy area of the sign. The area of any two or more faced signs or "V" type signs having any interior angle of more than 45 degrees (multi-faced signs) shall be the total area of all faces or panels. If all interior angles are 45 degrees or less, the greatest sized panel or face shall only be counted as the sign area.

Sign copy: Any words, letters, numbers, figures, designs or other symbolic representation incorporated into a sign with the purpose of attracting attention to the subject matter.

Sign face: The surface of the sign upon, against, or through which the message is displayed or illustrated on the sign.

Sign structure: Any structure that supports or is capable of supporting any sign as defined in this Section. A sign structure may be a single pole and may or may not be an integral part of the building.

Site: A lot, or group of contiguous lots, with or without development, in single ownership, or having multiple owners, all of whom join in an application for signage.

Street: A public or private highway, road or thoroughfare which affords the principal means of access to adjacent lots.

Temporary message: A message that pertains exclusively to a special event which occurs on, or ends on, a particular day.

Temporary sign: A sign that is constructed of lightweight or flimsy material, and is easily installed and removed using ordinary hand tools. Any sign that qualifies as a “structure” under the Building Code is not within this definition.

Wall sign: Any sign attached to, erected against, or painted or inscribed upon the wall of a building or structure, with the exposed face of the sign on a plane parallel to the plane of said wall and not located above the roof line, parapet or facade (except when enclosed within a dormer), which does not project more than 12 inches from the building wall.

Window sign: Any sign or combination of signs in excess of four (4) square feet, displayed on or behind a window or similar opening in wall.

3304 Allowable Signs

Signs are permitted under the various use classifications or locations as specified in A through E of this Section 3304.

A. Industrial, Institutional or Commercial Use – Permanent Signs

The following types of signs may be mounted, erected, installed and displayed on commercial, institutional and industrial uses, subject to the rules stated in this section. All commercial messages shall be onsite only.

1. Freestanding Signs

Freestanding sign types include pole signs, ground signs or monument signs.

a. Pole or Ground Signs

A pole or a ground sign may be permitted if all of the following design standards are met in addition to the General Design Standards contained in Section 3306:

Frontage Requirement: The site shall have a street frontage of at least 200 feet.

Number of Allowed Signs: The identification of a single use not located within a building complex will be limited to one freestanding pole or ground sign. The identification of uses located within a building complex will be limited to one freestanding pole or ground sign per each 1000 feet of street frontage provided that complexes with multiple street frontages may be allowed one secondary ground sign with a maximum height of 15 feet

provided the total allowable sign area is not exceeded. No individual use located within a building complex will be permitted to have its own freestanding pole or ground sign.

Sign Area: The total sign area of all freestanding pole or ground signs for a single building or a building complex shall not exceed the following:

<u>Total Building(s)Area</u>	<u>Total Sign Area</u>
0-10,000 sq.ft.	50 sq.ft.
10,001-20,000 sq.ft.	100 sq.ft.
20,001- 50,000 sq.ft.	150 sq.ft.
50,001- 100,000 sq.ft.	200 sq.ft.
100,001- 200,000 sq.ft.	250 sq.ft.
Over 200,000 sq.ft.	300 sq.ft. max.

Sign Height: The height of a freestanding pole or ground sign shall not exceed the following standards:

<u>Total Building(s) Area</u>	<u>Total Sign Height</u>
0-20,000 sq.ft.	20 feet
20,001 - 75,000 sq.ft.	25 feet
Over 75,000 sq.ft.	30 feet max.

Location: Freestanding pole or ground signs shall not be placed within a corner clear zone and shall be located so as to not create a pedestrian or traffic hazard.

b. Monument Signs

Freestanding monument signs may be permitted subject to following design standards in addition to the General Design Standards in Section 3306:

Building Complexes: Limited to one monument sign per each 250 feet of street frontage.

Single Use: Limited to one monument sign.

Frontage Requirement: Street frontage on a site where a monument sign is located must be at least 100 feet.

Sign Area: The sign area of a monument sign shall not exceed the following standards:

<u>Building Area</u>	<u>Sign Area</u>
0-10,000 sq.ft.	40 sq.ft.
10,001-25,000 sq.ft.	50 sq.ft.
Over 25,000 sq.ft.	60 sq.ft. max.

For the purposes of computing the area of a monument sign and to encourage better design, a border or frame shall not be counted as sign area provided such border or frame does not exceed an additional 25% of the sign area.

Sign Height: No monument sign including a frame, border or base shall exceed six (6) feet in height as measured from existing grade.

Sign Location: A minimum distance of 100 feet must be maintained between monument signs. Monument signs shall be placed within a landscaped area. The sign shall not be placed within a corner clear zone, and shall be located as to not create a pedestrian or traffic hazard.

Sign Structure: The base of a monument sign shall be designed to be an integral part of the sign design, not merely a support. The base of a monument sign shall be solid.

2. Wall Signs

Wall signs are intended to be the primary signage for most uses. The following specific design standards shall apply in addition to the General Design Standards in Section 3306:

Sign Area: The maximum size of a wall sign, including a logo, shall be two (2) square feet of sign area for each lineal foot of building frontage. Frontage is computed on an individual basis in multi-tenant buildings. Building frontage shall be measured along that side of the building for which the sign is proposed.

Sign Length: Front Wall Signs - The length of the sign may be up to 70 percent of the building frontage, to a maximum of 50 feet.

Side and Rear Wall Signs - The length of the sign may be up to 50% of the building frontage, to a maximum of 30 feet.

Sign Copy - Letter height for wall signs shall be as follows:

<u>Building Frontage Width</u>	<u>Letter Height</u>
0-20 feet	18 inches
21-40 feet	24 inches
41-60 feet	30 inches

61-80 feet	36 inches
81-100 feet	42 inches
Over 100 feet	48 inches max.

Wall signs shall be limited to a maximum of two (2) lines of copy. The maximum letter height and/or sign face height shall be measured as the combination of both lines of copy, including the space between, or the distance between the top of the sign face and the bottom of the sign face.

Location: The top of the sign shall not project above the intersection of the wall and roof or parapet line. Wall signs shall be limited to two sides of a building.

3. Projecting Signs

Projecting signs shall not extend over the public right-of-way unless an encroachment permit is obtained from the City.

Sign Area: A projecting sign shall not exceed 30 square feet.

Number of Allowed Signs: Only one sign per use is allowed and shall only be allowed if the wall it is projecting from does not have any wall signs. (Exception: If a canopy is over the entrance to a use, a projecting sign may be allowed under the canopy at each entrance provided such sign does not exceed eight (8) square feet and the total projecting signage for the use does not exceed 30 square feet).

Sign Clearance: The bottom of any projecting sign shall be at least eight feet above the walkway.

4. Canopy Signs

Any signage on a canopy shall be included in the total allowable wall sign area for that use and must meet the sign area, length and copy standards for wall signs.

5. Window Signs

No more than 20 percent of the total window area for any one side of a building shall be used for permanent or temporary sign display.

6. Directional Signs

Directional signs shall be no more than three feet high and three square feet.

7. A-Frame and Other Portable Signs

A-frame and other portable signs shall be allowed to be erected and maintained subject to the standards of the "A-Frame and Portable Design Guidelines".

8. Feather Banners

Feather banners authorized by this section are in addition to the maximum allowable signage which is otherwise permitted. Feather banners shall be maintained in good condition at all times, without faded, frayed or torn fabric.

Location: Feather banners may only be installed on private property and shall not extend over the public right-of-way. Minimum spacing between feather banners shall be 8 feet. Signs shall not create a traffic sight obstruction or other pedestrian or traffic hazard and shall comply with applicable engineering design standards.

Height: Maximum height for feather banners shall be the lesser of 15 feet or the height of the building.

B. Residential Use

Signage for residential uses is allowed, unless specifically prohibited by this ordinance, if complying with the following standards:

1. Signs on Single and Multi-family Residences

Single family residential units may display signs as stated in this subsection, subject to the rules stated in this subsection. Such signs may be displayed without permits, unless the sign qualifies as a structure under the Building Code, in which case all building and other safety code rules apply.

Sign Area: At all times, the total display area of all signs shall not exceed 6 square feet; in the case of freestanding signs, area shall be measured on all sides and shall count separately. However, during the pre-election period, this allowable display area may be increased by 6 square feet.

Height: Signs in the corner clear zone shall not exceed 30 inches in height and shall not create a traffic sight obstruction or other traffic or pedestrian hazard.

Number of signs: Not limited

Location: Not on public property or public right-of-way, or mounted on trees or vegetation.

Message types: Any protected non-commercial, real estate signs, garage sale signs. All other commercial messages are prohibited.

2. Project Entrance Signs

New housing developments may display signs as authorized by this subsection, subject to the rules stated in this subsection.

The signs authorized by this subsection are in addition to those authorized for individual dwelling units.

Number of Signs Allowed: Two signs per each main vehicular traffic entrance. The signs must be placed within a maintained landscaped area within an acceptable easement or open space lot authorized for signage.

Location: Near the main entrance to the project, on private land. The signs must be placed at the main street intersection of the major entrances to the project in such a location as to not obstruct sight distance. Signs may not be located within a public right-of-way. Signs located in the corner clear zone shall not exceed 30 inches in height, nor create a traffic sight obstruction or other pedestrian or traffic hazard.

Size and Height: Thirty-two square feet (per side); four feet high.

C. Agricultural or Open Space Signs

The following signs are allowed:

1. Wall Signs

Wall sign area shall not exceed forty (40) square feet.

2. Monument Signs

Monument signs shall be not exceed forty (40) square feet, or six (6) feet in height. Monument signs shall be placed within a landscaped area.

D. Temporary Signage

The signs authorized by this section are in addition to the maximum allowable signage which is otherwise allowed for signage on a site or residential lot.

Height: Maximum height for freestanding temporary signs is 5 feet.

Number of signs: Unless otherwise stated, the maximum number of separate temporary signs is 4 for commercial, institutional or industrial uses, and 2 for residential, agricultural or open space uses.

Location: Signs shall not be located on public property. Signs in the corner clear zone shall not exceed 30 inches in height and shall not create a traffic sight obstruction hazard. Temporary signs shall not be posted on any tree, bush or other vegetation.

No offsite commercial messages: Temporary signage may not be used to display offsite commercial messages, or to be used for general advertising for hire.

Time period: Commercial, Institutional or Industrial Uses. Temporary commercial message signs may be displayed for up to three (3) separate periods per calendar year from one (1) to fifteen (15) days each period, per use. For building complexes, the combined number of temporary sign display periods shall not exceed five (5) per calendar year. Temporary sign display time periods may be combined consecutively on a site to allow for a total of up to 45 consecutive days of temporary sign display (up to 75 consecutive days for building complexes).

Residential, Agricultural, Open Space Uses. Temporary commercial message signs may be displayed for up to three (3) separate periods per calendar year from one (1) to fifteen (15) days each period, per each lot. Temporary sign display time periods may be combined consecutively on a lot to allow for a total of up to 45 consecutive days of temporary sign display.

Temporary Signs Displaying Protected Noncommercial Speech: Temporary signage used to display protected noncommercial speech is allowed at all times, however the sum of commercial and noncommercial speech temporary sign display area(s) at any given point shall not exceed the maximum area permitted.

During the election period, temporary noncommercial display area allowances may be increased to permit an unlimited number of signs. Sign area is limited to 16 square feet per sign for commercial and industrial uses, and 6 square feet per sign for residential, institutional, agricultural, or open space uses.

Exceeding time allowance: If the duration of temporary sign display of commercial messages exceeds the applicable maximum time period for temporary signs, then the sign shall be deemed permanent and the area thereof shall be counted against the allowable area for permanent signage for the site or lot. A sign installation permit must be obtained or the sign must be removed.

Sign area: Commercial, Institutional or Industrial Uses. The maximum allowable temporary sign area for a site, per time period, is the same as the allowable wall sign area. For the purposes of temporary sign area computation, the area of pennants, flags, streamers, whirligigs, and similar attention-getting devices not displaying

written messages shall not be included.

Residential, Agricultural, Open Space Uses. The maximum allowable temporary sign area is six (6) square feet.

Owner permission: Permission of the owner of the premises on which the signage is located is required.

Balloons, inflatable signs or inflatable attention getting devices: In addition to the temporary signage permitted above, balloons or inflatable signs or devices shall be permitted subject to the following restrictions for usage:

- Such devices shall be allowed one time in the life of an establishment at a given location for a period of not more than 15 calendar days. Only one balloon or inflatable sign/device is permitted per establishment.
- All requirements of the "Balloons and Inflatable Signs or Attention Getting Device Guidelines" shall be met.
- Prior to use, all inflatable signs shall obtain a permit from the City Planner and Enforcement Officer. Permit requirements include submittal, review and approval of an application and payment of required fees. An application fee of \$100 and a deposit of \$400 are required for each application. Applications that satisfy all applicable laws, rules, regulations, policies and guidelines shall be approved.

Cost recovery: Whenever the City causes the removal of a temporary sign, for violation of applicable laws, rules etc., the cost incurred by the City in removing such sign shall constitute a debt owed to the City by the responsible party. The City Manager or designee is authorized to take such action as may be deemed necessary, including the commencement of a civil action in a court of competent jurisdiction, to recover any such costs.

E. Signs within a Historic District

In addition to the regulations elsewhere in this Article, the following regulations shall also apply in the Historic District:

1. Purpose and Consistency
 - a. Historic District Signs shall contribute to the retention or restoration of the historic character of the area. Such signs may not compete with one another in terms of visibility, or dominate the setting via inconsistent height, size, shape, number, color, lighting

or movement.

- b. The following sign regulations are intended to assure Historic District establishments that all other establishments are similarly regulated. A comprehensive sign package shall be required for all development within the Historic Area.

2. Structural and Dimensional Rules

- a. A freestanding sign shall not exceed 12 feet in height.
- b. A wall sign may not exceed four (4) feet in height and must be securely affixed to a wall and project no more than 6 inches from the face of the wall. A wall sign shall not project beyond the edge of the building face nor above the highest line of the building to which it is attached. The length of the sign may be up to 80% of the building frontage, and shall not exceed 20% of the building frontage wall area.
- c. Window signs painted or permanently affixed on an interior translucent surface, including windows and doors, shall not exceed 20% of the area visible from any one point of the building. Exterior window signs are prohibited.
- d. A monument sign shall not exceed six feet in height (except Entry Monuments which may be twelve feet) and supported by a base not exceeding 25% of sign area.

3. Design Standards

Review: All applications for Historic District signs shall be reviewed by Oceanside Historic Preservation Advisory Commission (OHPAC) and shall be approved only when they conform to the sign controls herein as to characteristics and designs. However, such review shall not consider the message content of the proposed signs.

All requests for signs in excess of sixteen (16) square feet shall be accompanied by documentary evidence that signs of such size and advertising existed in the area during the early years that the mission was in operation. Signs must conform in size, shape, design, material, coloring, lighting and location to the period before the Civil War, unless associated with Heritage Park which is not subject to this criteria.

Sign Review Information: Application for a sign permit shall be

accompanied by sketches and drawings to scale showing details of construction, and shall delineate the size, shape, design, material, coloring, lettering, lighting and position in relationship to the building form or place where it will be displayed. Scaled sketches of existing signs on the premises, including signs for which valid permits exist, whether or not such signs are in existence, shall accompany the application.

Colors: Colors shall be consistent with the period of the building or site. No luminous paints or plastics shall be permitted.

Typefaces: The typeface used on all signs shall be consistent with the mission period. Acceptable type styles include the following (unless associated with Heritage Park or Ivey Ranch Park which are not subject to these type styles): Libra, Goudy, Medieval, Solemnis, Garamond, Friar, Alternate Gothic, American Uncial.

Illumination: Signs may be lighted. However, no light that flashes or blinks or effects changes in hue or intensity of illumination is permitted. Digital display signs (LCD, CCD, plasma, etc.) **are is** prohibited. Illumination sources for the sign shall be hidden from view.

Acceptable Sign Materials: The following materials are acceptable for sign face, supports or standards.

- Rough sawn wood and/or wrought iron with painted backgrounds and lettering.
- Smooth wood with painted background and lettering.
- Wood cutouts, carved out letters, or wrought iron silhouettes on any of the above.
- Signs directly painted on a building. (This is defined as a wall sign.)
- Ceramic tiles of letters or symbols inset in adobe or wood.
- Wood or stucco finished sign posts are required.

Prohibited Sign Materials: The following materials are prohibited for Historic District signs:

- Contemporary finishes such as plastics, fiberglass, porcelain enamel, aluminum and stainless steel.

- Sheet metal.
- Bright glossy enamel, fluorescent paint or reflective surfaces.
- Exposed metal supports in extruded, rolled or tubular sections.

Sign Placement: One wall sign is permitted on the face of each establishment.

Sign Size: A sign on the front or primary face of an establishment shall not exceed one square foot for each linear foot of frontage, up to a maximum of 16 square feet.

Signs on the side or rear wall of an establishment shall not exceed one-half square foot for each linear foot of street or dedicated walkway frontage along those walls, up to a maximum of 12 square feet.

One perpendicular (30 degree or greater) projecting sign not to exceed six (6) square feet will be permitted on the front of or primary face of each establishment.

Freestanding Signs: No freestanding or roof top canopy signs shall be permitted, unless the establishments are located within an arcade, court or similar structure that is not on a public right-of-way. In such case, the establishments so located may collectively place a single freestanding sign at the entrance of said arcade or court. Maximum height of such sign shall not exceed four feet above average adjacent grade. Each establishment shall have a maximum of 1.5 square feet for display of their message or image.

Courtesy Signs: Courtesy signs are permitted on the faces of buildings or structures, provided that are not placed higher than 8 feet above the immediately adjacent ground level or above the eave line, whichever is the lesser.

Directional Signs: Multi-user directional signs may be located on a separate freestanding pole structure provided that the structure and/or sign affixed to same does not exceed six feet in height. Single use directional signs shall be no more than three feet high. Maximum size for a single sign or panel is four (4) square feet; maximum number per establishment is four.

Address Signs/ Name Plates: Name plates and address identifiers shall not exceed one square foot in area; maximum one per establishment or

residence.

Location Markers: Location markers are permitted as ground signs which illustrate the historic core layout and list and locate the establishments therein. The sign shall not exceed four feet in height or width. They shall have a terra cotta red background with white letters or graphics. The location and number of these markers shall be determined by OHPAC.

3305 Prohibited Signs

The following signs are prohibited:

- A. Animated Signs.
- B. New billboards and conversion of existing billboards to digital or electronic display.
- C. Signs that physically obstruct or pose obstruction to vehicular or pedestrian travel.
- D. Roof signs.
- E. Abandoned signs.
- F. Signs that mislead or confuse drivers.
- G. Illegal signs.
- H. Signs displayed without Permission of Owner or Lessee.
- I. Signs that are hazardous or unsafe by virtue of their physical condition.
- J. Signs that flash, blink or use intermittent light, or which emit smoke, fumes, flashes, sparks, or sound.
- K. Signs that use reflectors or mirrors.
- L. Search lights used for advertising or attention getting.
- M. Signs that are activated by air, forced air, forced gas, or wind.
- N. Signs that interrupt or encroach into the corner clear zone.
- O. Private party signs placed on City property without consent, as provided in Article 33B.

- P. Digital display/Electronic Message signs, excepting therefrom signs permitted pursuant to Section 3307, Comprehensive Sign Package; **and window signs as defined in Section 3303 of this Article.**

3306 General Sign Standards

A. Sign Area

Signage area shall be calculated by using the entire area contained within the frame, cabinet or fixture, including all ornamentation or decoration used to attract attention. In the case of pole signs, that area above the supporting column, provided such supporting column is not decorated or displayed with advertising. The area of signs painted on walls, individual letter signs, trough signs, and other directly illuminated signs, shall be calculated on the basis of the smallest rectangle, circle or spherical figure that will enclose the entire copy area of the sign. The area of any two or more faced signs or "V" type signs having any interior angle of more than 45 degrees (multi-faced signs) shall be the total area of all faces or panels. If all interior angles are 45 degrees or less, the greatest sized panel or face shall only be counted as the sign area.

B. Height

The height of any sign shall be the measurement from the top of the sign cabinet, including all ornamentation and supports, to the existing grade beneath the sign.

C. Illumination

Sign illumination shall be from interior light source contained within the sign cabinet. Indirect exterior illumination shall be permitted provided the light source is entirely shielded from view. Such signs shall comply with the following provisions:

- No sign shall be illuminated by an exposed light source visible from any public street or residential property. Neon tubing shall be allowed on a limited basis, subject to City Planner approval, if it is made an integral part of the sign design and computed within the sign area.
- **Digital sign illumination shall not exceed 0.3 foot-candles over ambient lighting, as measured at a preset distance established by the Lewin Report for the Outdoor Advertising Association of America. The measurement distance shall be calculated using the following formula: Measurement Distance= $\sqrt{\text{area of sign square footage} \times 100}$. Illuminance shall be measured with an illuminance meter set to measure foot-candles accurate to at least two decimals.**

- No sign shall employ the use of mirrors or any other highly reflective surfaces so as to direct or reflect any natural or artificial light onto any public right-of-way or adjoining property.
- Halo or back lighting shall not count toward the total sign area.

D. Sign Maintenance

All signs shall be kept in good repair at all times.

E. Relocation

A permanent sign may be relocated only pursuant to a new permit. Relocated signs must comply with all rules that apply to the new location.

F. Flags

Flags are considered signage if not meeting the definition of “flag” in Section 3303.

3307 Procedures of Sign Approval

All sign permit applications shall be consistent with the provisions of this Article and/or with an approved Comprehensive Sign Package. In the Coastal Zone, unless otherwise exempt, all proposed signage must include the issuance of a coastal development permit and must be consistent with all applicable policies/requirements of the certified Local Coastal Program. A Sign Installation Permit can be issued upon the completion of the steps in Section B below.

A. Types of Sign Permits

All signs that are not expressly exempted from the sign permit requirements may be installed, erected, or displayed only pursuant to a sign permit. There are two types of sign permits: Sign Installation Permits and Comprehensive Sign Packages.

1. Signs Exempt from Sign Permit Requirements

An exemption from Sign Installation Permit shall not be deemed to grant authorization for the installation of any sign not in compliance with all requirements of this Article, not any provisions of the codes of the City of Oceanside. All signs that have an electrical system shall require an electrical permit issued by the Building Official. The following sign types are exempt from the sign permit requirement, but are still subject to all other applicable laws, rules, regulations, policies and approvals.

- a. Temporary Signs in compliance with Section 3304.D of this Article.
- b. Window Signs in compliance with Section 3304.A.5 of this Article.
- c. A-Frame and other portable signs in compliance with Section 3304.A.7 of this Article.
- d. Signage on residential property in compliance with Section 3304.B.1 of this Article.
- e. Courtesy Signs in compliance with this Article.
- f. Feather Banners
- g. Commercial Mascots (on private property)

Application for a Sign Installation Permit may be filed with the Development Services Department. The Building Official is authorized to issue a Sign Installation Permit upon receipt of documentation of approval from the City Planner that said application complies with the provisions of this Article and all other applicable laws, rules, regulations and policies, including all applicable health and safety codes.

2. Comprehensive Sign Package

Buildings or building complexes containing three or more uses or separately leasable spaces, shall be required to submit a Comprehensive Sign Package **for City Planner consideration** prior to the issuance of the first sign permit for the building complex. Such sign package shall be in conformance with the provisions of this Article, and shall be designed and constructed to meet all applicable codes. The sign package shall contain provisions that establish color, size, location, types of signs, lighting and other requirements in order for safety and aesthetics to be considered. **Concurrent processing of the Comprehensive Sign Package with entitlement(s) establishing the building complex is encouraged.**

Notwithstanding any of the foregoing requirements applicable to buildings or complexes containing three or more uses or separately leasable spaces, uses on a commercial zoned district located on a site greater than 3 acres may submit for consideration by the Planning Commission a Comprehensive Sign Package in order to: a) facilitate high quality innovative design through technologically advanced sign solutions and b) eliminate blight and improve aesthetics through a net reduction of legally permitted on-site signage. **Exterior dDigital** display signs may be considered as part of such Comprehensive Sign Package only outside the Coastal Zone and are subject to the following:

- Minimum site area: 3 acres comprised of either a single parcel or the aggregate of multiple contiguous parcels, under single or multiple ownerships.
- Site location: Within 150 ft. (max) from I-5, SR76 or SR78.
- Sign standards: Development standards shall be as set forth in Article 33A, or as modified by the Planning Commission at the time of Comprehensive Sign Package program approval. Any deviations to applicable sign regulations must enhance the character of the development by addressing sign location, number, area, height, illumination and sign separation from less intense uses.
- Number of signs: One wall or freestanding digital display sign. (This sign shall be in lieu of an otherwise allowed freestanding sign)
- Separation from residential uses: 500ft. (min)
- Light intensity: No changes in light intensity (other than between day and night) shall be permitted.
- Message dwell time: 4 seconds (min)
- Message transition time: Instant message transition or a fading transition of no more than 1 second. At no time shall a digital display go blank during a transition.
- Brightness control: A sensor or other device shall automatically adjust the brightness of the digital display based on ambient lighting changes, in compliance with applicable State and local lighting standards.

Digital signs are prohibited within the Mission Historic District.

B. Approving Authority

The following persons, departments, advisory or legislative bodies are entitled to approve or deny sign requests as follows:

1. Sign Installation Permit

The Building Official is authorized to issue a Sign Installation Permit upon receipt of documentation of approval from the City Planner that said Sign Installation Permit Application complies with the provisions of this Article, and upon further documentation that the proposed sign installation complies with all applicable health and safety codes.

2. Comprehensive Sign Package

Unless otherwise indicated, the City Planner shall consider and either approve or deny Comprehensive Sign Packages, **as a ministerial action,** according to the provisions of this Article. ~~The decision of the City Planner is appealable to the Planning Commission, Harbor Board or City Council.~~

The City Planner may refer Comprehensive Sign Packages to the Planning Commission if he/she finds that the proposal may conflict with the purposes and criteria set forth in this Article.

C. Public Hearing Process

Any application to consider an appeal of **the Planning Commission's decision on** a Comprehensive Sign Package shall be heard by the ~~Planning Commission~~ **City Council or Harbor Board,** at a public hearing in accordance with the provisions of Article 46 of the Zoning Ordinance. A completed application form with the appropriate filing fees shall be filed with the Development Services Department. ~~A decision by the Planning Commission is appealable to the City Council or Harbor Board pursuant to the provisions of Article 46 of the Zoning Ordinance.~~

D. Issuance or Denial

Regardless of sign permit type, the reviewing authority shall, within forty-five (45) days of the filing of a complete permit application shall approve and issue the permit if the standards and requirements of this Article and all other applicable laws, rules, regulations and policies have been met, unless the time is mutually extended by the parties. If the requirements of the permit have not been met, the application will be denied in writing stating all reasons for denial. Such denial is also subject to the 45 day limit.

Judicial review of a decision denying the permit shall be in Northern San Diego County Superior Court, pursuant to the California Code of Civil procedure, or as otherwise authorized by law.

E. Comprehensive Sign Package Findings

Pursuant to Section 3307A.2, the Planning Commission or City Planner as the case may be, may approve a Comprehensive Sign Package if on the basis of the application, plans, materials, and testimony submitted, finds:

1. The proposed sign(s) conform with the criteria set forth in this Article;
2. The proposed sign(s) is/are compatible with other signs on the site and in the vicinity;

3. The proposed sign(s) will not adversely impact traffic circulation in adjacent right-of-way or create a hazard to vehicular or pedestrian traffic; and
4. The proposed sign(s) will not have an adverse visual impact on adjoining land uses.

3308 Non-conforming Signs

A. Intent

It is the intent of this Section to encourage and promote compliance of existing signs with the provisions of this Article and the eventual elimination of non-conforming signs. The achievement of full compliance of all signs with the provisions of this Article is as important as is the prohibition of new signs that would violate these regulations. If the sign is one defined by the Outdoor Advertising Act, section 5499.1, it shall be abated following notice and hearing procedures required by Section 5499.1 et seq. of the Business and Professions Code.

B. Legal Non-conforming signs

Every on-site sign becoming non-conforming as a result of this Article shall not be required to be removed, except as provided for in California Business & Professions Code sections 5492, 5493, 5495, and 5497.

An existing sign which was constructed in accordance with the ordinances and other applicable laws in effect on the date of construction and has a current and valid sign permit but becomes non-conforming by adoption of this Article or other regulation will be allowed within the amortization period unless any of the following occurs:

1. The sign structure is altered which makes the sign less in compliance with the requirement of this code than it was before the alteration; or
2. The sign structure is relocated to a different location on the site or lot, making it less in compliance with the requirement of this code.
3. The sign or sign structure is replaced (excluding change of copy). On the happening of any one of 1, 2 or 3 above, the sign shall be immediately brought into compliance with this code with a new permit secured, or shall be removed within 48 hours.

C. Sign Removal

Every legal off-site sign becoming non-conforming as a result of this ordinance may be removed in accordance with the provisions of California Business & Professions

Code sections 5412, 5412.1, 5412.2, and 5412.3. All illegal signs listed below shall be forthwith removed by the owner or by the City with 48 hours notice to the owner.

1. A sign which was legal but nonconforming that becomes illegal and nonconforming by the occurrence of B1, B2, or B3 above.
2. Any illegal sign.
3. A non-conforming sign which has exceeded its authorized amortization period.
4. An abandoned sign.
5. A display existing without permission of owner or lessee.

D. Amortization Period

All legal non-conforming signs shall have a useful life and legal life of fifteen years, calculated from the date of adoption of the regulation making it nonconforming or upon the date of a court order deeming the regulation unconstitutional. Upon expiration of the sign amortization period, the sign shall be removed by the owner without compensation. Upon determination that a sign is nonconforming, the Enforcement Officer will issue written notice to the owner or user of the sign or to the owner of the property on which the nonconforming sign is located, requiring conformance or removal therefor if unable to conform. If, after a reasonably diligent attempt to serve written notice, the owner and user have not received notice, then the City must either post the notice or publish the notice in a local newspaper which is customarily used for notice by the City. If the sign remains thereafter, the City may proceed with abatement procedures or other legal methods, with such costs of removal by the City to be charged against the owner. Nothing in this Article shall preclude any owner or user from voluntarily conforming a nonconforming sign at any time prior to the expiration of the amortization period.

3309 Enforcement

Any violations of this Article shall be subject to the enforcement remedies and penalties provided by this Article, the Oceanside Zoning Ordinance, the Oceanside City Code and by State and Federal law. Each sign and each day is subject to separate misdemeanor violations when applying penalties. It shall be a misdemeanor to install, erect, fail to remove, or maintain any sign without a permit if a permit is required by this Article. It shall also be a violation to install, erect, fail to remove, or maintain any sign in violation of this Article. Enforcement may be pursued by criminal penalties of up to 6 months in jail and or a fine of up to \$1,000, nuisance abatement, injunction, or other remedies available by law. All such penalties may be cumulative.

A. Criminal Enforcement

It is illegal to install, mount, display, use, occupy or maintain signs in violation of this Article. Any violation or failure to comply with the provisions of this Article constitutes a misdemeanor, a separate violation for each day each sign is in violation. Such misdemeanor violations may be punished in accordance with the provisions of Chapter 1 of the Code of the City of Oceanside or other remedies provided by law.

B. Civil and Administrative Remedies

Violations of this Article may be remedied by civil and/or administrative procedures, as authorized by City or State law.

C. Abatement

1. Nuisance Abatement

Signs not in compliance with this Article are hereby declared to be a public nuisance, which may be abated in accordance with the requirements of Oceanside City Code Chapter 17, Article I, or by methods authorized by State law.

2. Summary Abatement

Signs located in the public right-of-way which are not in compliance with this Article may be declared to be a public nuisance subject to summary abatement by the Enforcement Officer. In addition to any criminal or civil penalties prescribed by law, the actual costs of abatement of such signs shall become a debt owed to the City by the person responsible for or causing placement of the sign. Said debt shall be subject to cost recovery.

3. Sign Maintenance

Maintenance of a sign in violation of this Article is an infraction. If notice of violation is given, and there is no cure of the violation within 30 calendar days, the Enforcement Officer may issue a citation. Fines assessed will be in accordance with the Oceanside Municipal Code.

If a violative sign is not repaired within 30 days of the first violation, a second violation will be issued to the owner and/or user of the sign and will continue to be assessed each day thereafter until the sign is repaired.

5. Hazardous and Unsafe Signs

The Enforcement Officer, upon identification of a hazardous or unsafe sign, shall give written notice to the property owner and/or party responsible for the sign of

the condition or conditions which render the sign hazardous or unsafe, and an order to abate the public nuisance caused by the existence of the hazardous or unsafe sign. The Enforcement Officer will determine an appropriate time period for remedy. At the expiration of the remedy period, if the hazard has not been voluntarily abated, the Enforcement Officer shall proceed to abate the nuisance in accordance with the procedures contained in Oceanside City Code Chapter 17, Article I. In cases where a sign, by virtue of its physical condition, constitutes an immediate and serious threat to the public safety, the Enforcement Officer may summarily remove, correct, or abate the dangerous condition; in such case, the cost of immediate remedy may be charged to the sign owner or other person responsible for the dangerous condition.

D. Right of Entry

When it is necessary to make an inspection to enforce the provisions of this Article, or when the Enforcement Officer has reasonable cause to believe that there exists any sign or a condition which makes such sign unsafe, abandoned, illegal or nonconforming, the Enforcement Officer may petition the Court to enter the lot, building, or premises on which such sign is located at all reasonable times to inspect the sign or to perform any duty imposed by this Article.

E. Notice

For purposes of this Section, written notification deposited in the U.S. Mail, or personal delivery, or posting, or publication in a local newspaper shall constitute proper notice.

3310 Severability

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

Article 33B Signs

Sections:

- 3311 Title, Capacity and Scope
- 3312 Intent as to Public Forum
- 3313 Definitions
- 3314 General Prohibition
- 3315 Signs Exempt from Permit Requirements
- 3316 Kiosk Program Directional Signage
- 3317 Temporary Inanimate Signs
- 3318 Permanent Private party Signs on City Property
- 3019 Signs within the Small Craft Harbor Area

3311 Title, Capacity and Scope

- A. Title. This Article may be referred to as the City Property Sign Ordinance.
- B. Capacity. In adopting this Article the City Council acts in its proprietary capacity as to City property.
- C. Scope. This Article states City policies and rules for the display of signs on City property.

3312 Intent as to Public Forum

The City declares its intent that all public property shall not function as a designated public forum for sign display, unless some specific portion of public property is designated herein as a public forum of one particular type; in such case the declaration as to public forum type shall apply strictly and only to the specified area and the specified time period.

3313 Definitions

For purposes of interpreting and enforcing this Article, the following words have the special definitions given. For words not defined in this chapter, definitions from Article 33A Signs, Section 3303 may be used.

Administrator: Administrator means the person authorized by the City Council to enforce and interpret this chapter; in the absence of a contrary authorization by the City Council, the Administrator shall be the City Manager or his/her designee.

City: City means for purposes of this Article the City of Oceanside, California and any of

its associated entities.

City property: City property means land or other property in which the City is the owner or has the present right of possession and control, as well as areas which are either designated as public rights-of-way or which have long been used as such.

Permit: Permit means a written authorization from the City for a third party display of a sign on public property.

Personally attended: Personally attended means that a person is physically present within five feet of the sign at all times.

Sign ordinance: Sign Ordinance means Article 33A and 33B as it may be amended from time to time.

Traditional public forum: Traditional public forum means the surfaces of City-owned streets, surfaces of City-owned parks, surfaces of City-owned plazas, surfaces of sidewalks which are connected to the City's main pedestrian circulation system and the exterior surface of pedestrian areas immediately surrounding City Hall.

3314 General Prohibition

Unless a specified sign type is exempt from the permit requirement, private persons may display signs on public property only by permit. Any permit application which is denied may be appealed in the same manner as the appeal process described in the Sign Ordinance.

3315 Signs Exempt from Permit Requirement

A. Government Signs

Signs posted by the City on City Property to express its own message(s) to the public; traffic control and traffic directional signs erected by the City or other governmental entity; official notices required or authorized by law or court order; signs placed in furtherance of the City's governmental functions.

B. Picketing

The personal carrying of signs "picketing," displaying protected noncommercial speech messages, is allowed in Traditional Public Forum Areas, except in the roadway when it is open to normal vehicular traffic; picketers may not interfere with public ingress or egress or free use of sidewalks or public right-of-way. For safety reasons, picketing is allowed from sunrise until 10 p.m. In order to serve the City's interests in traffic flow and safety, persons displaying signs under this section may not stand in any vehicular traffic lane when a roadway is open for use by vehicles, and

persons displaying signs on public sidewalks must give at least five feet width clearance for pedestrians to pass by. Persons holding signs may not block the view within the clear corner area.

C. Commercial Mascots

Sign display by commercial mascots is allowed on public sidewalk areas during the daytime hours between sunrise and sunset, as specified by the United States Naval Observatory (USNO) data. Commercial mascots may not interfere with public ingress or egress or free use of sidewalks or public right-of-way. In order to serve the City's interests in traffic flow and safety, persons displaying signs on public sidewalks must give at least five feet width clearance for pedestrians to pass by. Persons holding signs may not block the view within the clear corner area.

No more than two commercial mascots shall be allowed to occupy a street intersection corner area. A 10 foot minimum separation shall be maintained between commercial mascots. The total sign area displayed shall not exceed 20 square feet. Sign display exhibits involving airborne signage shall not be permitted.

3316 Kiosk Program Signage

This Section provides for directional, event and community signage within the public right-of-way within an approved kiosk under the City's Kiosk program. It is intended to permit government owned off-site directional signs necessary to serve the community for purposes of order, direction and safety. In order to avoid adverse effects on the aesthetics of the City, to minimize traffic safety issues and to prevent a proliferation of such signs, regulations for the location, standards, number of such signs, and their approval and removal are included in this Section.

All kiosk displays shall substantially comply with applicable sign design standards, program guidelines, and structural requirements. The City Planner and Building Official shall review all such displays to ensure their compliance with those standards and requirements.

A. Kiosk Program Regulations and Standards for Commercial and Non-Commercial Signs

Design and Location: The Development Services Director shall approve the design of kiosk displays in various strategic locations throughout the City. Such design and location discretion shall only be made with due consideration to aesthetic appearance, cost, readability, traffic and public safety concerns and may include pedestrian oriented digital/electronic message displays.

- Kiosk designs utilized throughout the City shall be on file in the Building

Division. The height and design of all kiosk displays shall be subject to approval of the City.

- Kiosks shall be in the public right-of-way.
- Each kiosk shall have "Oceanside" and the City logo displayed in a prominent location on the sign.
- No more than eight kiosk sign panels for any person or entity is allowed within the City. A kiosk sign display shall not be duplicated on an individual kiosk. A double-sided message display shall be considered one kiosk sign display for the purposes of this Article.
- There shall be no additions, tag signs, streamers, devices, display boards, or appurtenances added to the sign as originally approved.

Number of Kiosk Display Signs: An applicant may apply for signage to be placed within one or more kiosk displays. All applicants shall be subject to the rules, regulations and requirements placed on such signage consistent with the provisions of this Article.

Sign Removal: Any sign placed contrary to the provisions of this ordinance may be removed by the Code Enforcement Officer without prior notice.

Enforcement: Non-compliance or kiosks improperly maintained shall be subject to the enforcement provisions provided in this Article and/or the Oceanside City Code.

3317 Temporary Inanimate Signs in the Public Right-of-way

Temporary signs displaying any type of variety of constitutionally protected noncommercial speech may be displayed by private persons up to thirty days prior and five days after any official local, state, regional, or national authorized election. Such sign display by private persons is subject to a permit and the following rules:

Sign Area: The maximum allowable sign area is 6 square feet per sign (measured on both sides.)

Height: Maximum height of freestanding signs is 5 feet.

Posting On Structures: All signage within the public right-of-way shall be self-supporting and freestanding. No temporary sign shall be posted on any streetlight, utility pole, post, pole, or structure supporting a traffic control sign or signal, fire hydrant, or similar structures in the public right-of-way.

Safety of Placement: Temporary signs posted in the public right-of-way shall meet the following criteria:

- When located in the Corner Clear Zone, the sign shall not exceed 30 inches in height.
- Signs shall not obstruct a motorist's view of pedestrian or vehicular traffic, traffic-control signs, or signals, or otherwise represent a hazard to vehicular or pedestrian traffic.
- Signs shall not impede a pedestrian's free use of the sidewalk.
- Signs shall be securely affixed to the property on which they are placed.
- Signs shall not be placed in the center of public roadway medians.

Permit Application Requirements: Prior to posting any temporary sign on the right-of-way, the private party responsible for the posting and maintenance of such signs, hereinafter referred to as "responsible party," shall provide the following information to the Enforcement Officer:

- Application - An application shall be filed with the Code Enforcement Office by the "responsible party". This application shall be in a form and content as required by the Enforcement Officer. This application shall minimally include the following information:
- Identification Information - A description of the signs sufficient to allow the Enforcement Officer to identify the responsible party for the purposes of enforcement.
- Name, address, and telephone number of the responsible party.

No permit or deposit is required for the posting of temporary signs on public property by the City of Oceanside.

Sign Removal: Temporary signs shall be removed from the public right-of-way not later than the removal date indicated in the application.

Cost Recovery: Whenever the Enforcement Officer causes the removal of a temporary sign, the cost incurred by the City in removing such sign shall constitute a debt owed to the City by the responsible party. The City Manager is authorized to take such action as may be deemed necessary, including the commencement of a civil action in a court of competent jurisdiction, to recover any such costs.

3318 Permanent private Party Signs on City Property

Notwithstanding the prohibited sign types listed in the sign ordinance, outside the coastal zone, the City Council may approve proposals for private parties to place permanent signs on city property or city right of way, upon finding that the proposed sign is in the best interests of the City through the promotion of City sponsored events and the dissemination of public safety and traffic messages. The City may impose conditions on the approval through the terms of the lease, contract or license. Before approving a private party sign under this section, the City shall conduct a request for proposals open to interested parties. No more than four private party signs may be placed on city property pursuant to this section. The City shall comply with the California Environmental Quality Act before approval of any lease, contract or license.

3319 Signs within the Small Craft Harbor

In addition to the sign regulations elsewhere in this Article, the following regulations shall also apply in the Oceanside Small Craft Harbor:

1. Freestanding Signs

a. Pole or Ground Signs

Major. A major pole or a ground sign shall be allowed at the two major entryways to the Harbor. The sign shall be designed to denote “Oceanside Harbor” with the appropriate directional signage. Signage of uses within the harbor area may be displayed on separate lighted panels. Non-commercial messages may also be displayed.

Minor. Minor pole or ground signs shall be allowed at major intersections within the harbor. These signs shall be a variation of the sign design proposed for the major entryways to the Harbor. Such signs shall use a modular replaceable-unit or a translucent panel system with internal lighting, and a highly visible typeface. Non-commercial messages may also be displayed. Maximum height of a minor pole or ground sign is 14 feet.

b. Monument Signs

Location: Signs shall be located at the outer face of leasehold or near the street front property line or vehicular entrance to leasehold. Signs must be located and oriented to avoid interference with vehicle driver’s safe line of sight.

Maximum Quantity: One (1) per separate establishment at street frontage or entrance driveway.

Size: Maximum panel size is six (6) square feet. Maximum height is six (6) feet.

Materials: Limited to wood or acceptable metals or plastics.

2. Wall Signs

Location: Signs shall be located on building façade or on-site adjacent to entry of building. Wall signs shall not be placed on roofs or windows.

Maximum Quantity: One (1) per separate establishment on each street frontage and/or water frontage façade.

Size: Size and quantity must be compatible with scale of structure, but in no case can it exceed 12 square feet of panel size in one elevation (building face) or 24 square feet on all elevations (building face).

Materials: Limited to wood or acceptable metals or plastics.

3. Courtesy Signs

Location: Signs may be located anywhere within a leased parcel.

Maximum Quantity: Number of signs per leased parcel shall be as needed for directional and informational signage.

Size: Maximum of four (4) square feet for each panel size and a total of 24 square feet for all courtesy signage on a lease parcel.

Materials: Limited to wood or acceptable metals or plastics.

4. General Design Standards for All Site Signs

All site signs shall conform to the following design standards:

- Extensive use of wood in both sign panel and support structure.
- Display light sources should be screened from autos, boats and pedestrians. No internal lighting is permitted.
- Temporary display banners and flags require approval by the Harbor Director as to size and location.
- Boat sale displays should have consistent sign sizes and typography within a single parcel, and “false sail” signs in sailboat rigging should be in

conformance with these regulations. (See Boat Sign Ordinance 72-5.)

- No more than 20 percent of the total window area for any one side shall be used for permanent or temporary sign display.
- Where multiple uses or establishments are located within the same parcel, all signs on that parcel will use consistent design as to materials, proportions and lighting should be of similar materials and proportions, consistently.
- Lighting that creates a confusing background for harbor night entry is prohibited.

5. Permitting

Other than courtesy signs which use no electricity or special lighting, and temporary signs exempt from permitting, all private party signs in the Harbor District may be installed or displayed only pursuant to a sign permit. Any application for such a permit will be granted when the proposed sign(s) complies with all applicable laws, rules, and policies. In the Coastal Zone, unless otherwise exempt, all proposed signage must include the issuance of a coastal development permit and must be consistent with all applicable policies/requirements of the certified Local Coastal Program.

Article 33C Downtown “D” District Signs

Sections:

- 33201 Title, Purposes and Intent
- 33202 Basic Principles
- 33203 Definitions
- 33204 Allowable Signs
- 33205 Prohibited Signs
- 33206 General Sign Standards
- 33207 Procedures for Sign Approval
- 33208 Non-Conforming Signs
- 33209 Enforcement
- 33340 Severability

33201 Title, Purposes and Intent

- A. Title. This Article may be known as the **Redevelopment Project Area, Downtown “D” District** Sign Ordinance of the City of Oceanside, California.
- B. Purposes. This Article establishes a comprehensive system for the regulations of signs, as defined herein, within the defined regulatory scope of this Article, in the Downtown **“D” District** of the City of Oceanside, California.
- C. Intent. By adopting this Article, the City intends to balance several competing interests, including: (1) to regulate signs in a constitutional manner, with rules that do not regulate protected noncommercial speech by content or favor commercial speech over noncommercial speech; (2) to provide adequate opportunity for persons to express themselves by displaying an image or message on a sign; (3) to preserve and enhance the aesthetic, traffic safety and environmental values of our communities and growing commercial/industrial districts; (4) to minimize distraction, obstruction or other impediments to traffic circulation which would be caused by excessive or inappropriately placed signage; (5) to safeguard and preserve the health, property, and public welfare of Oceanside residents by regulating the physical design, location, and maintenance of signs; and (6) to provide a method for abatement of illegal and abandoned signs.

33202 Basic Principles

- A. Authority. This Article is adopted pursuant to the California Constitution Article XI, Section 7; the City’s Charter; and general and police powers, California Government Code Sections 65000 et seq., 65850(b), 38774, and 38775; Business and Professions Code Sections 5200 et seq., 5230, and 5490 et seq., 13530 et seq., 13540, Penal Code

556 et seq., and other applicable State laws.

- B. Regulatory Scope. This Article regulates signs, as defined herein, which are located on or displayed from, private property located within the Downtown “D” District, as well as signs located on public property owned by public agencies other than the City and other affiliate entities, over which the City has land use regulatory authority. Signs on City property, are as defined herein. This Article shall have no effect outside of the Downtown “D” District.
- C. Owner’s Consent. No sign may be displayed on private property without the consent of the property owner or person holding the present right of possession and control of the property.
- D. Non-commercial Messages. There is no location criterion for noncommercial messages that are protected by the First Amendment to the U.S. Constitution and/or the corollary provisions of the California Constitution.
- E. Message Substitution. Subject to the land owner’s consent, any constitutionally protected noncommercial message may be substituted for any duly permitted or allowed commercial message, or any duly permitted or allowed noncommercial message, provided, that the sign structure or mounting device is legal without consideration of message content. Such substitution of message may be made without any additional approval or permitting.
- F. Compliance Required. Signs, as defined herein, may be displayed within the City only in compliance with the rules stated in this Article and all other applicable laws, rules and regulations and policies. When a permit is required, an application will be approved if it conforms to all applicable laws, rules regulations and policies. If the application does not comply, then it will be denied in a written decision which specifies all points of noncompliance. The decision on the sign permit application shall be rendered within 45 calendar days of when the application is complete and all applicable fees are paid. Applications will be processed according to the procedures stated in Section 3307 of this Article.
- G. Permit Generally Required. Unless exempted from the sign permit requirement, all signs shall be installed or displayed only pursuant to a sign permit issued by the City.
- H. Discretionary Approvals. Whenever a sign or a proposed sign is subject to any discretionary review, permit, or approval, such discretion may be exercised only as to the compatibility of the sign within its location, and other structural, architectural and locational factors. Discretion may not be exercised as to the artistic merit or graphic design elements of the proposed sign or the message itself so long as such message is not excluded from First Amendment (U.S. Constitution) protection under relevant court decisions.

- I. Administrator Interpretations. All interpretations of this Article shall be exercised in light of message neutrality and message substitution policies. Where a particular type of sign is proposed, and the type is neither expressly allowed nor prohibited by this chapter, or whenever a sign does not qualify as a “structure” as defined in the Building Code, as adopted by the City of Oceanside, then the Community Development Commission, or City Planner, as applicable, shall approve, conditionally approve or disapprove the application based on the most similar sign type, using physical and structural similarity, that is expressly regulated by this Article.
- J. Compatibility factors. In determining compatibility of a sign with its surrounding environment, the following criteria may be considered: (1) Style or character of existing improvements upon the site and properties adjacent to the site; (2) Visual elements such as construction materials, physical design details, and the number and spacing of signs in the area; (3) The sign’s height, size and location, in relation to its proposed location and use; (5) Potential effect of the proposed sign on driver and pedestrian safety; (6) Potential blocking of view (whole or partial) of a structure or façade or public view of natural, historical or architectural significance; (7) Potential obstruction of views of users of adjacent buildings to side yards, front yards, open space, or parks; (8) Potential negative impact on visual quality of public spaces, including but not limited to recreation facilities, public squares, plazas, courtyards and the like; (9) Whether the sign structure will impose an aesthetically foreign or inharmonious element into the existing skyline or local viewscape.
- K. Billboard Policy. New billboards, as defined herein, are prohibited. It is the fundamental land use policy of the City to completely prohibit the construction, erection or use of any and all billboards, other than those which legally exist in the City, for which a valid permit has been issued and has not expired, as of the date on which this chapter, or when a prior version of this chapter containing a provision to the same effect, was adopted. In adopting this chapter, the City Council affirmatively declares that it would have adopted this policy even if it were the only provision in this chapter. The City Council intends for this billboard policy to be severable and separately enforceable even if other provision(s) of this chapter may be declared, by a court of competent jurisdiction, to be unconstitutional, invalid or unenforceable. This prohibition does not apply to agreements to relocate presently existing legal billboards as encouraged by State law including, but not limited to, Business and Professions Code Section 5412, as that section may be amended from time to time. However, in no case shall existing billboards be relocated in the Coastal Zone.

33203 Definitions

For purposes of this Article, the following definitions shall apply:

Abandoned signs: A sign is deemed abandoned when for a period of 90 days or more,

any of the following conditions are met: 1) there is no sign copy appearing on the sign, or 2) where the establishment with which the sign is associated has ceased operation, or 3) where it is clear that the sign has been forsaken or deserted. Any sign which is a conforming sign not in use, but which could be re-used in conjunction with the ownership or operation of a new business on a property, shall not fall under the definition of abandoned.

Alteration: Any change of size, shape, illumination, position, location, construction or supporting structure of an existing sign.

Animated sign: A sign with action or motion, rotating, flashing or color changes, not including sign elements that are actuated by wind or forced or accelerated by air or gas, such as flags, banners, streamers, whirligigs or other similar devices, and commercial mascot advertising displays. Digital display (Electronic Message) signs that expose messages for 4 seconds or more and do not appear to be in motion nor change in intensity (other than between day and night) are not within this definition. Commercial mascot advertising displays are not within the definition of animated signage.

Banner: Any sign of lightweight fabric or similar material that is attached to a building or other structure, and used for advertising and/or attention getting. Flags are not within this definition.

Billboard: A permanent sign structure in a fixed location which meets any one or more of the following criteria: 1) It is used for the display of off-site commercial messages; 2) it is used for general advertising; 3) the message display area, or any part thereof, is made available to message sponsors other than the owner(s) or operators(s) of the sign; 4) the sign is a principal or secondary use of the land, rather than appurtenant or accessory to some other principal use of the land.

Building complex: A building or group of buildings on one or more lots or building sites containing three or more separate businesses or industrial uses and sharing common parking facilities.

Building face: The outermost surface of any exterior wall of a building, but not including cornices, bay windows, balconies, or other architectural features which extend beyond the general outermost surface of such exterior wall.

Building identification sign: A wall sign identifying a building by corporate name or logo.

Cabinet sign: A sign structure consisting of the frame and face(s), not including the internal components, embellishments or support structure.

Canopy sign: Any sign that is part of a projecting awning, canopy, or other fabric, plastic,

or structural protective cover over a door, entrance or window or outdoor service area.

Changeable copy sign: A sign on which it is possible to change the display copy by hand or with ordinary hand tools, or by electronic control.

City property: Any parcel of land that is owned or controlled by the City of Oceanside, or any of its related entities, or that is within the public right-of-way. Land and facilities over which the City holds the present right of possession and control are within this definition.

Commercial mascot: A person or animal attired or decorated with commercial insignia, images, costumes, masks or symbols, and/or holding signs displaying commercial messages, when a principal purpose is to draw attention to or advertise a commercial enterprise. This definition includes “sign twirlers”, “sign spinners”, “sign clowns”, “sign walkers”, “human directional”, and human “sandwich board” signs. Commercial mascot advertising displays are not within the definition of animated signage.

Commercial speech: Any message which proposes a commercial transaction or primarily concerns the economic interests of the message sponsor and/or the viewing audience. Also known as “commercial message”.

Construction site sign: A sign that is displayed on the site of a construction development project during the period of time of actual construction.

Corner clear zone: The area at a street corner inscribed by a line drawn between points established by measuring back 15 feet from the beginning of the curb radius along the curb line, or edge of pavement when there is no curb, and the face of the curb or edge of pavement.

Courtesy sign: A sign whose message provides functional information for the convenience of the public, such as hours of operation, open/closed, credit cards accepted, entrance and exit locations and restroom directions.

Digital display: "Digital display" means display methods utilizing LED (light emitting diode), LCD (liquid crystal display), plasma display, projected images, or any functionally equivalent technology, and which is capable of automated, remote or computer control to change the image.

Directional sign: A sign whose message provides directional information for drivers and pedestrians.

Dormer: A structure located above the height of a wall projecting from a sloping roof that is enclosed on both sides and top, and does not project above the top of the roof structure.

Dwelling unit: Any building or portion thereof which contains living facilities, including provisions for sleeping, eating, cooking, and sanitation.

Election period: That period of time which begins 30 days before a special, general, or primary election in which at least some registered voters in the City are eligible to vote, and ends 5 days after such election.

Electronic message: A sign using electronic or digital technology, including but not limited to LED (light emitting diodes) or CCD (charge emitting diodes) or plasma, or their functional equivalent, which is capable of displaying, changing or changeable images.

Enforcement officer: Any City official or agent designated by the City Manager as having authority to enforce the provisions of this Article.

Establishment: Any legal use of land, other than long-term residential, which involves the use of structures subject to the Building Code. By way of example and not limitation, this definition includes businesses, factories, farms, schools, hospitals, hotels and motels, offices and libraries, but does not include single-family homes, mobile homes, residential apartments, residential care facilities, or residential condominiums. Multi-unit housing developments are considered establishments during the time of construction; individual units are not within the meaning of establishment, however, once a certificate of occupancy has been issued or once residency begins.

Feather banner: "Feather banner" or "feather banner sign" means a flexible pole to which one side of a flexible fabric, generally in the shape of a feather or similar shape, is attached, and which is used for the primary purpose of advertising or attention-getting by the public display of visually communicative images. Such banners are also known and sold under names which include, but are not limited to, "quill sign," "banana banner," "blade banner," "flutter banner," "flutter flag," "bowflag," "teardrop banners," and others. The definition includes functionally similar display devices.

Flag: A piece of fabric or other flexible material, usually rectangular, of distinctive design, used as a symbol. Well known symbols that are commonly placed on flags, when placed on a solid surface, such as a wall or door, are not within this definition.

Freestanding sign: A sign which is self supported by mounting on the ground, in contrast to being attached to and/or supported by some other structure, such as a wall, door or window. Common types include pole signs, ground signs and monument signs.

Garage sale sign: A sign whose message concerns short-term rummage, estate, boutique or garage sales of used or handmade common household items from a residential property.

General advertising: The enterprise of advertising or promoting other businesses or causes using methods of advertising, in contrast to self-promotion or onsite advertising. Also known as “advertising for hire” or “general advertising for hire”.

Ground sign: Any freestanding sign greater than 6 feet in height and supported wholly by uprights, braces, or poles in or upon the ground and where any supports or angle irons are enclosed in a wood, plastic, metal or other decorative form, such that the angle irons or supports are not visible. The entire bottom of a ground sign is generally in contact or in close proximity to the ground.

Height: The height of any sign shall be the measurement of the distance from the top of the sign structure including all ornamentation and supports, to the existing grade beneath the sign.

Historic marker: Signs or markers placed, approved or authorized by the City, State or Federal Government to be located on historic sites, points, or structures, or which describe directions to such from prominent visible locations within the public right-of-way.

Illegal sign: A sign that was installed without proper City or other approvals and/or permits at the time it was initially installed, and which has not been legalized by later action. This definition also includes a sign that was erected in conformance with all applicable laws, rules, and regulations in effect at the time of installation, but which was subsequently altered so as to be out of compliance with applicable law, including the terms of permits which authorized construction. All signs described in Business and Professions Code Section 5499.1 and defined therein as an “illegal on-premises advertising display” are also within this definition.

Illuminated sign: Any sign employing the use of lighting sources for the purpose of decorating, outlining, accentuating or brightening the sign area. This definition does not include signs lit only by ambient lighting.

Institutional: Uses whose primary function is furtherance of the public health, safety and welfare, generally, but not exclusively non-commercial in nature, including, but not limited to the following: hospitals and similar health care facilities, airports, cemeteries, recreational clubs and lodges, museums, theaters and similar cultural institutions, churches and similar religious institutions, detention facilities, fire and police stations, emergency shelters, marinas, parks and similar recreational facilities, schools and similar educational institutions, public utility facilities other than business offices.

Inflatable signs and attention getting devices: Any advertising device which is filled or activated by air or gas and is located, attached, or tethered to the ground, site, merchandise, building, or roof and used for the purposes of signage, advertising, or attention-getting.

Kiosk: A multi-sided structure with a unified design theme accommodating individual sign panels.

Legal non-conforming sign: A sign which was legal when first erected, with all necessary permits, but due to a change in the law it became nonconforming.

Lot: Any piece or parcel of land or a portion of a subdivision, the boundaries of which have been established by some legal instrument of record, that is recognized and intended as a unit for the purpose of transfer of ownership.

Lot frontage: Those portions of a lot or building site which abut a public street. For purposes of determining frontage on corner lots and through lots, all sides of a lot abutting a public street (excluding an alley) shall be considered frontage.

Marquee: A permanent roofed structure attached to and supported by the building and projecting beyond the building face.

Monument sign: A freestanding sign not exceeding 6 feet in height which is supported by a base which extends the entire length of the sign area and is an integral part of the design.

Multi-faced sign: A sign with two or more sign faces where any two sign faces are oriented such that they have an interior angle of greater than 45 degrees from each other.

Mural: Any piece of artwork painted or applied directly on a wall, ceiling or other permanent surface.

Non-commercial speech: A constitutionally protected message that is not commercial in nature and which presents debate or commentary on topics of public interest and concern, by way of example and not limitation, politics, religion, philosophy, science, art or social commentary. The onsite/off-site signage distinction does not apply to non-commercial messages or signs displaying them.

Non-structural trim: The molding, battens, caps, nailing strips, lattice, cutouts, or letters and walkways which are attached to the sign structure.

On-site commercial signage: A sign that advertises the commercial business, accommodation, services or activities provided on the premises on which the sign is located, or expected to be provided in the near future. In the case of developments subject to a sign program, all establishments subject to the program are considered onsite whenever located within any area covered by the program. Similarly, all establishments within a shopping center are onsite as to any sign(s) also located within the shopping center. As to construction signs, "onsite" includes messages related to any and all parties involved in the specific construction project.

Pedestrian sign: A portable outdoor sign providing supplemental business identity, advertisement, or non-commercial speech in addition to the types and amount of signage that could otherwise be achieved under the sign regulations.

Permanent menu board sign: A small (less than two (2) square feet) permanent outdoor sign typically displaying the restaurant establishment menu. The menu board sign may be lighted.

Permanent sign: A sign which is constructed of rigid material and is securely attached to a building, wall, fence, sign structure or into the ground, and is designed for and intended to be on display long term. All signs described in Business and Professions Code 5499.1(b) as “on-premises advertising displays” are within this definition.

Permitted sign: A sign which may be displayed only with a sign permit issued pursuant to this Article. Also called “signs subject to permit requirements”.

Pole sign: A sign wholly supported by one or more poles and otherwise separated from the ground by air.

Prohibited sign: A sign specified within this Article as prohibited, or prohibited by other bodies of law.

Projecting sign: A sign which projects more than 12 inches from the exterior face of a building wall or facade and which uses the building wall as its primary source of support. Projecting sign usually has two message surfaces.

Project entrance sign: A permanent sign located near the entrance to a housing complex, mobile home park, condominium subdivision or other residential subdivision which was developed with a neighborhood name, or is operated under a community name.

Protected: A message that is within the protection of the First Amendment of the United States constitution and/or corollary provisions of the California constitution, and has not been excluded from such protection by court decisions.

Public service sign: A non-commercial sign that provides general information that benefits the public, such as time and temperature.

Roof sign: A sign erected upon or above a roof or a parapet of a building or structure, and not contained within a dormer.

Setback area: That area defined as the "required minimum yard" as specified by the Zoning Ordinance for each Zoning District, unless a specific setback is designated within this Article. Also called “required setback”.

Sign: The public display of a visual image, which is intended to be communicative, and which advertises, informs, projects, displays, or identifies persons, businesses, commodities, services, ideas or information, when such image is visible from any portion of the public right-of-way or from any exterior place which is open to the public. This definition includes, but is not limited to all writing, trademarks, graphic design elements, illustrations and lighting primarily directed at facilitating communication, as well as all supporting structures. Notwithstanding the generality of the foregoing, the following are not within the definition of sign:

1. Such devices not exceeding one square foot in area and bearing only property numbers, post box number, names of occupants, or other similar identification on a site.
2. Flags as defined in Section 33~~20~~3 of this Article.
3. Legal notices, identification, informational or directional/traffic controlling devices erected or required by government agencies.
4. Decorative or architectural features of buildings, which do not perform a communicative function (examples include color stripes around an office building or retail store).
5. Holiday and cultural observance decorations displayed in season, including inflatable objects, on private residential property which are on display for no more than 45 calendar days per year (cumulative, per dwelling unit) and which do not include commercial messages.
6. Government traffic controlling devices are not considered signs for purposes of this Article due to their distinct purpose.
7. Aerial banners towed behind aircraft.
8. Automated teller Machines (ATMs, when not used for general advertising).
9. Cornerstones and foundation stones.
10. The legal use of fireworks, candles and artificial lighting not otherwise regulated by this chapter.
11. Grave markers, gravestones, headstones, mausoleums, shrines, and other markers of the deceased.
12. Historical monuments, plaques and tablets.

13. Inflatable gymnasiums associated with legal residential uses – inflatable, temporary, moveable gymnasium devices commonly used for children’s birthday parties, and similar devices (also called “party jumps” or “bounce houses”), including balloons.
14. Interior graphics – visual communicative devices that are located entirely within a building or other enclosed structure and are not visible from the exterior thereof.
15. California State Lottery signs, approved by the Lottery Commission for display by Lottery Game Retailers, in accordance with the California Government Code.
16. Manufacturer’s marks – marks on tangible products, which identify the maker, seller, provider of product, and which customarily remain attached to the product even after sale.
17. Mass transit graphics – graphic images mounted on duly licensed and authorized mass transit vehicles that legally pass through the City.
18. Searchlights used as part of a search and rescue or other emergency operation (this exclusion does not apply to searchlights used as attention attracting devices for commercial or special events).
19. Shopping carts, golf carts, horse drawn carriages, and similar devices (any self-propelled or motorized vehicle which may be legally operated upon a public right-of-way is not within this exclusion).
20. Symbols embedded in architecture – symbols of non-commercial organizations or concepts including but not limited to, religious or political symbols, when such are permanently integrated into the structure of a permanent building which is otherwise legal, by way of example and not limitation, such symbols include stained glass windows on churches, carved or bas relief doors or walls, bells and religious statuary.
21. Vehicle and vessel insignia – on street legal vehicles and properly licensed watercraft: license plates, license plate frames, registration insignia, non-commercial messages, messages relating to the business of which the vehicle or vessel is an instrument or tool (not including general advertising) and messages relating to the proposed sale, lease or exchange of the vehicle or vessel. All other vehicle signs on: 1) vehicles parked on public right-of-way are not permitted and 2) vehicles parked on private property will count toward the total allowable display area.

Sign area: The entire area contained within the frame, cabinet or fixture, including all ornamentation or decoration used to attract attention. In the case of pole signs, that area above the supporting column, provided such supporting column is not decorated or displayed with advertising. The area of signs painted on walls, individual letter signs, through signs, and other directly illuminated signs, shall be calculated on the basis of the

smallest rectangle, circle or spherical figure that will enclose the entire copy area of the sign. The area of any two or more faced signs or "V" type signs having any interior angle of more than 45 degrees (multi-faced signs) shall be the total area of all faces or panels. If all interior angles are 45 degrees or less, the greatest sized panel or face shall only be counted as the sign area.

Sign copy: Any words, letters, numbers, figures, designs or other symbolic representation incorporated into a sign with the purpose of attracting attention to the subject matter.

Sign face: The surface of the sign upon, against, or through which the message is displayed or illustrated on the sign.

Sign structure: Any structure that supports or is capable of supporting any sign as defined in this Section. A sign structure may be a single pole and may or may not be an integral part of the building.

Site: A lot, or group of contiguous lots, with or without development, in single ownership, or having multiple owners, all of whom join in an application for signage.

Street: A public or private highway, road or thoroughfare which affords the principal means of access to adjacent lots.

Temporary message: A message that pertains exclusively to a special event which occurs on, or ends on, a particular day.

Temporary sign: A sign that is constructed of lightweight or flimsy material, and is easily installed and removed using ordinary hand tools. Any sign that qualifies as a "structure" under the Building Code is not within this definition.

Vertical projecting sign: A projecting sign located vertically along several floors on the façade of a building. Such signs may be comprised of one continuous vertical sign or several signs that are aligned vertically. Such signs are often intended to be read vertically. Vertical projecting signs shall not include vertical projections of marquees.

Wall sign: Any sign attached to, erected against, or painted or inscribed upon the wall of a building or structure, with the exposed face of the sign on a plane parallel to the plane of said wall and not located above the roof line, parapet or facade (except when enclosed within a dormer), which does not project more than 12 inches from the building wall.

Window sign: Any sign or combination of signs in excess of four (4) square feet, displayed on or behind a window or similar opening in wall.

33204 Allowable Signs

Signs are permitted under the various use classifications or locations as specified in A through D of this Section 33204.

A. Institutional or Commercial Use – Permanent Signs

The following types of signs may be mounted, erected, installed and displayed on Institutional or Commercial uses, subject to a sign permit and the rules stated in this section. All commercial messages shall be onsite only.

1. Monument Signs

Freestanding monument signs may be permitted subject to following design standards in addition to the General Design Standards in Section 33206:

Building Complexes: Limited to one monument sign per each 250 feet of street frontage.

Single Use: Limited to one monument sign.

Frontage Requirement: Street frontage on a site where a monument sign is located must be at least 100 feet.

Sign Area: The sign area of a monument sign shall not exceed the following standards:

<u>Building Area</u>	<u>Sign Area</u>
0-10,000 sq.ft.	40 sq.ft.
10,001-25,000 sq.ft.	50 sq.ft.
Over 25,000 sq.ft.	60 sq.ft. max.

For the purposes of computing the area of a monument sign and to encourage better design, a border or frame shall not be counted as sign area provided such border or frame does not exceed an additional 25% of the sign area.

Sign Height: No monument sign including a frame, border or base shall exceed six (6) feet in height as measured from existing grade.

Sign Location: A minimum distance of 100 feet must be maintained between monument signs. Monument signs shall be placed within a landscaped area. The sign shall not be placed within a corner clear zone, and shall be located as to not create a pedestrian or traffic hazard.

Sign Structure: The base of a monument sign shall be designed to be an integral part of the sign design, not merely a support. The base of a monument sign shall be solid.

2. Wall Signs

Wall signs are intended to be the primary signage for most uses. The following specific design standards shall apply in addition to the General Design Standards in Section 3306:

Sign Area: The maximum size of a wall sign, including a logo, shall be two (2) square feet of sign area for each lineal foot of building frontage. Frontage is computed on an individual basis in multi-tenant buildings. Building frontage shall be measured along that side of the building for which the sign is proposed.

Sign Length: Front Wall Signs - The length of the sign may be up to 70 percent of the building frontage, to a maximum of 50 feet.

Side and Rear Wall Signs - The length of the sign may be up to 50% of the building frontage, to a maximum of 30 feet.

Sign Copy: Wall signs shall be limited to a maximum of three (3) lines of copy both vertically and horizontal. The maximum letter height and/or sign face height shall be measured as the combination of all lines of copy, including the space between, or the distance between the top of the sign face and the bottom of the sign face.

Location: The top of the sign shall not project above the intersection of the wall and roof or parapet line. Wall Signs are allowed on all four sides of the building.

3. Building Identification Signs

Building Identification Signs are permitted only for free standing buildings of four stories and/or a minimum of forty-five (45) foot building height above the existing street grade. These signs are appropriate for office/financial buildings, mixed-use buildings or hotels and timeshares. The signs are intended to allow identification of the building by corporate name or logo.

No more than one (1) sign shall be mounted on each building face. Signs are limited to 70% of the building length and the following maximum letter height and/or top and bottom of the sign:

<u>Stories</u>	<u>Letter Height</u>	<u>Logos</u>
4-9	4'	4'6"
10-15	5'	5'6"

Cumulative Sign Area: The permitted sign area is in addition to other wall signs allowed. The maximum square footage per building face is 250 square feet.

Sign Placement: Building Identification signs shall be placed an equal distance below the eave line.

Limit Text: The text or sign copy of top of building signs should be limited to a corporate name or logo and building name.

Illumination: Building Identification signs may be illuminated, but only with internal illumination of individual letters, logos or symbols.

Signs shall be limited to a major tenant based on most square footage leased of the building and/ or building identification. Only one (1) tenant's name can be on any one side of a building.

No cabinet signs permitted – only letters or individually fabricated letter, symbols or logos.

4. Projecting Signs

Projecting signs shall not extend over the public right-of-way unless an encroachment permit is obtained from the City. A projecting sign shall not encroach more than six (6) feet into the City's right-of-way.

Height Maximum Projection Over sidewalk Distance between sidewalk or grade and the bottom of the sign.

<u>Bottom of Sign at Grade</u>	<u>Max. Projection in Sidewalk</u>
8 feet	1 foot
9-10 feet	2 feet
11-12 feet	3 feet
13 feet	4 feet
14 feet	5 feet
15 feet	6 feet

A projecting sign shall not exceed thirty (30) square feet.

Only one sign per use is allowed. (Exception: If a canopy is over the entrance to a use, a projecting sign may be allowed under the canopy at each entrance provided

such sign does not exceed eight (8) square feet and the total projecting signage for the use does not exceed thirty (30) square feet). Wall signs are allowed in combination with a projecting sign; however, both the wall sign and projecting signs combined cannot exceed two (2) square feet of sign area per lineal foot of building frontage.

The bottom of any projecting sign shall be at least eight feet above the walkway.

5. Vertical Projecting Signs

Shall be located at least twenty (20) feet but no higher than seventy (70) feet above street grade, except that any Vertical Projecting Sign with a total area that is one hundred (100) square feet or less shall be located fifteen (15) or more above street grade.

Shall not extend more than five feet six inches, (5'6") from the building surface to which the sign is attached.

Vertical Projecting Signs are permitted only for free standing buildings of four stories and/or minimum of 45 foot building height above existing street grade.

Vertical Projecting Signs are limited to 2 building face sides and a maximum of 250 square feet per building face side.

6. Permanent Menu Boards

Permanent menu boards may be mounted directly to the face of the building.

Permanent menu boards may be mounted to the railing of a sidewalk café space, providing that no portion of the sign protrudes outside of the permitted area.

The menu board and framing shall be no more than 400 square inches total.

Lighting fixtures shall be the minimum size needed to provide proper illumination to the menu.

7. Murals

It is the intent of the City Council, for purposes of promoting the local economy, tourism, and for further purposes of beautifying the City, to adopt standards regulating murals, their location and design.

Location: Murals shall be located on the sides of buildings and walls within an area that is zoned for commercial use within the **Redevelopment Downtown**

Project Area.

Mural Design Approval: Prior to painting, installation and execution of a mural visible from a public right of way, an application shall be submitted to the **City Planner Downtown Development Manager**. The application shall include a detailed drawing or sketch of the mural plus other details as prescribed on the application or deemed by staff to be pertinent.

Criteria for Design of Murals: The following criteria shall apply to the design of murals submitted for approval:

The paint to be used shall be appropriate for use in an outdoor locale, for an artistic rendition and shall be of a permanent, long-lasting variety.

The mural shall be designed and painted by qualified mural artists with sufficient knowledge in the design and painting of such projects and the application of paints for such projects.

To the extent feasible, the mural shall be vandal and graffiti resistant.

The mural design shall not include indecent images as defined in applicable case law.

8. Canopy Signs

Any signage on a canopy shall be included in the total allowable wall sign area for that use and must meet the sign area, length and copy standards for wall signs.

9. Window Signs

No more than 20 percent of the total window area for any one side of a building shall be used for permanent or temporary sign display.

10. Directional Signs

Directional signs shall be no more than three feet high and three square feet.

11. Pedestrian Signs

Pedestrian, A-Frame and other portable signs shall be allowed to be erected and maintained subject to the "Pedestrian Sidewalk Sign Guidelines".

12. Feather Banners

Feather banners authorized by this section are in addition to the maximum allowable signage which is otherwise permitted. Feather banners shall be maintained in good condition at all times, without faded, frayed or torn fabric.

Location: Feather banners may only be installed on private property and shall not extend over the public right-of-way. Minimum spacing between feather banners shall be 8 feet. Signs shall not create a traffic sight obstruction or other pedestrian or traffic hazard and shall comply with applicable engineering design standards.

Height: Maximum height for feather banners shall be the lesser of 15 feet or the height of the building.

B. Residential Use

Signage for residential uses is allowed (except off-site commercial signage and other signage specifically prohibited by this ordinance) if complying with the following standards:

1. Signs on Single and Multi-family Residences

Single family residential units may display signs as stated in this subsection, subject to the rules stated in this subsection. Such signs may be displayed without permits, unless the sign qualifies as a structure under the Building Code, in which case all building and other safety code rules apply.

Sign Area: At all times, the total display area of all signs shall not exceed 6 square feet; in the case of freestanding signs, area shall be measured on all sides and shall count separately. However, during the pre-election period, this allowable display area may be increased by 6 square feet.

Height: Signs in the corner clear zone shall not exceed 30 inches in height and shall not create a traffic sight obstruction or other traffic or pedestrian hazard.

Number of signs: Not limited

Location: Not on public property or public right-of-way, or mounted on trees or vegetation.

Message types: Any protected non-commercial, real estate signs, garage sale signs. All other commercial messages are prohibited.

2. Project Entrance Signs

New housing developments may display signs as authorized by this subsection, subject to the rules stated in this subsection.

The signs authorized by this subsection are in addition to those authorized for individual dwelling units.

Number of Signs Allowed: Two signs per each main vehicular traffic entrance. The signs must be placed within a maintained landscaped area within an acceptable easement or open space lot authorized for signage.

Location: Near the main entrance to the project, on private land. The signs must be placed at the main street intersection of the major entrances to the project in such a location as to not obstruct sight distance. Signs may not be located within a public right-of-way. Signs located in the corner clear zone shall not exceed 30 inches in height, nor create a traffic sight obstruction or other pedestrian or traffic hazard.

Size and Height: Thirty-two square feet (per side); four feet high.

C. Open Space Signs

The following signs are allowed:

1. Wall Signs

Wall sign area shall not exceed forty (40) square feet.

2. Monument Signs

Monument signs shall be not exceed forty (40) square feet, or six (6) feet in height. Monument signs shall be placed within a landscaped area.

D. Temporary Signage

The signs authorized by this section are in addition to the maximum allowable signage which is otherwise allowed for signage on a site or residential lot.

Height: Maximum height for freestanding temporary signs is 5 feet.

Number of signs: Unless otherwise stated, the maximum number of separate temporary signs is 4 for commercial, institutional and two (2) for residential or open space uses.

Location: Signs shall not be located on public property. Signs in the corner clear zone shall not exceed 30 inches in height and shall not create a traffic sight obstruction hazard. Temporary signs shall not be posted on any tree, bush or other vegetation.

No offsite commercial messages: Temporary signage may not be used to display offsite commercial messages, or to be used for general advertising for hire.

Time period: Temporary commercial message signs may be displayed for up to three (3) separate periods per calendar year from one (1) to fifteen (15) days each period, per use. For building complexes, the combined number of temporary sign display periods shall not exceed five (5) per calendar year. Temporary sign display time periods may be combined consecutively on a site to allow for a total of up to 45 consecutive days of temporary sign display (up to 75 consecutive days for building complexes).

Residential or Open Space Uses. Temporary commercial message signs may be displayed for up to three (3) separate periods per calendar year from one (1) to fifteen (15) days each period, per each lot. Temporary sign display time periods may be combined consecutively on a lot to allow for a total of up to 45 consecutive days of temporary sign display.

Temporary Signs Displaying Protected Noncommercial Speech: Temporary signage used to display protected noncommercial speech is allowed at all times, however the sum of commercial and noncommercial speech temporary sign display area(s) at any given point shall not exceed the maximum area permitted. During the election period, temporary noncommercial display area allowances may be increased to permit an unlimited number of signs. Sign area is limited to 16 square feet per sign for commercial and industrial uses, and 6 square feet per sign for residential, institutional, or open space uses.

Construction Signs: Construction signs related to construction on the property on which the sign is placed may be displayed one hundred eighty (180) days prior to the commencement of construction, during construction and for a period not longer than thirty (30) days after completion of construction.

Posting on structures: All signage within the public right-of-way shall be self-supporting and freestanding. No temporary sign shall be posted on any streetlight, utility pole, post, pole, or structure supporting a traffic-control sign or signal, fire hydrant, or similar structures in the public right-of-way.

Posting on vegetation. No temporary sign shall be posted on any tree, bush or other vegetation.

Safety of placement: Temporary signs posted in the public right-of-way shall meet the following criteria:

- When located in the Corner Clear Zone, the sign shall not exceed 30 inches in height.
- Signs shall not obstruct a motorist's view of pedestrian or vehicular traffic, traffic-control signs, or signals, or otherwise represent a hazard to vehicular or pedestrian traffic.
- Signs shall not impede a pedestrian's free use of the sidewalk.
- Signs shall be securely affixed to the property on which they are placed.
- Signs shall not be placed in the center of public roadway medians.

Application requirements: Prior to posting any temporary sign on the right-of-way, the private party responsible for the posting and maintenance of such signs, hereinafter referred to as "responsible party," shall provide the following information to the Enforcement Officer:

Exceeding time allowance: If the duration of temporary sign display of commercial messages exceeds the applicable maximum time period for temporary signs, then the sign shall be deemed permanent and the area thereof shall be counted against the allowable area for permanent signage for the site or lot. A sign installation permit must be obtained or the sign must be removed.

Sign area: The maximum allowable temporary sign area for a commercial site, per time period, is the same as the allowable wall sign area. Residential or Open Space Uses. The maximum allowable temporary sign area is six (6) square feet.

Owner permission: Permission of the owner of the premises on which the signage is located is required.

Cost recovery: Whenever the City causes the removal of a temporary sign, for violation of applicable laws, rules etc., the cost incurred by the City in removing such sign shall constitute a debt owed to the City by the responsible party. The City Manager or designee is authorized to take such action as may be deemed necessary, including the commencement of a civil action in a court of competent jurisdiction, to recover any such costs.

33205 Prohibited Signs

The following signs are prohibited:

- A. Animated Signs
- B. New billboards and conversion of existing billboards to digital or electronic display
- C. Signs that physically obstruct or pose obstruction to vehicular or pedestrian travel
- D. Roof signs
- E. Abandoned signs.
- F. Signs that mislead or confuse drivers.
- G. Illegal signs.
- H. Signs displayed without Permission of Owner or Lessee.
- I. Signs that are hazardous or unsafe by virtue of their physical condition.
- J. Signs that flash, blink or use intermittent light, or which emit smoke, fumes, flashes, sparks, or sound.
- K. Signs that use reflectors or mirrors.
- L. Search lights used for advertising or attention getting.
- M. Signs that are activated by air, forced air, forced gas, or wind.
- N. Signs that interrupt or encroach into the corner clear zone.
- O. Private party signs placed on City property without consent.
- P. Digital display/electronic message signs, **excepting therefrom window signs as defined in Section 3304 of this Article.**
- Q. Signs placed on trees, rocks or other natural formations, except signs which identify the name of the natural formation.
- R. Signs placed on trucks, buses, cars or other motorized vehicles. Unless all of the following conditions exist:

The vehicle is in operating condition, currently registered and licensed to operate on public streets;
The sign is painted upon or otherwise permanently attached to the vehicle; and
The primary purpose for which the vehicle is used is not for the stationary display of the sign.

This restriction shall not apply to temporary signs in vehicle windows. Signs displaying off-site commercial speech.

S. Offsite Commercial Signage (except residential kiosk).

33206 General Sign Standards

A. Sign Area

Signage area shall be calculated by using the entire area contained within the frame, cabinet or fixture, including all ornamentation or decoration used to attract attention. In the case of pole signs, that area above the supporting column, provided such supporting column is not decorated or displayed with advertising. The area of signs painted on walls, individual letter signs, trough signs, and other directly illuminated signs, shall be calculated on the basis of the smallest rectangle, circle or spherical figure that will enclose the entire copy area of the sign. The area of any two or more faced signs or "V" type signs having any interior angle of more than 45 degrees (multi-faced signs) shall be the total area of all faces or panels. If all interior angles are 45 degrees or less, the greatest sized panel or face shall only be counted as the sign area.

B. Height

The height of any sign shall be the measurement from the top of the sign cabinet, including all ornamentation and supports, to the existing grade beneath the sign.

C. Illumination

Sign illumination shall be from interior light source contained within the sign cabinet. Indirect exterior illumination shall be permitted provided the light source is entirely shielded from view. Such signs shall comply with the following provisions:

- No sign shall be illuminated by an exposed light source visible from any public street or residential property. Neon tubing shall be allowed on a limited basis, subject to City Planner approval, if it is made an integral part of the sign design and computed within the sign area.
- **Digital sign illumination shall not exceed 0.3 foot-candles over ambient**

lighting, as measured at a preset distance established by the Lewin Report for the Outdoor Advertising Association of America. The measurement distance shall be calculated using the following formula: Measurement Distance= $\sqrt{\text{area of sign square footage} \times 100}$. Illuminance shall be measured with an illuminance meter set to measure foot-candles accurate to at least two decimals.

- No sign shall employ the use of mirrors or any other highly reflective surfaces so as to direct or reflect any natural or artificial light onto any public right-of-way or adjoining property.
- Halo or back lighting shall not count toward the total sign area.

Exception: Building Identification signs may be illuminated, but only with internal illumination of individual letters, logos or symbols.

D. Sign Maintenance

All signs shall be kept in good repair at all times.

E. Relocation

A permanent sign may be relocated only pursuant to a new permit. Relocated signs must comply with all rules that apply to the new location.

F. Flags

Flags are considered signage if not meeting the definition of “flag” in Section 33293.

33207 Procedures of Sign Approval

All sign permit applications shall be consistent with the provisions of this Article and/or with an approved Comprehensive Sign Package. In the Coastal Zone, unless otherwise exempt, all proposed signage must include the issuance of a coastal development permit and must be consistent with all applicable policies/requirements of the certified Local Coastal Program. A Sign Installation Permit can be issued upon the completion of the steps in Section B below.

A. Types of Sign Permits

All signs that are not expressly exempted from the sign permit requirements may be installed, erected, or displayed only pursuant to a sign permit. There are two types of sign permits: Sign Installation Permits and Comprehensive Sign Packages.

1. Signs Exempt from Sign permit Requirements

An exemption from Sign Installation Permit shall not be deemed to grant authorization for the installation of any sign not in compliance with all requirements of this Article, not any provisions of the codes of the City of Oceanside. All signs that have an electrical system shall require an electrical permit issued by the Building Official. The following sign types are exempt from the sign permit requirement, but are still subject to all other applicable laws, rules, regulations, policies and approvals.

- a. Temporary Signs in compliance with Section 33204.D of this Article.
- b. Window Signs in compliance with Section 33204.A.95 of this Article.
- c. A-Frame and other portable signs in compliance with Section 33204.A.117 of this Article.
- d. Signage on residential property in compliance with Section 33204.B.1 of this Article.
- e. Courtesy Signs in compliance with this Article.

Application for a Sign Installation Permit may be filed with the **City Planner Downtown Development Manager**. The Building Official is authorized to issue a Sign Installation Permit upon receipt of documentation of approval from the **City Planner Downtown Development Manager** that said application complies with the provisions of this Article and all other applicable laws, rules, regulations and policies, including all applicable health and safety codes.

2. Comprehensive Sign Package

Buildings or building complexes containing three or more uses or separately leasable spaces, shall be required to submit a Comprehensive Sign Package prior to the issuance of the first sign permit for the building complex. Such sign package shall be in conformance with the provisions of this Article, and shall be designed and constructed to meet all applicable codes. The sign package shall contain provisions that establish color, size, location, types of signs, lighting and other requirements in order for safety and aesthetics to be considered.

- B. Approving Authority. The following persons, departments, advisory or legislative bodies are entitled to approve or deny sign requests as follows:

1. Sign Installation Permit

The Building Official is authorized to issue a Sign Installation Permit upon receipt of documentation of approval from the **City Planner Downtown Development Manager** that said Sign Installation Permit Application complies with the provisions of this Article, and upon further documentation that the proposed sign installation complies with all applicable health and safety codes.

2. Comprehensive Sign Package

Unless otherwise indicated, the **City Planner Downtown Development Manager** shall consider and either approve or deny Comprehensive Sign Packages according to the provisions of this Article. The decision of the **City Planner Downtown Development Manager** is appealable to the Community Development Commission.

The **City Planner Downtown Development Manager** may refer Comprehensive Sign Packages to the Community Development Commission respectively if he/she finds that the proposal may conflict with the purposes and criteria set forth in this Article.

- C. Public Hearing Process. A decision by the Community Development Commission is final.
- D. Issuance or Denial. Regardless of sign permit type, the reviewing authority shall, within forty-five (45) days of the filing of a complete permit application shall approve and issue the permit if the standards and requirements of this Article and all other applicable laws, rules, regulations and policies have been met, unless the time is mutually extended by the parties. If the requirements of the permit have not been met, the application will be denied in writing stating all reasons for denial. Such denial is also subject to the 45 day limit.

Judicial review of a decision denying the permit shall be in Northern San Diego County Superior Court, pursuant to the California Code of Civil procedure, or as otherwise authorized by law.

- E. Comprehensive Sign Package Findings. Pursuant to Section 33207A.2, the **City Planner Downtown Development Manager, as the case may be,** may approve a Comprehensive Sign Package if on the basis of the application, plans, materials, and testimony submitted, finds:
1. The proposed sign(s) conform with the criteria set forth in this Article;
 2. The proposed sign(s) is/are compatible with other signs on the site and in the vicinity;

3. The proposed sign(s) will not adversely impact traffic circulation in adjacent right-of-way or create a hazard to vehicular or pedestrian traffic; and
4. The proposed sign(s) will not have an adverse visual impact on adjoining land uses.

33208 Non-conforming Signs

- A. Intent. It is the intent of this Section to encourage and promote compliance of existing signs with the provisions of this Article and the eventual elimination of non-conforming signs. The achievement of full compliance of all signs with the provisions of this Article is as important as is the prohibition of new signs that would violate these regulations. If the sign is one defined by the Outdoor Advertising Act, section 5499.1, it shall be abated following notice and hearing procedures required by Section 5499.1 et seq. of the Business and Professions Code.
- B. Legal Non-conforming Signs. Every on-site sign becoming non-conforming as a result of this Article shall not be required to be removed, except as provided for in California Business & Professions Code sections 5492, 5493, 5495, and 5497.

An existing sign which was constructed in accordance with the ordinances and other applicable laws in effect on the date of construction and has a current and valid sign permit but becomes non-conforming by adoption of this Article or other regulation will be allowed within the amortization period unless any of the following occurs:

1. The sign structure is altered which makes the sign less in compliance with the requirement of this code than it was before the alteration; or
 2. The sign structure is relocated to a different location on the site or lot, making it less in compliance with the requirement of this code.
 3. The sign or sign structure is replaced (excluding change of copy). On the happening of any one of 1, 2 or 3 above, the sign shall be immediately brought into compliance with this code with a new permit secured, or shall be removed within 48 hours.
- C. Sign Removal. Every legal off-site sign becoming non-conforming as a result of this ordinance may be removed in accordance with the provisions of California Business & Professions Code sections 5412, 5412.1, 5412.2, and 5412.3. All illegal signs listed below shall be forthwith removed by the owner or by the City with 48 hours notice to the owner.
1. A sign which was legal but nonconforming that becomes illegal and nonconforming by the occurrence of B1, B2, or B3 above.

2. Any illegal sign.
 3. A non-conforming sign which has exceeded its authorized amortization period.
 4. An abandoned sign.
 5. A display existing without permission of owner or lessee.
- D. Amortization Period. All legal non-conforming signs shall have a useful life and legal life of fifteen years, calculated from the date of adoption of the regulation making it nonconforming or upon the date of a court order deeming the regulation unconstitutional. Upon expiration of the sign amortization period, the sign shall be removed by the owner without compensation. Upon determination that a sign is nonconforming, the Enforcement Officer will issue written notice to the owner or user of the sign or to the owner of the property on which the nonconforming sign is located, requiring conformance or removal therefor if unable to conform. If, after a reasonably diligent attempt to serve written notice, the owner and user have not received notice, then the City must either post the notice or publish the notice in a local newspaper which is customarily used for notice by the City. If the sign remains thereafter, the City may proceed with abatement procedures or other legal methods, with such costs of removal by the City to be charged against the owner. Nothing in this Article shall preclude any owner or user from voluntarily conforming a nonconforming sign at any time prior to the expiration of the amortization period.

33209 Enforcement

Any violations of this Article shall be subject to the enforcement remedies and penalties provided by this Article, the Oceanside Zoning Ordinance, the Oceanside City Code and by State and Federal law. Each sign and each day is subject to separate misdemeanor violations when applying penalties. It shall be a misdemeanor to install, erect, fail to remove, or maintain any sign without a permit if a permit is required by this Article. It shall also be a violation to install, erect, fail to remove, or maintain any sign in violation of this Article. Enforcement may be pursued by criminal penalties of up to 6 months in jail and or a fine of up to \$1,000, nuisance abatement, injunction, or other remedies available by law. All such penalties may be cumulative.

- A. Criminal Enforcement. It is illegal to install, mount, display, use, occupy or maintain signs in violation of this Article. Any violation or failure to comply with the provisions of this Article constitutes a misdemeanor, a separate violation for each day each sign is in violation. Such misdemeanor violations may be punished in accordance with the provisions of Chapter 1 of the Code of the City of Oceanside or other remedies provided by law.

B. Civil and Administrative Remedies. Violations of this Article may be remedied by civil and/or administrative procedures, as authorized by City or State law.

C. Abatement.

1. Nuisance Abatement. Signs not in compliance with this Article are hereby declared to be a public nuisance, which may be abated in accordance with the requirements of Oceanside City Code Chapter 17, Article I, or by methods authorized by State law.
 2. Summary Abatement. Signs located in the public right-of-way which are not in compliance with this Article may be declared to be a public nuisance subject to summary abatement by the Enforcement Officer. In addition to any criminal or civil penalties prescribed by law, the actual costs of abatement of such signs shall become a debt owed to the City by the person responsible for or causing placement of the sign. Said debt shall be subject to cost recovery.
 3. Sign Maintenance. Maintenance of a sign in violation of this Article is an infraction. If notice of violation is given, and there is no cure of the violation within 30 calendar days, the Enforcement Officer may issue a citation. Fines assessed will be in accordance with the Oceanside Municipal Code. If a violative sign is not repaired within 30 days of the first violation, a second violation will be issued to the owner and/or user of the sign and will continue to be assessed each day thereafter until the sign is repaired.
 4. Hazardous and Unsafe Signs. The Enforcement Officer, upon identification of a hazardous or unsafe sign, shall give written notice to the property owner and/or party responsible for the sign of the condition or conditions which render the sign hazardous or unsafe, and an order to abate the public nuisance caused by the existence of the hazardous or unsafe sign. The Enforcement Officer will determine an appropriate time period for remedy. At the expiration of the remedy period, if the hazard has not been voluntarily abated, the Enforcement Officer shall proceed to abate the nuisance in accordance with the procedures contained in Oceanside City Code Chapter 17, Article I. In cases where a sign, by virtue of its physical condition, constitutes an immediate and serious threat to the public safety, the Enforcement Officer may summarily remove, correct, or abate the dangerous condition; in such case, the cost of immediate remedy may be charged to the sign owner or other person responsible for the dangerous condition.
- D. Right of entry. When it is necessary to make an inspection to enforce the provisions of this Article, or when the Enforcement Officer has reasonable cause to believe that there exists any sign or a condition which makes such sign unsafe, abandoned, illegal or nonconforming, the Enforcement Officer may petition the Court to enter the lot, building, or premises on which such sign is located at all reasonable times to inspect

the sign or to perform any duty imposed by this Article.

- E. Notice. For purposes of this Section, written notification deposited in the U.S. Mail, or personal delivery, or posting, or publication in a local newspaper shall constitute proper notice.

33310 Severability

If any section, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The Community Development Commission hereby declares that it would have passed this Ordinance and adopted this Ordinance and each section, sentence, clause or phrase thereof, irrespective of the fact that any one or more section, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.